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DEPARTMENT OF ENERGY

10 CFR Part 712

RIN 1992-AA44

Human Reliability Program

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: DOE is amending its regulation concerning the Human Reliability Program (HRP). This regulation provides the policies and procedures to ensure that individuals who occupy positions affording unescorted access to certain nuclear materials, nuclear explosive devices, facilities and programs meet the highest standards of reliability and physical and mental suitability. The revisions include some clarification of the procedures and burden of proof applicable in certification review hearings, the addition and modification of certain definitions, and a clear statement that a security concern can be reviewed pursuant to the HRP regulation in addition to the DOE regulations for determining eligibility for access to classified matter or special nuclear material. These revisions are intended to provide better guidance to HRP-certified individuals and to ensure consistency in HRP decision making.

DATES: This rule is effective July 25, 2018.

FOR FURTHER INFORMATION CONTACT:

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I. Background

Pursuant to the Atomic Energy Act of 1954, as amended (the AEA), the DOE owns and leases defense nuclear and other facilities in various locations in the United States. These facilities are operated by contractors with DOE oversight or are operated by DOE. These facilities are involved in (among other activities) researching, testing, producing, disassembling, or transporting nuclear materials. Compromise of these DOE facilities could severely damage national security. To guard against such compromise, DOE established the Human Reliability Program (HRP). The HRP is designed to ensure that individuals who occupy positions affording unescorted access to certain nuclear materials, facilities and programs meet the highest standards of reliability as well as physical and mental suitability, through a system of continuous evaluation of those individuals. The purpose of this continuous evaluation is to identify in a timely manner individuals whose judgment may be impaired by physical or mental/personality disorders; the use of illegal drugs or the abuse of legal drugs or other substances; the abuse of alcohol; or any other condition or circumstance that may represent a reliability, safety or security concern. If any of these conditions or circumstances is identified, the HRP provides for an administrative process,

including the opportunity for a certification review hearing that results in either the revocation or reinstatement of the individual's HRP certification.

The part 712 regulation has not been comprehensively updated since it was promulgated in 2004. Two technical amendments to the regulation were made in 2011 and 2013. In 2011, the part 712 regulation was amended to designate the appropriate Undersecretary as the person with the authority to issue a final written decision to recertify or revoke the certification of an individual in the HRP. 76 FR 12271 (Mar. 7, 2011). In 2013, the part 712 regulation was amended to eliminate references to obsolete provisions and to reflect organizational changes within the DOE. 78 FR 56132 (Sep. 12, 2013).

In the years since the HRP regulation was first promulgated, it has become apparent that certain additional updates are necessary in the sections pertaining to security concerns and the process related to certification review hearings. On June 22, 2017, DOE issued a notice of proposed rulemaking (NPR) to propose the updating of part 712 (82 FR 28412). The NPR proposed amending the existing rule to: (1) Identify the evidentiary burden applicable to an individual requesting a certification review hearing; (2) clarify that a security concern is reviewable under HRP separate from a review pursuant to 10 CFR part 710; (3) eliminate obsolete references; (4) clarify the processes and procedures to be followed during the removal, revocation, hearing, and appeal stages; and (5) update and add definitions for certain terms used in the regulation that apply to HRP certification.

As described, DOE makes only a few changes to the existing rule that are different than those proposed in the NPR. Details of those changes to the existing rule are summarized in Sections II and III in this rule. DOE's responses to public comments received on the NPR are also discussed in Section II in this rule.

II. Summary of Comments and Responses

DOE published a NPR on June 22, 2017 (82 FR 28412), inviting public comments on the proposed regulatory changes in the NPR. In response to the publication of the NPR, DOE received comments from three individuals and

one entity. Two of the individual commenters were generally complimentary about the NOPR but did not provide any specific comments on the NOPR. One individual commenter submitted multiple comments, but the comments do not concern the provisions in part 712 that were proposed for amendment in the NOPR and therefore are not addressed in this section. Another commenter representing the Savannah River Nuclear Solutions (SRNS) submitted 20 comments, of which 13 were determined to be outside the scope of this rulemaking because they do not concern the provisions in part 712 that were proposed for amendment in the NOPR. Those 13 comments are not addressed in this section. The remaining seven SRNS comments that are responsive to the changes proposed in the NOPR are addressed as follows:

1. The commenter expressed concern that the standard for temporary removals by the HRP management official in § 712.19(a)(1) was too subjective and recommended defining specific criteria for the temporary removal.

Response: To further clarify that the criteria identified in § 712.13(c) apply to the HRP management official's decision to temporarily remove an individual, DOE is amending §§ 712.13(d)(1) and 712.19(a)(1) to clarify that all removals must be based on a safety or security concern that is tied to one or more of the types of behaviors or conditions identified in § 712.13(c).

2. The commenter requested clarification as to the types of safety concerns that would warrant a temporary removal.

Response: DOE changed its definition of safety concern from "any condition, practice, or violation that causes a substantial probability of physical harm, property loss, and/or environmental damage" to one that causes a "reasonable probability." By changing the threshold from "substantial" to "reasonable" probability DOE intended to clarify that a common sense approach be taken to determine whether an individual can physically perform his/her duties with due consideration to the factors involved in an incident that may raise safety concerns. The commenter's statement that not every violation of a safety rule or procedure should result in a temporary removal is correct. Only those violations that would raise a concern as to the individual's ability to perform his/her duties would raise the type of safety concern that may lead to a temporary removal.

3. The commenter requested clarification as to whether incumbents

and/or applicants can request a certification review hearing.

Response: The regulation provides at § 712.20(a) that an individual who receives notification of the Manager's decision to revoke his or her HRP certification may choose one of two options. The two options are either a request to the Manager for reconsideration or a request to the Manager for a certification review hearing. Only those individuals who have been certified in the HRP and have had their HRP certification revoked can choose one of these two options. Applicants are those individuals who do not have HRP certification; therefore, applicants do not have a certification that can be revoked. Thus, applicants are not entitled to either of the two options.

4. The commenter requested that the rule clarify whether interim clearances would meet the requirement in § 712.11 to have a "Q" access authorization.

Response: The rule does not currently permit interim clearances; however, DOE has determined that there should be a process in place for approving exemptions from the requirements in § 712.11 under appropriate circumstances, including the requirement to have a "Q" access authorization. Therefore, DOE is amending part 712 to include a process for approving exemptions to requirements in § 712.11. This provision makes clear that exemptions may be granted only when the exemption will not endanger life or property or the common defense and security, and is otherwise consistent with the national interest.

5. The commenter requested clarification as to whether a counterintelligence evaluation is required for everyone nominated for HRP.

Response: A counterintelligence evaluation of HRP certified individuals is performed consistent with the requirements of 10 CFR part 709, which provides that a counterintelligence evaluation, which may include a polygraph examination, is required at least once every five years for individuals in the HRP who are designated based on a risk assessment pursuant to § 709.3(b)(6). DOE is adding language to § 712.11(a)(8) to clarify that the counterintelligence evaluation only applies to designated positions identified pursuant to 10 CFR part 709.

6. The commenter requested clarification on the five-day notification requirement in § 712.19 for temporary removals, including whether email notification would meet the requirement for notification in writing.

Response: The requirement for written notification within five business days was intended to give DOE sufficient time to notify the individual in the event there were extenuating circumstances (e.g., individual is out of work sick or on vacation), but otherwise notice should be made immediately after temporary removal. Also, email notification would meet the requirements for written notification as long as the message makes clear that it serves as written notification required by § 712.19.

7. The commenter requested clarification on how the HRP supervisors and HRP contractor management officials can prepare a case chronology without having access to the personnel security files of HRP certified individuals.

Response: The case chronology is prepared by the HRP management official, not the supervisor. Also, the case chronology is based on information in the HRP file, to which the HRP management official has access. So, lack of access to the personnel security file would not have an impact on an HRP management official's ability to prepare a case chronology. If the HRP management official, or other individual with responsibilities in the HRP program, such as the supervisor, SOMD/Physician/Psychologist needed access to the personnel security file, then access would be permitted in accordance with the Privacy Act of 1974.

III. Description of Proposed Changes

With the exception of the changes described below, the modifications to 10 CFR part 712 adopted in this final rule are described in the Description of Proposed Changes in Section II of DOE's NOPR published in June 22, 2017 (82 FR 28412).

1. In § 712.3, "Definitions," the definition of "Reinstatement" is modified for consistency with the definition of "Restoration." Both terms are used to describe the circumstances under which an individual is returned to HRP duties. The new definition of "Reinstatement" would clarify that the individual's return to HRP duties is contingent on the HRP management official ensuring that the individual has completed all necessary components of the annual recertification process identified in § 712.11, and any other specific requirements that must be completed in order to return to full HRP duties. The definition of "Restoration" already includes this clarification.

2. In § 712.4, "Exemptions," a new section is added to incorporate a process for requesting exemptions from requirements in § 712.11 and DOE

approval of such requests. This change authorizes the cognizant Under Secretary to approve an exemption only if the exemption will not endanger life or property or the common defense and security, and is otherwise consistent with the national interest.

3. In § 712.11, “General requirements for HRP certification,” § 712.11(a)(8) is modified to clarify that the requirement for successful completion of a counterintelligence evaluation is only required for HRP positions that are designated pursuant to DOE’s regulations in 10 CFR part 709, “Counterintelligence Evaluation Program,” § 709.3(b)(6).

4. In § 712.12, “HRP Implementation,” § 712.12(e)(1) is modified to replace the title, “Director, Office of Corporate Security Strategy, Analysis and Special Operations” with “Director, Office of Corporate Security Strategy.” In addition, paragraph (c) is modified to replace the title, “The Deputy Administrator for Defense Programs, NNSA” with “The Under Secretary for Nuclear Security, or his/her designee.”

5. In § 712.13, “Supervisory review,” § 712.13(d)(1) is modified to clarify that the supervisor’s immediate removal of an HRP-certified individual for safety and/or security concerns must be based on one of the behaviors identified in paragraph (c) of this section.

6. In § 712.15, “Management evaluation,” § 712.15(b) is modified to update the reference to DOE’s drug testing program for federal employees. The DOE Order only applies to federal employees and no significant changes were made to DOE’s drug testing program.

7. In § 712.16, “Security review,” the last sentence of § 712.16(b) is modified to replace the term “immediately” with “temporarily” to clarify that an individual whose access authorization has been suspended must be temporarily removed by the HRP management official. The current language provides that the individual must be “immediately” removed, which may be confused with “immediate removals” under § 712.13, which are the responsibility of the supervisor. When an individual’s access authorization has been suspended, the HRP management official is notified of the suspension; therefore, it is appropriate that the HRP management official has the responsibility to temporarily remove the individual. After the HRP management official has temporarily removed an individual, it is the HRP certifying official’s responsibility to continue the temporary removal pending completion of the DOE personnel security process

in accordance with § 712.19(f)(2). Processing of the individual’s HRP certification will be stayed pending completion of the DOE personnel security process. If the personnel security process results in the revocation of the individual’s access authorization, the individual’s HRP certification must be administratively terminated, on the ground that the individual no longer meets the requirement in § 712.11 to hold a “Q” access authorization. Administrative termination is not a temporary removal or revocation. Therefore, an administrative termination does not entitle the individual to reconsideration or a certification review hearing under § 712.20. Other circumstances where administrative termination of HRP certification would be appropriate include where an individual no longer has need for HRP certification due to administrative actions such as retirement or moving to a non-HRP position, or where the individual’s position is no longer designated as an HRP position under § 712.10.

8. In § 712.19, “Actions related to removal, revocation and/or reinstatement,” § 712.19(a)(1) is modified to clarify that temporary removal of an individual by the HRP management official for a safety and/or security concern must be based on one of the behaviors identified in § 712.13(c). In addition, the timing of the HRP management official’s preparation of the evaluative report is modified. In the NOPR, DOE proposed that the HRP certifying official, upon recommending revocation to the Manager, would direct the HRP management official to prepare the evaluative report. The rule now requires the Manager, upon a determination that revocation is appropriate, to require the HRP management official to prepare the evaluative report. The evaluative report is the document that sets forth the bases supporting the revocation of an individual’s certification; therefore, it should be prepared at the time the Manager determines that revocation is appropriate. Modifications are made to § 712.19(f)(3) and (h) to reflect this change. Consistent with these modifications, modifications are also made to § 712.19(i)(2) to clarify that an evaluative report be prepared, and not revised, when the Manager makes a determination to revoke after the individual was directed to take specified actions under § 712.19(f)(2) or (g)(3).

9. In § 712.20, “Request for reconsideration or certification review hearing,” paragraph (a) is modified to clarify that the procedures in this

section only apply to revocations made under § 712.19 and not to other types of revocations, such as revocations for failure to cooperate under § 712.25.

10. In § 712.23, “Office of Hearings and Appeals,” DOE clarifies in paragraph (c) that the individual’s or the Manager’s written request for further review of the Administrative Judge’s decision must be filed with the cognizant Under Secretary within 20 working days of the receipt of the OHA decision by the individual or the Manager, respectively.

11. In § 712.25, “Cooperation by the individual,” DOE modifies paragraph (c) to indicate that if the Manager determines upon reconsideration that revocation was inappropriate, the Manager shall “reverse revocation.” Reversing revocation would place the individual in the same HRP status that he or she occupied prior to the revocation. In the NOPR, DOE had proposed that the Manager would direct the individual to be “reinstated.” However, use of the term “reinstated” may be confused with “reinstatement,” which is a defined term and only applies to temporary removals.

IV. Regulatory Review

A. Review Under Executive Order 12866 and 13563

The regulatory action today has been determined not to be a “significant regulatory action” under Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735 (October 4, 1993). Accordingly, this rule is not subject to review under the Executive Order by the Office of Information and Regulatory Affairs within the Office of Management and Budget.

DOE has also reviewed the regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281 (Jan. 21, 2011)). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including

potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that this NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, agencies adopt a regulation only upon a reasoned determination that its benefits justify its costs and, in choosing among alternative regulatory approaches, those approaches maximize net benefits.

B. Review Under Executive Orders 13771 and 13777

On January 30, 2017, the President issued Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs.” That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. This final rule is expected to be an E.O. 13771 deregulatory action.

Additionally, on February 24, 2017, the President issued Executive Order 13777, “Enforcing the Regulatory Reform Agenda.” The Order required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing

regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

- (i) Eliminate jobs, or inhibit job creation;
- (ii) Are outdated, unnecessary, or ineffective;
- (iii) Impose costs that exceed benefits;
- (iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- (v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- (vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

DOE concludes that this final rule is consistent with the directives set forth in these executive orders. The revisions would streamline DOE’s existing procedures, applicable to DOE contractors and Federal employees, for ensuring that persons with unescorted access to certain nuclear materials, nuclear explosive devices, facilities and programs meet the highest standards of reliability and physical and mental suitability. These revisions are intended to provide better guidance to HRP-certified individuals and to ensure consistency in HRP decision making. Specifically, this rule will incorporate a new process for requesting exemptions from requirements in § 712.11 and approval by the cognizant Under Secretary of such requests. For example, this provision would allow, in appropriate circumstances, interim clearances. In addition, in response to comment on the proposed rule (82 FR 28412, June 22, 2017), DOE clarifies that all removals must be based on a safety or security concern that is itself based on one or more of the types of behaviors or conditions identified in § 712.13(c). This clarification ensures that removals are not made for reasons not previously known to the individual. DOE also clarifies that in determining whether an individual can physically perform his/her duties, DOE will consider all the factors involved in an incident that may raise safety concerns, such that not every safety violation would result in a temporary removal from HRP. This provision ensures that the applicable threshold would not require removal where removal is not warranted.

C. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE’s regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule is categorically excluded from NEPA review because the amendments to the existing rule are strictly procedural (categorical exclusion A6). Therefore, this rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

D. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” (67 FR 53461, August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of the General Counsel’s website at <http://www.energy.gov/gc/office-general-counsel>.

This rule would amend procedures that apply to the certification of individuals in the HRP. The rule applies to individuals, and would not apply to “small entities,” as that term is defined in the Regulatory Flexibility Act. As a result, if adopted, the rule would not have a significant economic impact on a substantial number of small entities.

Accordingly, DOE certifies that the rule would not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis is required. DOE’s certification and supporting statement of factual basis was provided to the Chief Counsel for Advocacy of the Small Business Administration pursuant to 5 U.S.C. 605(b).

E. Review Under the Paperwork Reduction Act

The information collection necessary to administer DOE's HRP program is subject to OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The collection was approved by OMB under OMB approval number 1910–5122. Public reporting burden for the certification is estimated to average 0.08 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a 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.

F. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a detailed assessment of costs and benefits of any rule imposing a Federal Mandate with costs to State, local or tribal governments, or to the private sector, of \$100 million or more. This rulemaking does not impose a Federal mandate on State, local or tribal governments or on the private sector.

G. Review Under the Treasury and Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rule or policy that may affect family well-being. The rule, if adopted, will have no impact on family well-being. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Review Under Executive Order 13132

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this rule and has determined that it does not preempt State law and would not have a substantial direct effect on the States,

on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

I. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under implementing guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this rule under the OMB and DOE guidelines and has concluded that

it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution and use. This rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is a “major rule” as defined by 5 U.S.C. 804(2).

V. Approval by the Office of the Secretary

The Office of the Secretary of Energy has approved the publication of the final rule.

List of Subjects in 10 CFR Part 712

Administrative practice and procedure, Alcohol abuse, Classified information, Drug abuse, Government contracts, Government employees, Health, Occupational safety and health, Radiation protection and Security measures.

Issued in Washington, DC, on April 16, 2018.

Rick Perry,
Secretary of Energy.

For the reasons stated in the preamble, DOE is amending part 712 of title 10 of the Code of Federal Regulations as set forth below:

PART 712—HUMAN RELIABILITY PROGRAM

■ 1. The authority citation for part 712 continues to read as follows:

Authority: 42 U.S.C. 2165; 42 U.S.C. 2201; 42 U.S.C. 5814–5815; 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; E.O. 10450, 3 CFR 1949–1953 Comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 Comp., p. 398, as amended; 3 CFR Chap. IV.

■ 2. Revise subpart A to read as follows:

Subpart A—Establishment of and Procedures for the Human Reliability Program

General Provisions

Sec. 712.1 Purpose.

712.2 Applicability.

712.3 Definitions.

712.4 Exemptions.

Procedures

712.10 Designation of HRP positions.

712.11 General requirements for HRP certification.

712.12 HRP implementation.

712.13 Supervisory review.

712.14 Medical assessment.

712.15 Management evaluation.

712.16 Security review.

712.17 Instructional requirements.

712.18 Transferring HRP certification.

712.19 Actions related to removal, revocation and/or reinstatement.

712.20 Request for reconsideration or certification review hearing.

712.21 Appointment of DOE counsel.

712.22 Office of Hearings and Appeals.

712.23 Administrative Judge's decision.

712.24 Final decision by DOE Under Secretary.

712.25 Cooperation by the individual.

Subpart A—Establishment of and Procedures for the Human Reliability Program

General Provisions

§ 712.1 Purpose.

This part establishes the policies and procedures for a Human Reliability Program (HRP) in the Department of Energy (DOE), including the National Nuclear Security Administration (NNSA). The HRP is a security and safety reliability program designed to ensure that individuals who occupy positions affording access to certain materials, nuclear explosive devices, facilities, and programs meet the highest standards of reliability and physical and mental suitability. This objective is accomplished under this part through a system of continuous evaluation that identifies individuals whose judgment and reliability may be impaired by physical or mental/personality disorders, alcohol abuse, use of illegal drugs or the abuse of legal drugs or other substances, or any other condition

or circumstance that may be of a security or safety concern.

§ 712.2 Applicability.

The HRP applies to all applicants for, or current employees of DOE or NNSA or a DOE or NNSA contractor or subcontractor in a position defined or designated under § 712.10 of this subpart as an HRP position.

§ 712.3 Definitions.

The following definitions are used in this part:

Access means:

(1) A situation that may provide an individual proximity to or control over Category I special nuclear material (SNM); or

(2) The proximity to a nuclear explosive and/or Category I SNM that allows the opportunity to divert, steal, tamper with, and/or damage the nuclear explosive or material in spite of any controls that have been established to prevent such unauthorized actions.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol.

Alcohol abuse means consumption of any beverage, mixture, or preparation, including any medication containing alcohol that results in impaired social or occupational functioning.

Alcohol concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol use disorder means a maladaptive pattern in which a person's intake of alcohol is great enough to damage or adversely affect physical or mental health or personal, social, or occupational function; or when alcohol has become a prerequisite to normal function.

Associate Under Secretary for Environment, Health, Safety and Security means the DOE individual with responsibility for policy and quality assurance for DOE occupational medical programs.

Case chronology means a written recitation of all actions that support a recommendation to revoke an individual's HRP certification under § 712.19.

Certification means the formal action the HRP certifying official takes that permits an individual to perform HRP duties after it is determined that the individual meets the requirements for certification under this part.

Contractor means contractors and subcontractors at all tiers and any industrial, educational, commercial, or other entity, grantee, or licensee, including an employee that has

executed an agreement with the Federal government for the purpose of performing under a contract, license, or other arrangement.

Designated Physician means a licensed doctor of medicine or osteopathy who has been nominated by the Site Occupational Medical Director (SOMD) and approved by the Manager or designee, with the concurrence of the Associate Under Secretary for Environment, Health, Safety and Security or his or her designee to provide professional expertise in occupational medicine for the HRP.

Designated Psychologist means a licensed Ph.D., or Psy.D., in clinical psychology who has been nominated by the SOMD and approved by the Manager or designee, with the concurrence of the Associate Under Secretary for Environment, Health, Safety and Security or his or her designee to provide professional expertise in the area of psychological assessment for the HRP.

Diagnostic and Statistical Manual of Mental Disorders means the current version of the American Psychiatric Association's manual containing definitions of psychiatric terms and diagnostic criteria of mental disorders.

Drug abuse means use of an illegal drug or misuse of legal drugs.

Evaluative report means the document that sets forth the bases supporting the revocation of an individual's certification.

Evidential-grade breath alcohol device means a device that conforms to the model standards for an evidential breath-testing device as listed on the Conforming Products List of Evidential Breath Measurement Devices published by the National Highway Traffic Safety Administration (NHTSA).

Flashback means an involuntary, spontaneous recurrence of some aspect of a hallucinatory experience or perceptual distortion that occurs long after taking the hallucinogen that produced the original effect; also referred to as hallucinogen persisting perception disorder.

Hallucinogen means a drug or substance that produces hallucinations, distortions in perception of sights and sounds, and disturbances in emotion, judgment, and memory.

HRP candidate means an individual being considered for assignment to an HRP position.

HRP-certified individual means an individual who has successfully completed the HRP requirements.

HRP certifying official means the Manager or the Manager's designee who certifies, recertifies, temporarily removes, reviews the circumstances of

an individual's removal from an HRP position, and directs reinstatement.

HRP management official means an individual designated by the DOE or a DOE contractor, as appropriate, who has programmatic responsibility for HRP positions.

Illegal drug means a controlled substance, as specified in Schedules I through V of the Controlled Substances Act, 21 U.S.C. 811 and 812; the term does not apply to the use of a controlled substance in accordance with the terms of a valid prescription, or other uses authorized by Federal law.

Impaired or impairment means a decrease in functional capacity of a person that is caused by a physical, mental, emotional, substance abuse, or behavioral disorder.

Incident means an unplanned, undesired event that interrupts the completion of an activity and that may include property damage or injury.

Job task analysis means the formal process of defining the requirements of a position and identifying the knowledge, skills, and abilities necessary to effectively perform the duties of the position.

Manager means the senior Federal line manager at a departmental site or Federal office with HRP-designated positions.

Material access area means a type of Security Area that is authorized to contain a Category I quantity of special nuclear material and that has specifically defined physical barriers, is located within a Protected Area, and is subject to specific access controls.

Medical assessment means an evaluation of an HRP candidate and HRP-certified individual's present health status and health risk factors by means of:

- (1) Medical history review;
- (2) Job task analysis;
- (3) Physical examination;
- (4) Appropriate laboratory tests and measurements; and
- (5) Appropriate psychological and psychiatric evaluations.

Nuclear explosive means an assembly of fissionable and/or fusionable materials and main charge high explosive parts or propellants that is capable of producing a nuclear detonation.

Nuclear explosive duties means work assignments that allow custody of a nuclear explosive or access to a nuclear explosive device or area.

Occurrence means any event or incident that is a deviation from the planned or expected behavior or course of events in connection with any DOE or DOE-controlled operation if the deviation has environmental, public

health and safety, or national security protection significance, including (but not limited to) incidents involving:

(1) Injury or fatality to any person involving actions of a DOE employee or contractor employee;

(2) An explosion, fire, spread of radioactive material, personal injury or death, or damage to property that involves nuclear explosives under DOE jurisdiction;

(3) Accidental release of pollutants that results from, or could result in, a significant effect on the public or environment; or

(4) Accidental release of radioactive material above regulatory limits.

Psychological assessment or test means a scientifically validated instrument designed to detect psychiatric, personality, and behavioral tendencies that would indicate problems with reliability and judgment.

Random alcohol testing means the unscheduled, unannounced alcohol testing of randomly selected employees by a process designed to ensure that selections are made in a nondiscriminatory manner.

Random drug testing means the unscheduled, unannounced drug testing of randomly selected employees by a process designed to ensure that selections are made in a nondiscriminatory manner.

Reasonable suspicion means a suspicion based on an articulable belief that an individual uses illegal drugs or is under the influence of alcohol, drawn from reasonable inferences from particular facts, as detailed further in part 707 of this title.

Recertification means the action the HRP certifying official takes annually, not to exceed 12 months, that permits an employee to remain in the HRP and perform HRP duties.

Reinstatement means the action taken after it has been determined that an employee who has been temporarily removed from the HRP meets the certification requirements of this part and can be returned to HRP duties, contingent on the individual completing any and all components of the annual recertification process under § 712.11 and any other specific requirements that must be completed in order to return to full HRP duties.

Reliability means an individual's ability to adhere to security and safety rules and regulations.

Restoration means the actions necessary to restore an individual's HRP duties after a final decision has been made by the cognizant Under Secretary or his/her designee to overturn the revocation decision. The restoration of HRP duties is contingent on the

individual completing any and all components of the annual recertification process under § 712.11 and any other specific requirements that must be completed in order to return to full HRP duties.

Safety concern means any condition, practice, or violation that causes a reasonable probability of physical harm, property loss, and/or environmental impact.

Security concern means the presence of information regarding an individual that raises a question as to whether HRP certification and recertification would endanger the common defense and security and would be clearly consistent with the national interest.

Semi-structured interview means an interview by a Designated Psychologist, or a psychologist under his or her supervision, who has the latitude to vary the focus and content of the questions depending on the interviewee's responses.

Site Occupational Medical Director (SOMD) means the physician responsible for the overall direction and operation of the occupational medical program at a particular site or program.

Supervisor means the individual who has oversight and organizational responsibility for a person holding an HRP position, and whose duties include evaluating the behavior and performance of the HRP-certified individual.

Transfer means an HRP-certified individual moving from one site to another site.

Unacceptable damage means an incident that could result in a nuclear detonation; high-explosive detonation or deflagration from a nuclear explosive; the diversion, misuse, or removal of Category I special nuclear material; or an interruption of nuclear explosive operations with a significant impact on national security.

Unsafe practice means either a human action departing from prescribed hazard controls or job procedures or practices, or an action causing a person unnecessary exposure to a hazard.

§ 712.4 Exemptions.

The Department is authorized to grant exemptions from the requirements in § 712.11 of this part as it determines are authorized by law. Exemptions from requirements in this part are allowed only on a case-by-case basis. All requests for an exemption should be submitted in writing from the Manager to the Associate Under Secretary for Environment, Health, Safety and Security for coordination, and approval by the cognizant Under Secretary. A request for an exemption shall be

approved only if the cognizant Under Secretary determines that the exemption will not endanger life or property or the common defense and security, and is otherwise consistent with the national interest. The procedures in this section shall not be used to establish stricter recertification standards than those required by § 712.11.

Procedures

§ 712.10 Designation of HRP positions.

(a) HRP certification is required for each individual assigned to, or applying for, a position that:

(1) Affords access to Category I SNM or has responsibility for transportation or protection of Category I quantities of SNM;

(2) Involves nuclear explosive duties or has responsibility for working with, protecting, or transporting nuclear explosives, nuclear devices, or selected components;

(3) Affords access to information concerning vulnerabilities in protective systems when transporting nuclear explosives, nuclear devices, selected components, or Category I quantities of SNM; or

(4) Is not included in paragraphs (a)(1) through (3) of this section but affords the potential to significantly impact national security or cause unacceptable damage and is approved pursuant to paragraph (b) of this section.

(b) The Manager or the HRP management official may nominate positions for the HRP that are not specified in paragraphs (a)(1) through (3) of this section or that have not previously been designated HRP positions. All such nominations must be submitted to and approved by either the NNSA Administrator, his or her designee, the Associate Under Secretary for Environment, Health, Safety and Security or the appropriate Lead Program Secretarial Officer, or his or her designee.

(c) Before nominating a position for designation as an HRP position, the Manager or the HRP management official must analyze the risks the position poses for the particular operational program. If the analysis shows that more restrictive physical, administrative, or other controls could be implemented that would prevent the position from being designated an HRP position, those controls will be implemented, if practicable.

(d) Nothing in this part prohibits contractors from establishing stricter employment standards for individuals who are nominated to DOE for certification or recertification in the HRP.

§ 712.11 General requirements for HRP certification.

(a) The following requirements apply to each individual applying for or in an HRP position:

(1) A DOE "Q" access authorization;

(2) Signed releases, acknowledgments, and waivers to participate in the HRP on forms provided by DOE;

(3) Completion of initial and annual HRP instruction as provided in § 712.17;

(4) Successful completion of an initial and annual supervisory review, medical assessment, management evaluation, and a DOE personnel security review;

(5) No use of any hallucinogen in the preceding 5 years and no experience of flashback resulting from the use of any hallucinogen more than 5 years before applying for certification or recertification;

(6) An initial drug test and random drug tests for the use of illegal drugs at least once each 12 months;

(7) An initial alcohol test and random alcohol tests at least once each 12 months; and

(8) For designated positions, identified pursuant to 10 CFR part 709, successful completion of a counterintelligence evaluation, which may include a counterintelligence-scope polygraph examination in accordance with DOE's Polygraph Examination Regulation, 10 CFR part 709, and any subsequent revisions to that regulation.

(b) Each HRP candidate must be certified in the HRP before being assigned to HRP duties and must be recertified annually, not to exceed 12 months between recertifications.

(c) Individuals in newly identified HRP positions must immediately sign the releases, acknowledgments, and waivers to participate in the HRP and complete initial instruction on the importance of security, safety, reliability, and suitability. If these requirements are not met, the individual must be removed from the HRP position. All remaining HRP requirements listed in paragraph (a) of this section must be completed in an expedited manner.

(d) Alcohol consumption is prohibited within an eight-hour period preceding scheduled work for individuals performing nuclear explosive duties and for individuals in specific positions designated by either the Manager, the NNSA Administrator, his or her designee, or the appropriate Lead Program Secretarial Officer, or his or her designee.

(e) Individuals reporting for unscheduled nuclear explosive duties and those specific positions designated by either the Manager, the NNSA Administrator or his or her designee, or

the appropriate Lead Program Secretarial Officer, or his or her designee, will be asked prior to performing any type of work if they have consumed alcohol within the preceding eight-hour period. If they answer "no," they may perform their assigned duties but still may be tested.

(f) Any doubt as to an HRP candidate's or HRP certified individual's eligibility for certification shall be resolved against the candidate or individual in favor of national security and/or safety.

§ 712.12 HRP implementation.

(a) The implementation of the HRP is the responsibility of the appropriate Manager or his or her designee.

(b) The HRP Management Official must prepare an HRP implementation plan and submit it to the applicable Manager for review and approval. The implementation plan must:

(1) Be reviewed and updated every 2 years;

(2) Include the four annual components of the HRP process: supervisory review, medical assessment, management evaluation (which includes random drug and alcohol testing), and a DOE personnel security determination; and

(3) Include the HRP instruction and education component described in § 712.17 of this part.

(c) The Under Secretary for Nuclear Security, or his/her designee, must:

(1) Provide advice and assistance to the Associate Under Secretary for Environment, Health, Safety and Security regarding policies, standards, and guidance for all nuclear explosive duty requirements; and

(2) Be responsible for implementation of all nuclear explosive duty safety requirements.

(d) The Associate Under Secretary for Environment, Health, Safety and Security, or designee, is responsible for HRP policy and must:

(1) Ensure consistency of the HRP throughout the DOE and NNSA;

(2) Review and comment on all HRP implementation plans to ensure consistency with policy; and

(3) Provide policies and guidance, including instructional materials, to NNSA and non-NNSA field elements concerning the HRP, as appropriate.

(e) The Manager must:

(1) Review and approve the HRP implementation plan for sites/facilities under their cognizance and forward the plan to the Director, Office of Corporate Security Strategy, or designee; and

(2) Ensure that the HRP is implemented at the sites/facilities under their cognizance.

(f) The HRP certifying official must:

(1) Approve placement, certification, reinstatement, and recertification of individuals into HRP positions; for unresolved temporary removals, follow the process in § 712.19(f);

(2) Ensure that instructional requirements are implemented;

(3) Immediately notify (for the purpose of limiting access) the appropriate HRP management official of a personnel security action that results in the suspension of access authorization; and

(4) Ensure that the supervisory review, medical assessment, and management evaluation, including drug and alcohol testing, are conducted on an annual basis (not to exceed 12 months).

(g) Individuals assigned to HRP duties must:

(1) Execute HRP releases, acknowledgments, and waivers to facilitate the collection and dissemination of information, the performance of drug and alcohol testing, and medical examinations;

(2) Notify the Designated Physician, the Designated Psychologist, or the SOMD immediately of a physical or mental condition requiring medication or treatment;

(3) Report any observed or reported behavior or condition of another HRP-certified individual that could indicate a reliability concern, including those behaviors and conditions listed in § 712.13(c), to a supervisor, the Designated Physician, the Designated Psychologist, the SOMD, or the HRP management official; and

(4) Report to a supervisor, the Designated Physician, the Designated Psychologist, the SOMD, or the HRP management official, any behavior or condition, including those listed in § 712.13(c), that may affect his or her ability to perform HRP duties.

§ 712.13 Supervisory review.

(a) The supervisor must ensure that each HRP candidate and each individual occupying an HRP position but not yet HRP certified executes the appropriate HRP releases, acknowledgments, and waivers. If these documents are not executed:

(1) The request for HRP certification may not be further processed until these requirements are completed; and

(2) The individual is immediately removed from the position.

(b) Each supervisor of HRP-certified personnel must conduct an annual review of each HRP-certified individual during which the supervisor must evaluate information, based on his or her personal knowledge that is relevant to the individual's suitability to perform HRP tasks in a reliable and safe manner.

(c) The supervisor must report any concerns resulting from his or her review to the appropriate HRP management official. Types of behavior and conditions that would indicate a concern include, but are not limited to:

(1) Psychological or physical disorders that impair performance of assigned duties;

(2) Conduct that warrants referral for a criminal investigation or results in arrest or conviction;

(3) Indications of deceitful or delinquent behavior;

(4) Attempted or threatened destruction of property or life;

(5) Suicidal tendencies or attempted suicide;

(6) Use of illegal drugs or the abuse of legal drugs or other substances;

(7) Alcohol use disorders;

(8) Recurring financial

irresponsibility;

(9) Irresponsibility in performing assigned duties;

(10) Inability to deal with stress, or the appearance of being under unusual stress;

(11) Failure to comply with work directives, hostility or aggression toward fellow workers or authority, uncontrolled anger, violation of safety or security procedures, or repeated absenteeism;

(12) Significant behavioral changes, moodiness, depression, or other evidence of loss of emotional control; and

(13) Any unusual conduct or being subject to any circumstances which tend to show that the individual is not reliable.

(d) A supervisor must immediately remove an individual from HRP duties:

(1) When the supervisor has a reasonable belief that the individual is not reliable, based on either a safety or security concern based on one or more of the types of behaviors and conditions identified in § 712.13(c);

(2) When the individual does not obtain HRP recertification; or

(3) When requested to do so by the HRP certifying official and/or HRP management official.

(e) The supervisor must contact the appropriate personnel office for guidance as to any actions that should occur as a result of the immediate removal.

(f) Immediate removal: If the supervisor immediately removes an HRP-certified individual for any reason specified in this part, he or she must, at a minimum:

(1) Require the individual to stop performing HRP duties;

(2) Take action to ensure the individual is denied both escorted and

unescorted access to the material access areas; and

(3) Notify, within 24 hours, the HRP management official of the immediate removal. The HRP management official shall take actions consistent with § 712.19.

§ 712.14 Medical assessment.

(a) *Purpose.* The HRP medical assessment is performed to evaluate whether an HRP candidate or an HRP-certified individual:

(1) Represents a security concern; or

(2) Has a condition that may prevent the individual from performing HRP duties in a reliable and safe manner.

(b) *When performed.* (1) The medical assessment is performed initially on HRP candidates and individuals occupying HRP positions who have not yet received HRP certification. The medical assessment is performed annually for HRP-certified individuals, or more often as required by the SOMD.

(2) The Designated Physician and other examiners working under the direction of the Designated Physician also will conduct an evaluation:

(i) If an HRP-certified individual requests an evaluation (*i.e.*, self-referral); or

(ii) If an HRP-certified individual is referred by management for an evaluation.

(c) *Process.* The Designated Physician, under the supervision of the SOMD, is responsible for the medical assessment of HRP candidates and HRP-certified individuals. In performing this responsibility, the Designated Physician or the SOMD must integrate the medical evaluations, available testing results, psychological evaluations, any psychiatric evaluations, a review of current legal drug use, and any other relevant information. This information is used to determine if a reliability, safety, or security concern exists and if the individual is medically qualified for his or her assigned duties.

(d) *Evaluation.* The Designated Physician, with the assistance of the Designated Psychologist, must determine the existence or nature of any of the following:

(1) Physical or medical disabilities, such as a lack of visual acuity, defective color vision, impaired hearing, musculoskeletal deformities, and neuromuscular impairment;

(2) Mental/personality disorders or behavioral problems, including alcohol and other substance use disorders, as described in the *Diagnostic and Statistical Manual of Mental Disorders*;

(3) Use of illegal drugs or the abuse of legal drugs or other substances, as identified by self-reporting or by

medical or psychological evaluation or testing;

(4) Threat of suicide, homicide, or physical harm; or

(5) Medical conditions such as cardiovascular disease, endocrine disease, cerebrovascular or other neurologic disease, or the use of drugs for the treatment of conditions that may adversely affect the judgment or ability of an individual to perform assigned duties in a reliable and safe manner.

(e) *Job task analysis.* Before the initial or annual medical assessment and psychological evaluation, employers must provide, to both the Designated Physician and Designated Psychologist, a job task analysis for each HRP candidate or HRP-certified individual. Medical assessments and psychological evaluations may not be performed if a job task analysis has not been provided.

(f) *Psychological evaluations.* Psychological evaluations must be conducted:

(1) For initial HRP certification. This psychological evaluation consists of a psychological assessment (test), approved by the Associate Under Secretary for Environment, Health, Safety and Security or his or her designee, and a semi-structured interview.

(2) For recertification: This psychological evaluation consists of a semi-structured interview. A psychological assessment (test) may also be conducted as warranted.

(3) Every third year: The medical assessment for recertification must include a psychological assessment (test) approved by the Associate Under Secretary for Environment, Health, Safety and Security or his or her designee. This requirement can be implemented over a 3-year period for individuals who are currently in an HRP position.

(4) When additional psychological or psychiatric evaluations are required by the SOMD to resolve any concerns.

(g) *Return to work after sick leave.* HRP-certified individuals who have been on sick leave for five or more consecutive days, or an equivalent time period for those individuals on an alternative work schedule, must report in person to the Designated Physician, the Designated Psychologist, or the SOMD before being allowed to return to normal duties. The Designated Physician, the Designated Psychologist, or the SOMD must provide a written recommendation to the appropriate HRP supervisor regarding the individual's return to work. An HRP-certified individual also may be required to report to the Designated Physician, the Designated Psychologist, or the SOMD

for written recommendation to return to normal duties after any period of sick leave.

(h) *Temporary removal or restrictions.* The Designated Physician, the Designated Psychologist, or the SOMD may recommend temporary removal of an individual from an HRP position or restrictions on an individual's work in an HRP position if a medical condition or circumstance develops that affects the individual's ability to perform assigned job duties. The Designated Physician, the Designated Psychologist, or the SOMD must immediately recommend medical removal or medical restrictions in writing to the appropriate HRP management official. If the HRP management official concurs, he or she will then notify the appropriate HRP certifying official. To reinstate or remove such restrictions, the Designated Physician, the Designated Psychologist, or the SOMD must make written recommendation to the HRP management official. The HRP management official will then notify the appropriate HRP certifying official.

(i) *Medical evaluation after rehabilitation.* (1) Individuals who request reinstatement in the HRP following rehabilitative treatment for alcohol use disorder, use of illegal drugs, or the abuse of legal drugs or other substances, must undergo an evaluation, as prescribed by the SOMD, to ensure continued rehabilitation and adequate capability to perform their job duties.

(2) The HRP certifying official may reinstate HRP certification of an individual who successfully completes an SOMD-approved drug or alcohol rehabilitation program. Recertification is based on the SOMD's follow-up evaluation and recommendation. The individual is also subject to unannounced follow-up tests for illegal drugs or alcohol and relevant counseling for 3 years.

(j) *Medication and treatment.* HRP-certified individuals are required to immediately report to the Designated Physician, the Designated Psychologist, or the SOMD any physical or mental condition requiring medication or treatment. The Designated Physician, the Designated Psychologist, or the SOMD determines if temporary removal of the individual from HRP duties is recommended and follows the procedures pursuant to paragraph (h) of this section.

§ 712.15 Management evaluation.

(a) *Evaluation components.* An evaluation by the HRP management official is required before an individual can be considered for initial

certification or recertification in the HRP. This evaluation must be based on a careful review of the results of the supervisory review, medical assessment, and drug and alcohol testing. If a safety or security concern is identified with respect to an HRP-certified individual, the HRP management official must take actions consistent with § 712.19(a).

(b) *Drug testing.* All HRP candidates and HRP-certified individuals are subject to testing for the use of illegal drugs, as required by this part. Testing must be conducted in accordance with 10 CFR part 707, the workplace substance abuse program for DOE contractor employees, and DOE Order 343.1, "Federal Substantive Abuse Testing Program," for DOE employees. The program must include an initial drug test, random drug tests at least once every 12 months from the previous test, and tests of HRP-certified individuals if they are involved in an incident, unsafe practice, occurrence, or based on reasonable suspicion. Failure to appear for unannounced testing within 2 hours of notification constitutes a refusal to submit to a test. Sites may establish a shorter time period between notification and testing but may not exceed the two-hour requirement. If an HRP-certified individual refuses to submit to a drug test or, based on a drug test, is determined to use illegal drugs, the supervisor must immediately remove the individual from HRP duties and take actions consistent with § 712.13(f).

(c) *Alcohol testing.* All HRP candidates and HRP-certified individuals are subject to testing for the use of alcohol, as required by this part. The alcohol testing program must include, as a minimum, an initial alcohol test prior to performing HRP duties and random alcohol tests at least once every 12 months from the previous test, and tests of HRP-certified individuals if they are involved in an incident, unsafe practice, occurrence, or based on reasonable suspicion. The supervisor who has been informed that an HRP-certified individual's confirmatory breath alcohol test result is at or above an alcohol concentration of 0.02 percent shall send that individual home and not allow that individual to perform HRP duties for 24 hours, and take all appropriate administrative action consistent with § 712.13(f).

(1) Breath alcohol testing must be conducted by a certified breath alcohol technician and conform to the DOT procedures (49 CFR part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, subparts J through N) for use of an evidential-grade breath analysis device approved for

0.02/0.04 cutoff levels, which conforms to the DOT model specifications and the most recent "Conforming Products List" issued by NHTSA.

(2) An individual required to undergo DOT alcohol testing is subject to the regulations of the DOT. If such an individual's blood alcohol level exceeds DOT standards, the individual's employer may take appropriate disciplinary action.

(3) The following constitutes a refusal to submit to a test and shall be considered as a positive alcohol concentration test of 0.02 percent, which requires the individual be sent home and not allowed to perform HRP duties for 24 hours:

(i) Failure to appear for unannounced testing within 2 hours of notification (or established shorter time for the specific site);

(ii) Failure to provide an adequate volume of breath in 2 attempts without a valid medical excuse; and

(iii) Engaging in conduct that clearly obstructs the testing process, including failure to cooperate with reasonable instructions provided by the testing technician.

(d) *Occurrence testing.* (1) When an HRP-certified individual is involved in, or associated with, an occurrence requiring immediate reporting to the DOE, the following procedures must be implemented:

(i) Testing for the use of illegal drugs in accordance with the provisions of the DOE policies implementing Executive Order 12564, and 10 CFR part 707 or DOE Order 3792.3, which establish workplace substance abuse programs for contractor and DOE employees, respectively.

(ii) Testing for use of alcohol in accordance with this section.

(2) Testing must be performed as soon as possible after an occurrence that requires immediate notification or reporting.

(3) The supervisor must immediately remove an HRP-certified individual from HRP duties if the individual refuses to undergo the testing required by this subsection.

(e) *Testing for reasonable suspicion.*

(1) If the behavior of an individual in an HRP position creates the basis for reasonable suspicion of the use of an illegal drug or alcohol, that individual must be tested if two or more supervisory or management officials, at least one of whom is in the direct chain of supervision of the individual or is the Designated Physician, the Designated Psychologist, or the SOMD, agree that such testing is appropriate.

(2) Reasonable suspicion must be based on an articulable belief, drawn

from facts and reasonable inferences from those particular facts that an HRP-certified individual is in possession of, or under the influence of, an illegal drug or alcohol. Such a belief may be based on, among other things:

(i) Observable phenomena, such as direct observation of the use or possession of illegal drugs or alcohol, or the physical symptoms of being under the influence of drugs or alcohol;

(ii) A pattern of abnormal conduct or erratic behavior;

(iii) Information provided by a reliable and credible source that is independently corroborated; or

(iv) Detection of alcohol odor on the breath.

(f) *Counterintelligence evaluation.* HRP candidates and, when selected, HRP-certified individuals, must submit to and successfully complete a counterintelligence evaluation, which may include a polygraph examination in accordance with 10 CFR part 709, Polygraph Examination Regulations and any subsequent revisions to that regulation.

§ 712.16 Security review.

(a) A personnel security specialist must review the personnel security file of every HRP candidate and every HRP-certified individual up for certification or recertification.

(b) If the personnel security file review is favorable, this information must be forwarded to the HRP certifying official and so noted on the certification form. If the review reveals a security concern, or if a security concern is identified during another component of the HRP process, the HRP certifying official must be notified, and the personnel security specialist must evaluate the concern in accordance with 10 CFR part 710. If a final determination is made by DOE personnel security to suspend access authorization, the HRP management official must be notified, the individual shall be temporarily removed from the HRP position, the HRP certifying official notified, and the information noted on the certification form.

(c) A favorable adjudication of security concerns under 10 CFR part 710 does not require granting or continuing HRP certification. Security concerns can be reviewed and evaluated for purposes of granting or continuing HRP certification even if the concerns have been favorably resolved under part 710.

(d) Any mental/personality disorder or behavioral issues found in a personnel security file, which could impact an HRP candidate or HRP-certified individual's ability to perform

HRP duties, may be provided in writing to the SOMD, Designated Physician, and Designated Psychologist previously identified for receipt of this information. Medical personnel may not share any information obtained from the personnel security file with anyone who is not an HRP certifying official, except as consistent with the Privacy Act of 1974.

(e) If the DOE personnel security review is not completed within the 12-month time period for recertification and the individual's access authorization is not suspended, the HRP certification form shall be forwarded to the HRP certifying official for recertification or temporary removal, pending completion of the personnel security review.

§ 712.17 Instructional requirements.

(a) HRP management officials at each DOE site or facility with HRP positions must establish an initial and annual HRP instruction and education program. The program must provide:

(1) HRP candidates, HRP-certified individuals, supervisors, and managers, and supervisors and managers responsible for HRP positions with the knowledge described in paragraph (b)(1) of this section; and

(2) For all HRP medical personnel, a detailed explanation of HRP duties and responsibilities.

(b) The following program elements must be included in initial and annual instruction. The elements may be tailored to accommodate group differences and refresher training needs:

(1) The objectives of the HRP and the role and responsibilities of each individual in the HRP to include recognizing and responding to behavioral change and aberrant or unusual behavior that may result in a risk to national security or nuclear explosive safety; recognizing and reporting safety and/or security concerns, physical, mental, or emotional conditions that could adversely affect the performance of HRP duties or that require treatment by a doctor, physician's assistant or other health care professional; and prescription drug use; and an explanation of return-to-work requirements and continuous evaluation of HRP participants; and

(2) For those who have nuclear explosive responsibilities, a detailed explanation of duties and safety requirements.

§ 712.18 Transferring HRP certification.

(a) For HRP certification to be transferred, the individual must currently be certified in the HRP.

(b) Transferring the HRP certification from one site to another requires the following before the individual is allowed to perform HRP duties at the new site:

- (1) Verify that the individual is currently certified in the HRP and is transferring into a designated HRP position;
 - (2) Incorporate the individual into the new site's alcohol and drug-testing program;
 - (3) Ensure that the 12-month time period for HRP requirements that was established at the prior site is not exceeded; and
 - (4) Provide site-specific instruction.
- (c) Temporary assignment to HRP positions at other sites requires verification that the individual is currently enrolled in the HRP and has completed all site-specific instruction. The individual is required to return to the site that maintains his or her HRP certification for recertification.

§ 712.19 Actions related to removal, revocation and/or reinstatement.

(a) *Temporary removal.* The HRP management official shall direct the temporary removal of an HRP-certified individual when the management official:

(1) Identifies, during the course of the management evaluation, a safety or security concern that warrants such removal based on one or more of the types of behaviors and conditions identified in § 712.13(c);

(2) Receives a supervisor's written notice of the immediate removal of an HRP-certified individual; or

(3) Receives a recommendation from the Designated Physician, the Designated Psychologist, or the SOMD to medically remove an HRP-certified individual consistent with § 712.14(h).

(b) The temporary removal of an HRP-certified individual from HRP duties pending a determination of the individual's reliability is an interim, precautionary action and does not constitute a determination that the individual is not fit to perform his or her required duties. Removal is not, in itself, cause for loss of pay, benefits, or other changes in employment status. Immediately upon directing a temporary removal, the HRP management official must notify the supervisor to take appropriate actions consistent with an immediate removal. Within five (5) business days of placing the individual on a temporary removal, the HRP management official must notify the individual in writing that s/he is temporarily removed.

(c) If temporary removal is based on derogatory information that is a security

concern, the HRP management official must notify the HRP certifying official and the applicable DOE personnel security office.

(d) If temporary removal is based on a medical concern, the HRP management official must obtain a recommendation from the Designated Physician, Designated Psychologist, or the SOMD consistent with § 712.14(h).

(e) If the HRP management official determines, after conducting an evaluation of the circumstances or information that led to the temporary removal, that an individual who has been temporarily removed continues to meet the requirements for certification, the HRP management official must:

(1) Direct that the supervisor reinstate the individual and provide written explanation of the reasons and factual bases for the action;

(2) Notify the individual; and

(3) Notify the HRP certifying official.

(f) If the HRP management official determines that an individual who has been temporarily removed does not meet the HRP requirements for certification, the HRP management official must prepare a case chronology that explains why the individual does not meet the requirement for certification and forward it to the HRP certifying official. The HRP management official's determination that an individual does not meet certification requirement must be based on one or more of the types of behaviors and conditions identified in § 712.13(c). The HRP certifying official must review the case chronology from the HRP management official and take one of the following actions:

(1) Direct that the supervisor reinstate the individual, with any applicable medical restrictions, provide written explanation of the reasons and factual bases for the action, and notify the individual;

(2) Direct continuation of the temporary removal pending completion of specified actions (e.g., medical assessment, treatment) to resolve the concerns about the individual's reliability; or

(3) Recommend to the Manager the revocation of the individual's certification and provide the case chronology to the Manager. If the HRP certifying official is the Manager, he or she should take actions consistent with paragraph (g)(2) of this section.

(g) The Manager, on receiving the HRP management official's case chronology and the HRP certifying official's recommendation (if any), must take one of the following actions:

(1) Direct that the supervisor reinstate the individual, provide written

explanation of the reasons and factual bases for the action, and notify the individual;

(2) Direct revocation of the individual's HRP certification, in accordance with paragraph (h) of this section; or

(3) Direct continuation of the temporary removal pending completion of specified actions (e.g., medical assessment, treatment) to resolve the concerns about the individual's reliability.

(h) Notification of Manager's initial decision: If the action is revocation, the Manager must direct the HRP management official to prepare an evaluative report. The appropriate DOE or NNSA counsel must review the evaluative report for legal sufficiency. Upon completion of the evaluative report, the Manager must send a letter by certified mail (return receipt requested) or hand deliver it with record of delivery to the individual whose certification is revoked notifying him or her of the reasons for the revocation and the options for review. The evaluative report must be appended to the letter. The Manager may withhold such a report, or portions thereof, to the extent that he or she determines that the report, or portions thereof, may be exempt from access by the employee under the Privacy Act or the Freedom of Information Act.

(i) If an individual is directed by the Manager or HRP certifying official to take specified actions to resolve HRP concerns pursuant to paragraph (f)(2) or (g)(3) of this section he or she must be reevaluated after those actions have been completed, and the Manager must direct either:

(1) Reinstatement of the individual; or

(2) Revocation of the individual's HRP certification. In the case of revocation, the HRP management official will be directed to prepare an evaluative report.

§ 712.20 Request for reconsideration or certification review hearing.

(a) An individual who receives notification of the Manager's decision to revoke his or her HRP certification under § 712.19 may choose one of the following options:

(1) Submit a written request to the Manager for reconsideration of the decision to revoke certification. The request must include the individual's response to the information that gave rise to the concern. The request must be sent by certified mail to the Manager within 20 working days after the individual received notice of the Manager's decision; or

(2) Submit a written request to the Manager for a certification review

hearing. The request for a hearing must be sent by certified mail to the Manager within 20 working days after the individual receives notice of the Manager's decision.

(b) If an individual requests reconsideration by the Manager but not a certification review hearing, the Manager must, within 20 working days after receipt of the individual's request, send by certified mail (return receipt requested) a final agency decision to the individual.

(c) If an individual requests a certification review hearing, the Manager must forward the request to the Office of Hearings and Appeals.

(d) If an individual takes no action within 20 working days after receipt of the Manager's decision, the Manager's decision will become a final agency decision.

§ 712.21 Appointment of DOE counsel.

(a) Upon receipt from the individual of a written request for a certification review hearing, the Manager shall request appointment of DOE counsel as soon as possible.

(b) DOE Counsel is authorized to consult directly with the individual if he is not represented by counsel, or with the individual's counsel or representative if so represented, to clarify issues and reach stipulations with respect to testimony and contents of documents and other physical evidence. Such stipulations shall be binding upon the individual and the DOE Counsel for the purposes of this subpart.

§ 712.22 Office of Hearings and Appeals.

(a) Upon receipt of the hearing request from the Manager, the Director, DOE Office of Hearings and Appeals, shall appoint, as soon as practicable, an Administrative Judge.

(b) The Administrative Judge must have a DOE "Q" access authorization.

(c) An individual who requests a certification review hearing has the right to appear personally before the Administrative Judge; to present evidence in his or her own behalf, through witnesses or by documents, or by both; and to be accompanied and represented at the hearing by counsel or any other person of the individual's choosing and at the individual's own expense.

(d) An individual must come forward with evidence to demonstrate that the decision to revoke his or her HRP certification was clearly erroneous or that extraordinary circumstances warrant recertification into HRP. Evidence that the individual has rehabilitated or reformed since the time

of the Manager's decision will not be considered by the Administrative Judge.

(e) DOE Counsel shall assist the Administrative Judge in establishing a complete administrative hearing record in the proceeding and bringing out a full and true disclosure of all facts, both favorable and unfavorable, having bearing on the issues before the Administrative Judge.

(f) In conducting the proceedings, the Administrative Judge will:

(1) Determine the date, time, and location of the hearing, including whether the hearing will be conducted by video teleconference;

(2) At least 7 calendar days prior to date scheduled for the hearing, convene a prehearing conference for the purpose of discussing stipulations and exhibits, identifying witnesses, and disposing of other appropriate matters. The conference will usually be conducted by telephone;

(3) Receive all relevant and material information relating to the individual's fitness for HRP duties through witnesses or documentation;

(4) Ensure that the individual is permitted to offer information in his or her behalf; to call, examine, and cross-examine witnesses and other persons who have made written or oral statements, and to present and examine documentary evidence to the extent permitted by national security;

(5) Require the testimony of the individual and all witnesses be given under oath or affirmation;

(6) Ensure that a transcript of the certification review proceedings is made; and

(7) Not engage in ex parte communications with either party.

(g) The Administrative Judge shall have all powers necessary to regulate the conduct of proceedings, including, but not limited to, establishing a list of persons to receive service of papers, issuing subpoenas for witnesses to attend the hearing or for the production of specific documents or other physical evidence, administering oaths and affirmations, ruling upon motions, receiving evidence, regulating the course of the hearing, disposing of procedural requests or similar matters, and taking other actions consistent with the regulations in this part. Requests for subpoenas shall be granted except where the Administrative Judge finds that the grant of subpoenas would clearly result in evidence or testimony that is repetitious, incompetent, irrelevant, or immaterial to the issues in the case.

(h) The Administrative Judge may return a case to the HRP Manager for a

final agency decision consistent with § 712.20(b) if—

(1) The individual or his or her attorney fails to heed the instructions of the Administrative Judge;

(2) The individual fails to appear at the appointed time, date and location for the certification review hearing;

(3) The individual otherwise fails to cooperate at the hearing phase of the process; or

(4) The individual withdraws his/her request for a certification review hearing.

(i) Based on a review of the administrative hearing record, the Administrative Judge shall prepare a decision regarding the individual's eligibility for recertification in the HRP, which shall consist of written findings and a supporting statement of reasons. In making a decision, the Administrative Judge shall ensure that any doubt as to an individual's certification shall be resolved against the individual in favor of national security and/or safety.

§ 712.23 Administrative Judge's decision.

(a) Within 30 calendar days of the receipt of the hearing transcript by the Administrative Judge or the closing of the record, whichever is later, the Administrative Judge should forward his or her decision to the Associate Under Secretary for Environment, Health, Safety, and Security. The Administrative Judge's decision must be accompanied by a copy of the record.

(b) Within 10 calendar days of receipt of the decision and the administrative record, the Associate Under Secretary for Environment, Health, Safety, and Security should:

(1) Notify the individual and Manager in writing of the Administrative Judge's decision;

(2) Advise the individual in writing of the appeal procedures available to the individual in paragraph (c) of this section if the decision is unfavorable to the individual;

(3) Advise the Manager in writing of the appeal procedures available to the Manager in paragraph (c) of this section if the decision is favorable to the individual; and

(4) Provide the individual and/or counsel or representative, and the Manager a copy of the Administrative Judge's decision and the administrative record.

(c) The individual or the Manager may file with the Associate Under Secretary for Environment, Health, Safety, and Security a written request for further review of the decision by the cognizant Under Secretary along with a statement required by paragraph (e) of

this section within 20 working days of the individual's or Manager's receipt of the Administrative Judge's decision;

(d) The copy of any request for further review of the individual's case by the cognizant Under Secretary filed by the Manager shall be provided to the individual by the Manager.

(e) The party filing a request for review of the individual's case by the cognizant Under Secretary shall include with the request a statement identifying the issues on which it wishes the cognizant Under Secretary to focus.

(f) The Administrative Judge's decision shall be considered final if a written request for review is not filed in accordance with paragraph (c) of this section.

§ 712.24 Final decision by DOE Under Secretary.

(a) Within 10 calendar days of receipt of the written request for review, the Associate Under Secretary for Environment, Health, Safety and Security should forward to the cognizant Under Secretary the written request for review, the Administrative Judge's decision, and the administrative record.

(b) Upon receipt of the written request for review, the Administrative Judge's decision, and the administrative record, the cognizant Under Secretary, in consultation with the DOE General Counsel, will issue a final written decision. The cognizant Under Secretary may delegate this authority. In issuing a final decision, the cognizant Under Secretary shall expressly state that he or she is either revoking or restoring an individual's HRP certification. A copy of this decision must be sent by certified mail (return receipt requested) to the Manager and to the individual.

(c) The cognizant Under Secretary shall consider only that evidence and information in the administrative record at the time of the Administrative Judge's decision.

§ 712.25 Cooperation by the individual.

(a) It is the responsibility of the HRP candidate or HRP certified individual to provide full, frank, and truthful answers to relevant and material questions, and when requested, furnish, or authorize others to furnish, information that DOE deems pertinent to reach a decision regarding HRP certification or recertification. This obligation to cooperate applies at any stage, including but not limited to initial certification, recertification, temporary removal, revocation, and/or hearing. The individual or candidate may elect not to cooperate; however, such refusal may prevent DOE from reaching an

affirmative finding required for granting or continuing HRP certification. In this event, any HRP certification then in effect may be revoked, or, for HRP candidates, may not be granted.

(b) An HRP certified individual who receives notification of the Manager's decision to revoke his or her certification due to failure to cooperate may choose one of the following options:

(1) Take no action; or

(2) Within 20 working days after the individual received notice of the Manager's revocation decision, submit a written request by certified mail to the Manager for reconsideration. The request must include the individual's response to the information that gave rise to the revocation decision.

(c) Upon receipt of the request for reconsideration, the Manager shall notify the individual, in writing, within 20 calendar days of receipt of the written appeal, as to whether the action to revoke certification was appropriate. If the Manager determines that the action was inappropriate, he or she shall reverse revocation.

§ 712.34 [Amended]

■ 3. Section 712.34 is amended by removing the language, "Director, Office of Health and Safety" in paragraphs (a), (b) introductory text, (c), and (d) and adding in its place "Associate Under Secretary for Environment, Health, Safety and Security".

■ 4. Section 712.35 is amended by revising the section heading and in the introductory text by removing the language, "Director, Office of Health and Safety" and adding in its place "Associate Under Secretary for Environment, Health, Safety and Security".

The revision reads as follows:

§ 712.35 Associate Under Secretary for Environment, Health, Safety and Security.

* * * * *

§ 712.36 [Amended]

■ 5. Section 712.36 is amended by:

■ a. Removing the language, "Director, Office of Health and Safety" in paragraphs (d)(1) and (d)(3) and adding in its place "Associate Under Secretary for Environment, Health, Safety and Security".

■ b. Removing paragraph (i).

[FR Doc. 2018-08697 Filed 4-25-18; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2018-0304; Product Identifier 2018-NM-065-AD; Amendment 39-19261; AD 2018-09-05]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for The Boeing Company Model 787-8 and 787-9 airplanes powered by 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 revising the airplane flight manual (AFM) to limit extended operations (ETOPS). This AD was prompted by a report from the engine manufacturer indicating that after an engine failure, prolonged operation at high thrust settings on the remaining engine during an ETOPS diversion may result in failure of the remaining engine before the diversion can be safely completed. We have determined that updated AFM limitations are needed to minimize the potential for intermediate pressure compressor (IPC) blade failures under certain conditions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 26, 2018.

We must receive comments on this AD by June 11, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0304; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3553; email: Takahisa.Kobayashi@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

Over the past year, we have been aware of several engine failures of Trent 1000 Package C engines due to failed compressor and turbine blades and seals. Package C engines are 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. During that same period, under the management programs for those engine issues, we have been aware of numerous reports of engine inspection findings of cracked blades resulting in unscheduled engine removals. Boeing reported to the FAA that the engine manufacturer recently determined that IPC stage 2 blades have a resonant frequency that is excited by the airflow conditions existing in the engine during operation at high thrust settings under certain temperature and altitude conditions. The resultant blade vibration can result in cumulative fatigue damage that can cause blade failure and consequent engine in-flight shutdown. In the event of a single engine in-flight shutdown during the cruise phase of flight, thrust on the remaining engine is normally increased to maximum continuous thrust (MCT). During a diversion following a single engine shutdown under an ETOPS

flight, the remaining engine may operate at MCT for a prolonged period, during which the IPC stage 2 blades would be exposed to the resonant frequency condition. Therefore, an ETOPS diversion will put the remaining engine at an operating condition that would significantly increase the likelihood of failure of the remaining engine. In addition, if the remaining engine already had cracked IPC stage 2 blades, the likelihood of the remaining engine failing before a diversion can be safely completed will further increase.

Related Rulemaking

AD 2018-08-03, Amendment 39-19256 (83 FR 16768, April 17, 2018) ("AD 2018-08-03"), also requires revising the AFM to limit ETOPS on Boeing Model 787-8 and 787-9 airplanes powered by 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.

Actions Since AD 2018-08-03 Was Issued

Based on further review of the AFM limitations, Boeing has updated the information reflected within the figures of AD 2018-08-03. The FAA has determined it is necessary to update the AFM limitations accordingly to minimize the potential for IPC blade failures under certain conditions.

The FAA has determined that operation under AD 2018-08-03 is acceptable for safe operation until the new AD limitations are mandated.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information 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 revising the AFM to limit ETOPS, using the updated information referenced in figure 1 to paragraph (g) of this AD and figure 2 to paragraph (h) of this AD. Accomplishment of the AFM revisions required by this AD terminates all requirements of AD 2018-08-03.

Interim Action

This AD is interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

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 unrecoverable thrust loss on both engines could lead to a forced landing. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and 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-2018-0304 and Product Identifier 2018-NM-065-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 14 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. registered airplanes |
|---------------------|--|------------|------------------|-----------------------------------|
| AFM revisions | 1 work-hour × \$85 per hour = \$85 | \$0 | \$85 | \$1,190 |

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–09–05 The Boeing Company:
Amendment 39–19261; Docket No. FAA–2018–0304; Product Identifier 2018–NM–065–AD.

(a) Effective Date

This AD is effective April 26, 2018.

(b) Affected ADs

This AD affects AD 2018–08–03, Amendment 39–19256 (83 FR 16768, April 17, 2018) ("AD 2018–08–03").

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, powered by 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

Air Transport Association (ATA) of America Code 71, Power plant.

(e) Unsafe Condition

This AD was prompted by a report from the engine manufacturer indicating that after an engine failure, prolonged operation at high thrust settings on the remaining engine during an extended-operation (ETOPS) diversion may result in failure of the remaining engine before the diversion can be safely completed. We are issuing this AD to address unrecoverable thrust loss on both engines, which could lead to a forced landing.

(f) Compliance

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

(g) Revision of Limitations Chapter in Airplane Flight Manual (AFM)

Within 4 days after the effective date of this AD, revise the Certificate Limitations chapter of the applicable Boeing AFM Engine Appendix by incorporating the information in figure 1 to paragraph (g) of this AD. This may be accomplished by inserting a copy of this AD into the AFM. When information identical to that in figure 1 to paragraph (g) of this AD has been included in the Certificate Limitations chapter of the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

BILLING CODE 4910–13–P

Figure 1 to paragraph (g) of this AD – AFM Certificate Limitations**Engine Appendix - Certificate Limitations****(Required by AD 2018-09-05)****ETOPS**

The following information applies to 787-8 and 787-9 airplanes equipped with a RR Trent 1000 series engine that has a numeral “2” at the end of the model number installed on either wing, with the following exception. The following information does not apply to an airplane if both engines on that airplane have fewer than either 300 total accumulated engine cycles on the intermediate pressure compressor (IPC) Rotor 2 blades since new or since refurbishment in accordance with the instructions of Parts B, C, D or E in RR NMSB TRENT 1000 72-J871 Original Issue, Revision 1, Revision 2, or Revision 3.

To ensure continued safe flight during ETOPS, planned aircraft gross weight must not exceed those specified in the ETOPS Section of the Performance chapter prior to operating more than 60 minutes from a suitable airport.

ETOPS Diversion Speeds and Times

ETOPS Single Engine Driftdown diversion must be planned and flown at Engine-Out Long Range Cruise (LRC) speed. Planned maximum diversion time for single engine driftdown must not exceed 140 minutes.

ETOPS Decompression diversion at 10,000 feet must be planned and flown at Mach 0.55. For intermediate altitude level offs above 10,000 feet, LRC speed must be used.

(h) Revision of Performance Chapter of AFM

Concurrently with accomplishment of the requirements of paragraph (g) of this AD, revise the Performance chapter of the applicable Boeing AFM Engine Appendix by

incorporating the information in figure 2 to paragraph (h) of this AD. This may be accomplished by inserting a copy of this AD into the AFM. When information identical to that in figure 2 to paragraph (h) of this AD has been included in the Performance

chapter of the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM. Guidance on flight path planning can be found in figure 3 to paragraph (h) of this AD.

Figure 2 to paragraph (h) of this AD – AFM Performance**Engine Appendix – Performance****(Required by AD 2018-09-05)****ETOPS**

ETOPS operation of a Model 787-8 or 787-9 airplane equipped with a RR Trent 1000 engine using A2, C2, or E2 thrust rating is prohibited.

As outlined in the ETOPS Section of the Certificate Limitations chapter, the following table must be utilized when planning ETOPS flights.

(D631Z003-9R64EF) 787-9 Trent 1000-AE2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,000 | 19,000 | 18,800 | 18,500 | 18,300 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 499,000 | 497,400 | 477,500 | 453,000 | 422,000 | Prohibited |
| | KGS | 226,360 | 225,650 | 216,620 | 205,480 | 191,410 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 425,900 | 417,000 | 396,300 | 367,300 | 338,200 | Prohibited |
| | KGS | 193,210 | 189,170 | 179,800 | 166,610 | 153,420 | |

*Interpolation between temperature columns is allowed.

(D631Z003-9R7072F) and (D631Z003-9R7072E) 787-9 Trent 1000-D2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,100 | 19,100 | 18,900 | 18,700 | 18,500 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 510,300 | 508,400 | 488,200 | 465,800 | 441,800 | Prohibited |
| | KGS | 231,500 | 230,640 | 221,480 | 211,310 | 200,390 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 438,300 | 429,300 | 408,400 | 383,800 | 359,300 | Prohibited |
| | KGS | 198,830 | 194,760 | 185,240 | 174,110 | 162,970 | |

*Interpolation between temperature columns is allowed.

(D631Z003-9R74F) and (D631Z003-9R74E) 787-9 Trent 1000-J2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,300 | 19,300 | 19,100 | 18,800 | 18,500 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 528,900 | 526,800 | 507,800 | 479,500 | 451,100 | Prohibited |
| | KGS | 239,900 | 238,950 | 230,370 | 217,510 | 204,640 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 455,200 | 446,600 | 430,200 | 401,400 | 372,500 | Prohibited |
| | KGS | 206,470 | 202,580 | 195,140 | 182,070 | 169,000 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R7475F) and (D631Z003-R7475E) 787-9 Trent 1000-K2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,300 | 19,300 | 19,100 | 18,800 | 18,500 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 528,900 | 526,800 | 507,800 | 479,500 | 451,100 | Prohibited |
| | KGS | 239,900 | 238,950 | 230,370 | 217,510 | 204,640 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 455,200 | 446,600 | 430,200 | 401,400 | 372,500 | Prohibited |
| | KGS | 206,470 | 202,580 | 195,140 | 182,070 | 169,000 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R70EF) 787-8 Trent 1000-CE2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,300 | 19,300 | 19,100 | 18,900 | 18,600 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 502,500 | 502,500 | 499,600 | 476,300 | 450,100 | Prohibited |
| | KGS | 227,930 | 227,930 | 226,610 | 216,040 | 204,160 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 446,700 | 438,600 | 419,400 | 396,300 | 372,400 | Prohibited |
| | KGS | 202,650 | 198,970 | 190,260 | 179,790 | 168,910 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R7072F) and (D631Z003-R7072E) 787-8 Trent 1000-D2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,300 | 19,300 | 19,100 | 18,900 | 18,600 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 502,500 | 502,500 | 499,600 | 476,300 | 450,100 | Prohibited |
| | KGS | 227,930 | 227,930 | 226,610 | 216,040 | 204,160 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 446,700 | 438,600 | 419,400 | 396,300 | 372,400 | Prohibited |
| | KGS | 202,650 | 198,970 | 190,260 | 179,790 | 168,910 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R70LF) 787-8 Trent 1000-L2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,300 | 19,300 | 19,100 | 18,900 | 18,600 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 502,500 | 502,500 | 499,600 | 476,300 | 450,100 | Prohibited |
| | KGS | 227,930 | 227,930 | 226,610 | 216,040 | 204,160 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 446,700 | 438,600 | 419,400 | 396,300 | 372,400 | Prohibited |
| | KGS | 202,650 | 198,970 | 190,260 | 179,790 | 168,910 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R67F) and (D631Z003-R67E) 787-8 Trent 1000-G2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,200 | 19,200 | 19,000 | 18,700 | 18,400 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 502,500 | 502,500 | 488,900 | 461,500 | 430,400 | Prohibited |
| | KGS | 227,930 | 227,930 | 221,780 | 209,340 | 195,220 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 436,300 | 426,700 | 405,700 | 383,400 | 355,300 | Prohibited |
| | KGS | 197,910 | 193,550 | 184,020 | 173,910 | 161,160 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R64EF) and (D631Z003-R64EE) 787-8 Trent 1000-AE2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 19,200 | 19,200 | 19,000 | 18,700 | 18,400 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 502,500 | 502,500 | 488,900 | 461,500 | 430,400 | Prohibited |
| | KGS | 227,930 | 227,930 | 221,780 | 209,340 | 195,220 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 436,300 | 426,700 | 405,700 | 383,400 | 355,300 | Prohibited |
| | KGS | 197,910 | 193,550 | 184,020 | 173,910 | 161,160 | |

*Interpolation between temperature columns is allowed.

(D631Z003-R58F) 787-8 Trent 1000-H2

| | | Maximum Enroute Diversion Temperature* | | | | | |
|---|-----|--|------------------|------------------|------------------|------------------|------------------------|
| | | ISA+0 Degrees C and Below | ISA+10 Degrees C | ISA+15 Degrees C | ISA+20 Degrees C | ISA+25 Degrees C | Above ISA+25 Degrees C |
| Minimum Engine-Out Cruise Altitude (ft) | | 18,900 | 18,800 | 18,600 | 18,200 | 17,900 | Prohibited |
| Without Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 474,000 | 471,600 | 447,400 | 416,700 | 386,000 | Prohibited |
| | KGS | 215,000 | 213,940 | 202,970 | 189,040 | 175,100 | |
| With Forecast Icing Maximum Planned Weight at ETOPS Entry Points and Equal Time Points | LBS | 404,400 | 394,900 | 371,700 | 346,700 | 321,700 | Prohibited |
| | KGS | 183,470 | 179,120 | 168,630 | 157,270 | 145,910 | |

*Interpolation between temperature columns is allowed.

Figure 3 to paragraph (h) of this AD – *Guidance on flight path planning***Guidance on flight path planning**

1. Utilize the one-engine inoperative LRC speed for the ETOPS engine-out planning speed and establish that the planned maximum diversion time is not greater than 140 minutes. Critical fuel decompression scenarios should utilize the M0.55 speeds for both all engine and engine inoperative scenarios.
2. Determine if forecast icing is expected along the planned flight plan path and in the planned diversionary track(s) between the ETOPS Entry Point(s) (EEP) and the first ETOPS Equal-Time Point (ETP1). Accomplish the same determination for the subsequent ETOPS segment (i.e., between ETP1 and ETP2 or the (ETOPS Exit Point) EXP).
3. Verify the planned maximum weight at the EEP is derived based upon the maximum forecast temperature at FL200 between the EEP and ETP1 and the planned weight at the EEP is no greater than the maximum planned weight corresponding to either the without-forecast icing or with-forecast icing (if icing is probable between the EEP and ETP1 along the flight plan track or along the planned diversionary track at FL200) table values at the appropriate maximum diversion temperature. If the EEP gross weight is less than the table limits, continue with the flight planning. If the EEP maximum planned weight is greater than the appropriate value provided in the table, a takeoff weight reduction will be required to establish that the maximum planned weight at the EEP is equal to or less than the table values.
4. Verify the planned maximum weight at ETP1 is derived based upon the maximum forecast temperature at FL200 between the ETP1 and ETP2 (or the EXP) and the planned weight at the ETP1 is no greater than the maximum planned weight corresponding to either, the without-forecast icing or with-forecast icing (if icing is probable between the ETP1 and ETP2 along the flight plan track or along the planned diversionary track at FL200) table values at the appropriate maximum diversion temperature. If the ETP1 planned maximum weight is less than the table limits, continue with the flight planning. If the ETP1 maximum planned weight is greater than the appropriate value provided in the table, a takeoff weight reduction will be required to establish that the maximum planned weight at the ETPs is equal to or less than the table values.
5. Verify the planned maximum weights at each subsequent ETP are no greater than the appropriate weight provided in the table accounting for the effects of forecast icing, if probable, and the appropriate forecast temperature.
6. Upon verification of the planned maximum weight limits at the EEP and each of the ETPs required to complete the mission, validate the engine inoperative maximum diversion time is no greater than 140 minutes.

(i) Terminating Action for AD 2018–08–03

Accomplishment of the actions required by paragraphs (g) and (h) of this AD terminates all requirements of AD 2018–08–03.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines,

WA 98198; phone and fax: 206–231–3553; email: Takahisa.Kobayashi@faa.gov.

(l) Material Incorporated by Reference

None.

Issued in Des Moines, Washington, on April 24, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–08951 Filed 4–25–18; 8:45 am]

BILLING CODE 4910–13–C

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

[Docket No. CPSC–2016–2019]

Labeling of Certain Household Products Containing Methylene Chloride; Supplemental Guidance; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Guidance; correction.

SUMMARY: The Consumer Product Safety Commission is correcting supplemental guidance on the Labeling of Certain Household Products Containing Methylene Chloride, which appeared in the *Federal Register* of March 21, 2018. The document provides guidance regarding labeling to warn of acute hazards associated with paint strippers containing methylene chloride. This

correction provides the appropriate link to the petition briefing package and the format of a warning label.

DATES: This correction is effective April 26, 2018. As established in the supplemental guidance, the guidance document became applicable on the date of its publication in the *Federal Register*, March 21, 2018.

FOR FURTHER INFORMATION CONTACT:

Carol Afflerbach, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; email: cafflerbach@cpsc.gov; telephone: (301) 504–7529.

SUPPLEMENTARY INFORMATION: In FR Doc. 2018–05580, appearing on page 12254 in the *Federal Register* of March 21, 2018, the following corrections are made:

1. On page 12255, in the middle column, correct the link at the end of the first paragraph to read as follows: “(<https://www.cpsc.gov/s3fs-public/Petition%20HP%2016-1%20to%20Amend%20Statement%20of%20Interpretation%20and%20Enforcement%20Policy%20Household%20Products%20Containing%20Methylene%20Chloride%20-%20May%2026%202017.pdf?5OEQaiEtuOaf0ytaU.z3.n4Lz5t0kuJ>).”

2. On page 12257, in the third column, correct the format of the “Updated Example of Cautionary Labeling” to read as follows:

**WARNING: INHALATION OF VAPOR VERY HARMFUL
VAPOR CAN KILL YOU IN ENCLOSED AREAS
EYE AND SKIN IRRITANT. Read All Cautions on
Back/Side Panel.**

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–08742 Filed 4–25–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 292

[Docket ID: DOD–2017–OS–0022]

RIN 0790–AJ63

Defense Intelligence Agency (DIA) Freedom of Information Act

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD’s regulation concerning the Defense Intelligence Agency (DIA) Freedom of Information Act program. On February 6, 2018, the DoD published a revised

FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program at 32 CFR part 286 that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on April 26, 2018.

FOR FURTHER INFORMATION CONTACT:

Alesia Williams at 301–394–5188.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and

contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's website.

DIA internal guidance concerning the implementation of the FOIA within DIA will continue to be published in DIA Instruction 5400.002 (available at <http://www.dia.mil/FOIA/FOIA-Electronic-Reading-Room/FileId/39650/>).

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

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

List of Subjects in 32 CFR Part 292

Freedom of information.

PART 292—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 292 is removed.

Dated: April 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–08823 Filed 4–25–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 293

[Docket ID: DOD–2017–OS–0023]

RIN 0790–AJ64

National Imagery Mapping Agency (NIMA) Freedom of Information Act Program

AGENCY: National Imagery Mapping Agency, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the National Geospatial-Intelligence Agency (NGA), formerly the National Imagery Mapping Agency (NIMA), Freedom of Information Act program. On February 6, 2018, the DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information

and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program at 32 CFR part 286 that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on April 26, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Milford at 571–557–7729.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's website.

NGA internal guidance concerning the implementation of the FOIA within NGA will continue to be published in National Geospatial-Intelligence Agency Instruction Number 5750.1 (available at https://www.nga.mil/About/Documents/NGAI_5750_1.pdf).

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

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

List of Subjects in 32 CFR Part 293

Freedom of information.

PART 293—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 293 is removed.

Dated: April 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–08824 Filed 4–25–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 296

[Docket ID: DOD–2017–OS–0025]

RIN 0790–AJ66

National Reconnaissance Office Freedom of Information Act Program Regulation

AGENCY: National Reconnaissance Office, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the National Reconnaissance Office (NRO) Freedom of Information Act Program Regulation. On February 6, 2018, the DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program at 32 CFR part 286 that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on April 26, 2018.

FOR FURTHER INFORMATION CONTACT: Patty Camereri at 703–227–9128.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's website.

NRO internal guidance concerning the implementation of the FOIA within NRO will continue to be published in National Reconnaissance Office Freedom of Information Handbook (available at <http://nro.gov/foia/docs/2016%20FOIA%20Handbook.PDF>).

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

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

List of Subjects in 32 CFR Part 296

Freedom of information.

PART 296—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 296 is removed.

Dated: April 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018-08825 Filed 4-25-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 298**

[Docket ID: DOD-2017-OS-0026]

RIN 0790-AJ67

Defense Investigative Service (DIS) Freedom of Information Act Program

AGENCY: Defense Investigative Service, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the Defense Security Service (DSS), formerly the Defense Investigative Service (DIS), Freedom of Information Act program. On February 6, 2018, the DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program at 32 CFR part 286 that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on April 26, 2018.

FOR FURTHER INFORMATION CONTACT:

Stephanie Courtney at 571-305-6740.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's website.

DSS internal guidance concerning the implementation of the FOIA within DSS will be published in new guidance in the near future (will be available at <http://www.dss.mil/foia/index.html>).

This rule is one of 14 separate DoD FOIA rules. With the finalization of the

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

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

List of Subjects in 32 CFR Part 298

Freedom of information.

PART 298—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 298 is removed.

Dated: April 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018-08826 Filed 4-25-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 299**

[Docket ID: DOD-2017-OS-0027]

RIN 0790-AJ68

National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program

AGENCY: National Security Agency/Central Security Service, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act program. On February 6, 2018, the DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program at 32 CFR part 286 that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

DATES: This rule is effective on April 26, 2018.

FOR FURTHER INFORMATION CONTACT: John Chapman at 301-688-6527.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is

impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's website.

NSA/CSS internal guidance concerning the implementation of the FOIA within NSA/CSS will continue to be published in NSA/CSS Policy 1-5 (available at <https://www.nsa.gov/resources/everyone/foia/assets/files/policy1-5.pdf>).

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

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

List of Subjects in 32 CFR Part 299

Freedom of information.

PART 299—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 299 is removed.

Dated: April 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018-08827 Filed 4-25-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 100**

[Docket Number USCG-2018-0312]

RIN 1625-AA08

Special Local Regulation; Red River, Alexandria, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for all navigable waters of the Red River from mile marker (MM) 88.0 to MM 88.4, in Alexandria, LA. This action is necessary to protect spectators and vessels during the Louisiana Dragon Boat Races regatta. Entry of vessels or persons into this regulated area is prohibited unless authorized by the

Captain of the Port Sector Lower Mississippi River (COTP) or a designated representative.

DATES: This rule is effective from 6 a.m. through 4 p.m. on May 5, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0312 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 about this rule, call or email Petty Officer Todd Manow, Sector Lower Mississippi River Prevention Department, U.S. Coast Guard; telephone 901–521–4813, email Todd.M.Manow@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency, for good cause, finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard did not receive the event details in sufficient time to publish an NPRM. We must establish this special local regulation on May 5, 2018 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the regulated area until after the date of the regatta and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and

contrary to public interest because immediate action is necessary to protect persons and property from the dangers associated with commercial traffic interacting with this rowing event.

III. Legal Authority and Need for a Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Sector Lower Mississippi River (COTP) has determined that potential hazards associated with the Louisiana Dragon Boat Races from 6 a.m. to 4 p.m. on May 5, 2018 will be a safety concern for all navigable waters of the Red River from mile marker (MM) 88.0 to MM 88.4. This rule is needed to ensure the safety of life and vessels on these navigable waters before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a special local regulation from 6 a.m. through 4 p.m. on May 5, 2017 for all navigable waters of the Red River from MM 88.0 to MM 88.4 in the vicinity of Alexandria, LA. The duration of the regulated area is intended to ensure the safety of life and vessels on these navigable waters before, during, and after the scheduled event. No vessel or person may enter the regulated area unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. This special local regulation will restrict vessel traffic on a less than half-mile stretch of the Red River during daylight hours on only one day. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNMs) via VHF–FM marine channel 16 about the regulated area, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this 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 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 Management 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 the establishment of a special local regulation lasting ten hours for an event

spanning 0.4 miles of the Red River in the vicinity of Alexandria, LA. It is categorically excluded from further review under paragraphs L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233

■ 2. Add § 100.35T08–0312 to read as follows:

§ 100.35T08–0312 Special Local Regulation; Red River, Alexandria, LA.

(a) *Location.* The following area is a special local regulation: All navigable waters of the Red River from mile marker (MM) 88.0 To MM 88.4, Alexandria, LA.

(b) *Regulations.* (1) In accordance with the general regulations in § 100.801 of this part, no vessel or person shall enter the regulated area unless authorized by the Captain of the Port Sector Lower Mississippi River (COTP) or a designated representative.

(2) Persons and vessels permitted to enter this regulated area must transit outside of the race area at their slowest safe speed to minimize wake and comply with all lawful directions issued by the COTP or the designated representative.

(c) *Effective period.* This section is effective from 6 a.m. through 4 p.m. on May 5, 2018.

(c) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs) of the enforcement period for the regulated area as well as any changes in the dates and times of enforcement.

Dated: April 20, 2018.

R. Tamez,

Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.

[FR Doc. 2018–08792 Filed 4–25–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0143]

RIN 1625–AA08

Special Local Regulation; Clinch River, Oak Ridge, TN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for all navigable waters of the Clinch River, extending the entire width of the river, from mile marker (MM) 49.5 to MM 52.0. This special local regulation is necessary to provide for the safety of life on these navigable waters near Oak Ridge, TN during the Dogwood Junior Championship Regatta marine event. Entry of vessels or persons into this regulated area is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

DATES: This rule is effective from 5 a.m. on April 27, 2018 through 6 p.m. on April 29, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0143 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 Petty Officer Vera Max, Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email MSDNashville@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations

COTP Captain of the Port Sector Ohio Valley

DHS Department of Homeland Security

FR Federal Register

MM Mile marker

NPRM Notice of proposed rulemaking

§ Section

U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this regulation by April 27, 2018 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to protect persons and property from the dangers associated with the marine 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 Ohio Valley (COTP) has determined that potential hazards associated with the Oak Ridge Rowing Association Dogwood Junior Championship Regatta marine event, occurring from 5 a.m. through 6 p.m. each day from April 27, 2018 through April 29, 2018, will be a safety concern for all navigable waters on the Clinch River, extending the entire width of the river, from mile marker (MM) 49.5 to MM 52.0. The purpose of this rule is to ensure the safety of life and vessels on these navigable waters before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 5 a.m. on April 27, 2018 through 6 p.m. on April 29, 2018 for all navigable waters of the Clinch River, extending the entire width of the river, from MM 49.5 to MM 52.0. Enforcement of the regulated area will occur from 5 a.m. to 6 p.m. daily. The duration of the special local regulation is intended to ensure the safety of life and vessels on these navigable waters before, during, and after the scheduled event. No vessel or person will be permitted to enter the special local

regulated area without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector Ohio Valley. They may be contacted on VHF-FM Channel 16 or by telephone at 1-800-253-7465. Persons and vessels permitted to enter this regulated area must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

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 protesters.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. This temporary special local regulation will cover a two and a half mile stretch of the Clinch River during daytime hours only for two days. The Coast Guard will issue written Local Notice to Mariners (LNMs) and Broadcast Notice to Mariners (BNMs) via VHF-FM marine channel 16 about the temporary special local regulation, and this rule also allows vessels to seek permission from the COTP or a designated representative to enter the area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and

operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation that prohibits entry on less than three miles of the Clinch River for thirteen hours on two days. It is categorically excluded from further review under paragraph L63(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 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 § 100.35T08–0143 to read as follows:

§ 100.35T08–0143 Special Local Regulation; Clinch River, Oak Ridge, TN.

(a) *Location.* The following area is a temporary special local regulation: All navigable waters of the Clinch River, extending the entire width of the river, between mile marker (MM) 49.5 and MM 52.0, Oak Ridge, TN.

(b) *Effective period.* This special local regulation is effective from 5 a.m. on April 27, 2018 through 6 p.m. on April 29, 2018.

(c) *Special local regulations.* (1) Entry into this area is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative. A *designated representative* is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Ohio Valley.

(2) Persons or vessels seeking to enter the regulated area must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 1–800–253–7465.

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

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through local notice to mariners and Broadcast Notices to Mariners of the enforcement period for the regulated area as well as any changes in the planned schedule.

Dated: April 20, 2018.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2018–08769 Filed 4–25–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0287]

Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the US 50/Harry W. Kelly Memorial Bridge, which carries US 50 and Ocean Gateway across the Isle of Wight (Sinepuxent) Bay, mile 0.5, at Ocean City, MD. The deviation is necessary to facilitate the “Island to Island” Half Marathon. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 8 a.m. through 10:30 a.m. on April 28, 2018.

ADDRESSES: The docket for this deviation, [USCG–2018–0287] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email Michael.R.Thorogood@uscg.mil.

SUPPLEMENTARY INFORMATION: The OC Tri Running Sports, on behalf of the Maryland State Highways Administration, owner and operator of the US 50/Harry W. Kelly Memorial Bridge that carries US 50 and Ocean Gateway across the Isle of Wight (Sinepuxent) Bay, mile 0.5, at Ocean City, MD, has requested a temporary deviation from the current operating regulations to ensure the safety of the participants and spectators associated with the “Island to Island” Half Marathon on Saturday, April 28, 2018. This bridge is a double bascule drawbridge, with a vertical clearance of 13 feet above mean high water in the closed position and unlimited vertical clearance in the open position.

The current operating regulation is set out in 33 CFR 117.559. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation

position from 8 a.m. through 10:30 a.m. on April 28, 2018.

The Isle of Wight (Sinepuxent) Bay is used by a variety of vessels small fishing vessels and recreational vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternative route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: April 19, 2018.

Jerry R. Barnes,

Captain, U.S. Coast Guard, Fifth Coast Guard District.

[FR Doc. 2018-08754 Filed 4-25-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2018-0228]

Drawbridge Operation Regulation; Delaware River, Burlington, NJ and Bristol, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 413/ Burlington-Bristol bridge, which carries SR 413 across the Delaware River, mile 117.8, between Burlington, NJ and Bristol, PA. The deviation is necessary to facilitate bridge maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 7 a.m. on May 1, 2018, through 6 p.m. on September 30, 2018.

ADDRESSES: The docket for this deviation, USCG-2018-0228 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757-398-6557, email Michael.R.Thorogood@uscg.mil.

SUPPLEMENTARY INFORMATION: The Burlington County Bridge Commission, owner and operator of the SR 413/ Burlington-Bristol bridge, that carries SR 413 across the Delaware River, mile 117.8, between Burlington, NJ and Bristol, PA, has requested a temporary deviation from the current operating schedule to facilitate bridge maintenance and painting of the vertical lift span of the drawbridge. During the maintenance period a work platform will reduce one half of the bridge span vertical clearance to approximately 58 feet above mean high water in the closed position and approximately 132 feet above mean high water in the open position. The bridge has a vertical clearance of 135 feet above mean high water in the open position, and 61 feet above mean high water in the closed position.

The current operating schedule is set out in 33 CFR 117.716. Under this temporary deviation, the bridge will be in the closed-to-navigation position from 7 a.m. through 7 p.m.; Monday through Friday; and from 6 a.m. through 6 p.m.; Saturday through Sunday; from 7 a.m. on May 1, 2018, through 6 p.m. on September 30, 2018.

The Delaware River is used by a variety of vessels including deep draft commercial vessels, U.S. government and public vessels, small commercial vessels, tug and barge traffic, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will open on signal, if two hour prior notification is given. The bridge will not be able to open for emergencies and there is no immediate alternative route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterway through our Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel

operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: April 19, 2018.

Jerry R. Barnes,

Captain, U.S. Coast Guard, Fifth Coast Guard District.

[FR Doc. 2018-08762 Filed 4-25-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2016-0257]

Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ. This deviation will test the remote operation system of the drawbridge to determine whether the bridge can be safely operated from a remote location. This deviation will allow the bridge to be remotely operated from the Conrail South Jersey dispatch center in Mount Laurel, NJ, instead of being operated by an on-site bridge tender.

DATES: This modified deviation is effective without actual notice from April 26, 2018 through 7:59 a.m. on October 16, 2018. For the purposes of enforcement, actual notice will be used from 8 a.m. on April 19, 2018, until April 26, 2018. Comments and related material must reach the Coast Guard on or before August 17, 2018.

ADDRESSES: You may submit comments identified by docket number USCG-2016-0257 using Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Fifth Coast Guard District (dpb); telephone (757) 398-6222, email Hal.R.Pitts@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Background, Purpose and Legal Basis

On April 12, 2017, we published a notification in the **Federal Register** entitled, “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” announcing a temporary deviation from the regulations, with request for comments (see 82 FR 17562). The purpose of the deviation was to test the newly installed remote operation system of the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ, owned and operated by Conrail Shared Assets. The installation of the remote operation system did not change the operational schedule of the bridge.¹

On June 30, 2017, we published a notice of proposed rulemaking (NPRM) entitled, “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” (see 82 FR 29800). The original comment period closed on August 18, 2017.

On October 18, 2017, we published a notification in the **Federal Register** entitled, “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” announcing a second temporary deviation from the regulations, with request for comments (see 82 FR 48419). This temporary deviation commenced at 8 a.m. on October 21, 2017, and will conclude at 7:59 a.m. on April 19, 2018. This notification included a request for comments and related material to reach the Coast Guard on or before January 15, 2018.²

On December 6, 2017, we published a notice of proposed rulemaking; reopening of comment period; entitled “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” in the **Federal Register** (see 82 FR 57561). This notification included a request for comments and related material to reach the Coast Guard on or before January 15, 2018.

¹ A full description of the remote operation system is outlined in the aforementioned publication, which can be found at <http://www.regulations.gov>. (See **ADDRESSES** for more information).

² Detailed information concerning this second test deviation is contained in the Background, Purpose and Legal Basis paragraphs of the aforementioned publication, which can be found at <http://www.regulations.gov>, (see **ADDRESSES** for more information).

On January 22, 2018, we published a notification of temporary deviation from regulations; reopening comment period; entitled “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” in the **Federal Register** (see 83 FR 2909). This notification included a request for comments and related material to reach the Coast Guard on or before March 2, 2018.

On February 15, 2018, we published a notice of proposed rulemaking; reopening comment period; entitled “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” in the **Federal Register** (see 83 FR 6821). This notification included a request for comments and related material to reach the Coast Guard on or before March 2, 2018.

The Coast Guard has reviewed 25 comments posted to the docket, six reports with supporting documentation submitted by the bridge owner during the initial and second temporary deviations, and other information concerning the remote operation system of the DELAIR Memorial Railroad Bridge. Through this review, the Coast Guard has found that further testing and evaluation of the remote operation system of the drawbridge is necessary before making a decision on the proposed regulation. The Coast Guard has issued a third temporary deviation from 8 a.m. on April 19, 2018, through 7:59 a.m. on October 16, 2018, to provide sufficient time for further testing and evaluation of the remote operation system of the DELAIR Memorial Railroad Bridge.

During this temporary deviation, the following changes have been implemented: (1) The on-site bridge tender will be removed from the bridge, (2) qualified personnel will return and operate the bridge within 60 minutes if the remote operation system is considered in a failed condition,³ and (3) comments concerning the utility and value of the automated identification system (AIS) are requested. This deviation is authorized under 33 CFR 117.35.

II. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the

³ The conditions in which the remote operation system will be considered in a failed condition are detailed in the Supplementary Information: III. Discussion of Proposed Rule section of the Notice of Proposed Rulemaking (NPRM), which can be found at: <http://www.regulations.gov>, (see **ADDRESSES** for more information).

outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

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

Dated: April 19, 2018.

Jerry R. Barnes,

Captain, U.S. Coast Guard, Fifth Coast Guard District.

[FR Doc. 2018-08763 Filed 4-25-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0234]

RIN 1625-AA00

Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones on Lake Michigan in Calumet Harbor, in Chicago, IL. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and after a lakebed rock removal operation involving explosives. Entry of vessels or persons into these zones is prohibited

unless specifically authorized by the Captain of the Port Lake Michigan.

DATES: This rule is effective from midnight on May 1, 2018 through midnight on September 1, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0234 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 about this rule, call or email LT John Ramos, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email D09-DG-MSUChicago-Waterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard did not receive the final details for this event until there was insufficient time remaining before the event to publish a NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard’s ability to protect the public and vessels from the hazards associated with a lakebed rock removal operation from May 1, 2018 through September 1, 2018.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

III. Legal Authority and Need for Rule

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

From May 1, 2018 through September 1, 2018, a rock removal operation involving explosives will take place on Lake Michigan in Calumet Harbor, in Chicago, IL. The Captain of the Port Lake Michigan has determined that the lakebed rock removal operation will pose a significant risk to public safety and property. Such hazards include detonation of explosive material and a change in the depth of water for a small period of time.

IV. Discussion of the Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that two temporary safety zones are necessary to ensure the safety of the public during the rock removal operation on Lake Michigan in Calumet Harbor. Safety zone one will be enforced from midnight on May 1, 2018 to through midnight on September 1, 2018. Safety zone one will encompass all waters of Lake Michigan in Chicago, IL, bounded by a line drawn from the Calumet Harbor Entrance South Side Light at 41°44.1348’ N, 087°30.3790’ W then southwest to 41°43.8568’ N, 087°30.6587’ W then southeast to 41°43.5801’ N, 087°30.2830’ W then east to the Calumet Harbor Breakwater South End Light at 41°43.5619’ N, 087°29.6016’ W (NAD 83). Safety zone two will be enforced intermittently from midnight on May 1, 2018 through midnight on September 1, 2018. A broadcast notice to marines will be issued prior to the start of blasting to notify the public that safety zone two is being enforced. Safety zone two will encompass all waters of Lake Michigan in Chicago, IL, within a 2000 foot radius from 41°43.6665’ N, 087°30.3805’ W (NAD 83).

Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port Lake Michigan, or a designated on-scene representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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. Executive Order 13771 (“Reducing Regulation and Controlling Regulatory Costs”), directs agencies to reduce regulation and control regulatory costs and provides that “for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.” 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.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB’s Memorandum titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The two safety zones created by this rule will be relatively small, allowing vessel traffic to continue to safely transit while either or both are enforced, and safety zone two will be enforced intermittently only for short periods of time. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The

term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit on a portion of Lake Michigan in Calumet Harbor from midnight May 1, 2018 through midnight September 1, 2018.

These safety zones will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zones, we will issue local Broadcast Notice to Mariners and Local Notice to Mariners so vessel owners and operators can plan accordingly.

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 Management Directive 023–01 and Commandant Instruction M16475.ID, 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 the establishment of two safety zones for a lakebed rock removal operation involving explosives on Lake Michigan in Calumet Harbor, in Chicago, IL. 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 in the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0234 to read as follows:

§ 165.T09–2018–0234 Safety Zone; Lake Michigan, Calumet Harbor, Chicago, IL.

(a) *Location.* Safety zone one; all navigable waters of Lake Michigan bounded by a line drawn from the Calumet Harbor Entrance South Side Light at 41°44.1348’ N, 087°30.3790’ W then southwest to 41°43.8568’ N, 087°30.6587’ W then southeast to 41°43.5801’ N, 087°30.2830’ W then east to the Calumet Harbor Breakwater South End Light at 41°43.5619’ N, 087°29.6016’ W (NAD 83). Safety zone two will encompass all navigable waters of Lake Michigan within a 2000 foot radius from 41°43.6665’ N, 087°30.3805’ W (NAD 83).

Enforcement period. This rule will be enforced from midnight on May 1, 2018 through midnight on September 1, 2018 for safety zone one. Safety zone two will be enforced intermittently from midnight on May 1, 2018 through midnight on September 1, 2018. Prior to the commencement of blasting operations a broadcast notice to mariners will be issued to notify the

public that safety zone two is being enforced.

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

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or a designated on-scene representative.

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

(4) Vessel operators desiring to enter or operate within the safety zones shall contact the Captain of the Port Lake Michigan or an on-scene representative to obtain permission to do so. The Captain of the Port Lake Michigan or an on-scene representative may be contacted via VHF Channel 16 or alternatively they may contact the Captain of the Port Lake Michigan via landline at 414-717-7182. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port Lake Michigan, or an on-scene representative.

Dated: April 11, 2018.

Thomas J. Stuhle,
Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2018-08794 Filed 4-25-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066-5717-02]

RIN 0648-XG163

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason Angling category retention limit adjustment.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) daily retention limit that applies to vessels permitted in the Highly Migratory Species (HMS) Angling category and the HMS Charter/Headboat category (when fishing recreationally for BFT) should be adjusted for the remainder of 2018, based on consideration of the regulatory determination criteria regarding inseason adjustments. NMFS is adjusting the Angling category BFT daily retention limit from the default of one school, large school, or small medium BFT to two school BFT and one large school/small medium BFT per vessel per day/trip for private vessels with HMS Angling category permits; and to three school BFT and one large school/small medium BFT per vessel per day/trip for vessels with HMS Charter/Headboat permits when fishing recreationally. These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT.

DATES: Effective April 26, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, (978) 281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments, and in accordance with implementing

regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

As a method for limiting fishing mortality on juvenile BFT, ICCAT recommends a tolerance limit on the annual harvest of BFT measuring less than 115 centimeters (cm) (45.3 inches) (straight fork length) to no more than 10 percent by weight of a Contracting Party's total BFT quota. Any overharvest of such tolerance limit from one year must be subtracted from the tolerance limit applicable in the next year or the year after that. The United States implements this provision by limiting the harvest of school BFT (measuring 27 to less than 47 inches curved fork length) as appropriate to not exceed the 10-percent limit.

The currently codified baseline U.S. quota is 1,058.9 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). See § 635.27(a). The currently codified Angling category quota is 195.2 mt (108.4 mt for school BFT, 82.3 mt for large school/small medium BFT, and 4.5 mt for large medium/giant BFT).

The 2018 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2018. The Angling category season opened January 1, 2018, and continues through December 31, 2018. The size classes of BFT are summarized in Table 1. Please note that large school and small medium BFT traditionally have been managed as one size class, as described below, *i.e.*, a limit of one large school/small medium BFT (measuring 47 to less than 73 inches). Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT applies (§ 635.23(b)(2)). This retention limit applies to HMS Angling and to HMS Charter/Headboat category permitted vessels (when fishing recreationally for BFT).

TABLE 1—BFT SIZE CLASSES

| Size class | Curved fork length |
|--------------------|---|
| School | 27 to less than 47 inches (68.5 to less than 119 cm). |
| Large school | 47 to less than 59 inches (119 to less than 150 cm). |
| Small medium | 59 to less than 73 inches (150 to less than 185 cm). |
| Large medium | 73 to less than 81 inches (185 to less than 206 cm). |

TABLE 1—BFT SIZE CLASSES—Continued

| Size class | Curved fork length |
|-------------|---|
| Giant | 81 inches or greater (206 cm or greater). |

Table 2 summarizes the recreational retention limit information for 2016 and quota, subquotas, landings, and 2017, by size class.

TABLE 2—ANGLING CATEGORY QUOTAS (mt), ESTIMATED LANDINGS (mt), AND DAILY RETENTION LIMITS, 2016–2017

| Size class | 2016 | | | 2017 | | |
|---|---|---------------|--|---|---------------|--|
| | Subquotas and total quota (mt) | Landings (mt) | Amount of subquotas and total quota used (percent) | Subquotas and total quota (mt) | Landings (mt) | Amount of subquotas and total quota used (percent) |
| School | 108.4 | 40.3 | 37 | 108.4 | 47.1 | 43 |
| Large School/Small Medium | 82.3 | 96.8 | 118 | 82.3 | 84.5 | 103 |
| Trophy: Large Medium/Giant | 4.5 | 5.9 | 131 | 4.5 | 10.2 | 227 |
| Total | 195.2 | 143 | 73 | 195.2 | 141.8 | 73 |
| Daily Retention Limits (per Vessel) | <i>January 1 through April 22:</i> 1 school, large school, or small medium (default). <i>April 23 through December 31</i> (81 FR 23438, April 21, 2016): <i>Private boats:</i> 1 school and 1 large school/small medium. <i>Charter/Headboats:</i> 2 school and 1 large school/small medium. | | | <i>January 1 through April 29:</i> 1 school, large school, or small medium (default). <i>April 30 through December 31</i> (82 FR 19615, April 28, 2017): <i>Private boats:</i> 2 school and 1 large school/small medium. <i>Charter/Headboats:</i> 3 school and 1 large school/small medium. | | |

Although the 2017 ICCAT recommendation regarding western BFT management would result in an increase to the baseline U.S. BFT quota (*i.e.*, from 1,058.79 mt to 1,247.86 mt) and subquotas for 2018 (including an expected increase in Angling category quota from 195.2 mt to 232.4 mt, consistent with the annual BFT quota calculation process established in § 635.27(a)), domestic implementation of that recommendation will take place in a separate rulemaking, likely to be finalized in mid-2018.

Adjustment of Angling Category Daily Retention Limit

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category retention limit for any size class of BFT after considering regulatory determination criteria provided under § 635.27(a)(8). Recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, headboats, or charter vessels.

NMFS has considered all of the relevant determination criteria and their applicability to the change in the Angling category retention limit. The criteria and their application are discussed below.

NMFS considered the usefulness of information obtained from catches in the particular category for biological

sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)). Biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS considered the catches of the Angling category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii)). NMFS anticipates that the full 2018 Angling category quota would not be harvested under the default retention limit. As shown in Table 2, Angling category landings were approximately 73 percent of the 184.3-mt annual Angling category quota in both 2016 and 2017, respectively including landings of 37 and 43 percent, respectively, of the available school BFT quota.

NMFS also considered the effects of the adjustment on bluefin tuna rebuilding and overfishing and the effects of the adjustment on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). These retention limits would be consistent with the quotas established and

analyzed in the bluefin tuna quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to the subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the latest stock assessment.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full Angling category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)).

The 2017 school bluefin tuna landings represent 4 percent of the total U.S. quota for 2017, well under the ICCAT recommended 10-percent limit. Landings of school bluefin tuna in 2015 represented 3.7 percent of the total U.S. quota for 2016. Given that the Angling category landings fell short of the

available quota, that additional quota is anticipated to be available this year as a result of the 2017 ICCAT recommendation, and considering the regulatory criteria above, NMFS has determined that the Angling category retention limit applicable to participants on HMS Angling and HMS Charter/Headboat category permitted vessels should be adjusted upwards from the default level. NMFS has also concluded that implementation of separate limits for private and charter/headboat vessels remains appropriate, recognizing the different nature, socio-economic needs, and recent landings results of the two components of the recreational BFT fishery. For example, charter operators historically have indicated that a multi-fish retention limit is vital to their ability to attract customers. In addition, Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged 32 percent of recent recreational landings for 2016 through 2017, with the remaining 68 percent landed by private vessels.

Therefore, for private vessels with HMS Angling category permits, this action adjusts the limit upwards to two school BFT and one large school/small medium BFT per vessel per day/trip (*i.e.*, two BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). For vessels with HMS Charter/Headboat permits, this action adjusts the limit upwards to three school BFT and one large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, three BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT. Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, whether a private vessel (fishing under the Angling category retention limit) takes a two-day trip or makes two trips in one day, the day/trip limit of two school BFT and one large school/small medium BFT applies and may not be exceeded upon landing.

NMFS anticipates that the BFT daily retention limits in this action will result in landings during 2018 that would not exceed the available subquotas. Lower retention limits could result in substantial underharvest of the codified Angling category subquota, and increasing the daily limits further may risk exceeding the available quota, contrary to the objectives of the 2006 Consolidated HMS FMP and amendments. NMFS considered input on 2018 recreational limits from the

HMS Advisory Panel at its March 2018 meeting. NMFS is not setting higher school BFT limit for private and charter vessels than the adjustments listed in Table 1 due to the potential risk of exceeding the ICCAT tolerance limit on school BFT and other considerations, such as potential effort shifts to BFT fishing as a result of current recreational retention limits for New England groundfish and striped bass.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely through the mandatory landings and catch reports. HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing hmspermits.noaa.gov, using the HMS Catch Reporting App, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.). Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281-9260, or access hmspermits.noaa.gov, for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat category permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure>.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and

amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the daily retention limit for the remainder of 2018 at this time is impracticable. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, immediate adjustment to the Angling category BFT daily retention limit from the default levels is warranted to allow fishermen to take advantage of the availability of fish and of quota. NMFS could not have proposed these actions earlier, as it needed to consider and respond to updated data and information from the 2017 Angling category fishery as well as input from the HMS Advisory Panel. If NMFS was to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high or low for the amount of quota available for the period.

Fisheries under the Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in increasing daily recreational BFT retention limit would adversely affect those HMS Angling and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school, large school, or small medium BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on hmspermits.noaa.gov. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(b)(3), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: April 23, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018-08783 Filed 4-23-18; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 171031999-8355-02]

RIN 0648-BH40

Fisheries Off West Coast States; West Coast Salmon Fisheries; Management Measures To Limit Fishery Impacts on Sacramento River Winter-Run Chinook Salmon

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to approve new fishery management measures to limit incidental catch of endangered Sacramento River winter-run Chinook salmon (SRWC) in fisheries managed under the Pacific Fishery Management Council's (Council) Pacific Salmon Fishery Management Plan (FMP), as recommended by the Council

for use in developing annual management measures beginning in 2018. These new management measures replace existing measures, which have been in place since 2012, with updated salmon abundance modeling methods that utilize the best available science and address concerns that the existing measures were overly conservative.

DATES: This final rule is effective April 25, 2018.

FOR FURTHER INFORMATION CONTACT:

Peggy Mundy at (206) 526-4323.

SUPPLEMENTARY INFORMATION:

Background

Ocean salmon fisheries off the coasts of Washington, Oregon, and California are managed by the Council and NMFS according to the FMP. The FMP includes harvest controls that are used to manage salmon stocks sustainably. The FMP also requires that the Council manage fisheries consistent with "consultation standards" for stocks listed as endangered or threatened under the Endangered Species Act (ESA) for which NMFS has issued biological opinions. At its November 2017 meeting, the Council adopted a preferred alternative for new management measures to limit fishery impacts to endangered SRWC, including a harvest control rule, to replace measures that have been in place since 2012. The Council developed these new management measures over a two-year period that included discussion at several public meetings, which provided opportunity for public comment. These new management measures include updated salmon abundance modeling methods that

utilize the best available science and address concerns that the existing measures were overly conservative. The Council transmitted their recommendation to NMFS on December 6, 2017. NMFS published a proposed rule on February 22, 2018 (83 FR 7650) and accepted comments through March 9, 2018. The rationale for and effects of the rule are described in more detail in the proposed rule.

The management measures approved in this final rule are unchanged from the proposed rule and consist of two parts. Part one is the continued use of season and size restrictions that were included in the 2012 management measures (see Table 1, below). Part two is a harvest control rule, recommended by the Council, which uses juvenile survival (*i.e.*, fry to the end of age-two in the ocean) to model a forecast of age-three escapement absent fishing (escapement). The model used is a modification of the approach described in Winship *et al.* (2014) and is detailed in O'Farrell *et al.* (2016). The harvest control rule uses a forward-looking forecast rather than the previously used hind-cast methodology. The new harvest control rule sets the maximum allowable age-three impact rate based on the forecast escapement. At escapement above 3,000, the allowable impact rate is fixed at 20 percent. At escapement between 3,000 and 500, the allowable impact rate declines linearly from 20 percent to 10 percent. At escapement between 500 and 0, the allowable impact rate declines linearly from 10 percent to 0 percent, thus providing fishing opportunity at all levels of SRWC abundance. See Figure 1.

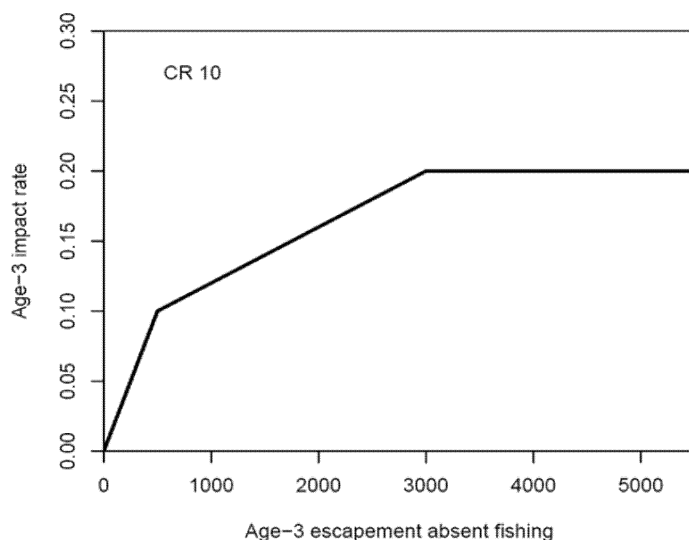
TABLE 1—FISHING SEASON AND SIZE RESTRICTIONS FOR OCEAN CHINOOK SALMON FISHERIES, SOUTH OF POINT ARENA, CALIFORNIA

| Fishery | Location | Shall open no earlier than | Shall close no later than | Minimum size limit (total length ¹) shall be |
|--------------------|---|-----------------------------|------------------------------|--|
| Recreational | Between Point Arena and Pigeon Point | 1st Saturday in April | 2nd Sunday in November | 20 inches. |
| | Between Pigeon Point and the U.S./Mexico border | 1st Saturday in April | 1st Sunday in October. | |
| Commercial | Between Point Arena and the U.S./Mexico border† | May 1 | September 30† | 26 inches. |

† Exception: Between Point Reyes and Point San Pedro, there may be an October commercial fishery conducted Monday through Friday, but shall end no later than October 15.

¹ Total length of salmon means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail (50 CFR 660.402).

Figure 1. The Harvest Control Rule (CR10), Recommended by the Pacific Fishery Management Council, for Management of Ocean Salmon Fisheries that Affect Sacramento River Winter-run Chinook Salmon (SRWC Workgroup 2017).



Response to Comments

NMFS accepted comments on the proposed rule to approve new fishery management measures through March 9, 2018. We received no comments on the proposed rule. NMFS is not proposing any changes from the proposed rule.

References Cited

- O'Farrell, M., N. Hendrix, and M. Mohr. 2016. An evaluation of preseason abundance forecasts for Sacramento River winter Chinook salmon. Pacific Fishery Management Council Briefing Book for November 2016, 35p.
- SRWC Workgroup. 2017. Further evaluation of Sacramento River winter Chinook control rules, dated October 18, 2017. Pacific Fishery Management Council Briefing Book for November 2017, 9 p.
- Winship, A. J., M. R. O'Farrell, and M. S. Mohr. 2014. Fishery and hatchery effects on an endangered salmon population with low productivity. *Transactions of the American Fisheries Society* 143, 957–971.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the Assistant Administrator for Fisheries (AA) has determined that this final rule is consistent with the Pacific Salmon Fishery Management Plan, the MSA, and other applicable law.

The actions taken through this final rule have been analyzed in an environmental assessment, under the National Environmental Policy Act (NEPA). The West Coast Regional Administrator determined that the actions of this final rule will not significantly impact the quality of the

human environment and has signed a finding of no significant impact.

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

As required by section 603 of the Regulatory Flexibility Act (RFA), a Final Regulatory Flexibility Analysis (FRFA) was prepared. The FRFA describes the economic impact this final rule will have on small entities. A summary of the analysis follows. A copy of this analysis is available from NMFS.

Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (80 FR 81194, December 29, 2015). This standard is only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA.

NMFS' small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing is \$11 million in annual gross receipts. This standard applies to all businesses classified under North American Industry Classification System (NAICS) code 11411 for commercial fishing, including all businesses classified as commercial finfish fishing (NAICS 114111), commercial shellfish fishing (NAICS

114112), and other commercial marine fishing (NAICS 114119) businesses (50 CFR 200.2; 13 CFR 121.201).

The final rule approves a harvest control rule that specifies the annual amount of fishery impact that will be allowed on ESA-listed SRWC and, thereby, affect the fishing opportunity available in the area south of Point Arena, CA. This will affect commercial and recreational fisheries. Using the high from the last 3 years, 153 commercial trollers are likely to be impacted by this rule, all of whom would be considered small businesses. The 16–25 commercial vessels who have greater than 75 percent of their annual revenue from Chinook salmon south of Point Arena would be most impacted by this rule. Charter license holders operating south of Point Arena will be directly regulated under the updated harvest control rule. The number of license holders has fluctuated with harvest levels, varying from 70 in 2010 to 93 in 2014. Of these, 20–50 vessels could be considered “active”, landing more than 100 salmon in the year. The final rule impacts about 90 charter boat entities, about 50 of whom were “active” in peak years (2013–2014). In summary, this rule will directly impact about 250 entities made up of commercial and charter vessels, with about 75 of these highly active in the fishery and likely to experience the largest impacts, in proportion to their total participation.

The action includes a *de minimis* provision and would allow impacts at

all non-zero forecast abundance. Because of this feature, this action is unlikely to result in fishery closure in the analysis area. The selected alternative also provides increased certainty to operators over the status quo, in which the Council has elected lower impact rates than specified by the current control rule. Therefore, this action would be expected to have a positive impact of low magnitude on economic benefits to fishery-dependent communities that would vary year-to-year, but not likely to be significant.

Commercial trollers and charter operators face a variety of constraining stocks. In no year has SWRC been the only constraining stock. Entities are constrained by both ESA-listed and non-listed species; the years that had the most constrained fisheries in the last decade were 2008 and 2009, when fisheries in the analysis area were closed to limit impacts to Sacramento River fall Chinook, not an ESA-listed species, rather than the ESA-listed species SRWC. Thus, while entities will likely continue to face constraints relative to fishing opportunities, because the action is expected to provide low-positive benefits to both commercial and charter operators, NMFS does not expect the rule to impose significant negative economic effects.

This final rule does not establish any new reporting or recordkeeping requirements. This final rule does not include a collection of information. No Federal rules have been identified that duplicate, overlap, or conflict with this action.

This action is the subject of a consultation under section 7 of the ESA. NMFS has prepared a biological opinion on the effects of this action on SRWC. The biological opinion concluded that the action does not jeopardize SRWC. This action is not expected to have adverse effects on any other species listed under the ESA or designated critical habitat. This action implements a new harvest control rule to limit impacts on SRWC from the ocean salmon fishery and will be used in the setting of annual management measures for West Coast salmon fisheries. NMFS has current ESA biological opinions that cover fishing under annual regulations adopted under the FMP on all ESA-listed salmon species. Some of NMFS past biological opinions have found no jeopardy, and others have found jeopardy, but provided reasonable and prudent alternatives to avoid jeopardy. The annual management measures are designed to be consistent with the biological opinions that found no jeopardy, and with the reasonable and

prudent alternatives in the jeopardy biological opinions.

The AA finds that good cause exists under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness. This rule implements changes in management measures to limit incidental catch of endangered SRWC in fisheries managed under the Council's FMP; these management measures will be used in setting ocean salmon fisheries, beginning in 2018. As previously discussed, the actions in this rule were developed through the Council process. The actions were adopted by the Council over multiple Council meetings and the final recommendation was transmitted to NMFS in December 2017. Subsequently, NMFS completed a draft NEPA analysis to accompany the proposed rule. In order to complete this work and include a meaningful public comment opportunity on the proposed rule, this rulemaking could not be completed sooner. The Council developed 2018 ocean salmon fishery management measures at their April 5–11, 2018 meeting based on the new management framework described in this rule. Delaying the effectiveness of the actions in this rule by 30 days would complicate NMFS' ability to make determinations regarding those ocean salmon fishery management measures that manage fishery impacts on SRWC consistent with the best available science prior to May 1, 2018, when significant salmon fisheries start. Because delaying the effectiveness of this rule would mean delaying the effectiveness of salmon fishery management measures based on the best available science, it would undermine the purposes of this agency action and the requirements of the Magnuson-Stevens Act (MSA). Specifically, the management framework described in this rule relies on new abundance forecasting methodology that is forward-looking and thus takes into account environmental conditions that could affect abundance in the future. This is the best available science on which to base decisions about fishery impacts on SRWC.

This final rule was developed after meaningful collaboration with West Coast tribes, through the Council process. Under the MSA at 16 U.S.C. 1852(b)(5), one of the voting members of the Council must be a representative of an Indian Tribe with Federally recognized fishing rights from the area of the Council's jurisdiction. No tribes with Federally recognized fishing rights are expected to be affected by this rule.

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

Dated: April 23, 2018.

Samuel D. Rauch, III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2018–08767 Filed 4–25–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769–8162–02]

RIN 0648–XG192

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the second seasonal apportionment of the Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA will be reached.

DATES: Effective 1200 hours, Alaska local time, April 23, 2018, through 1200 hours, A.L.T., May 15, 2018.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA is 256 metric tons as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018), for the period 1200 hours, A.L.T., April 1, 2018, through 1200 hours, A.L.T., July 1, 2018.

In accordance with § 679.21(d)(6)(i), the Administrator, Alaska Region,

NMFS, has determined that the second seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA will be reached. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery include sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder. This closure does not apply to fishing by vessels participating in the cooperative fishery in the Rockfish Program for the Central GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the deep-water species fishery by vessels using trawl gear in the GOA. NMFS was unable to publish a notice providing time for

public comment because the most recent, relevant data only became available as of April 20, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: April 23, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–08782 Filed 4–23–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 83, No. 81

Thursday, April 26, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2018-0221; Airspace Docket No. 17-ANM-24]

RIN 2120-AA66

Proposed Amendment, Revocation, and Establishment of Multiple Air Traffic Service (ATS) Routes; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend three United States Area Navigation (RNAV) Routes (T-274, T-276, T-302), remove one RNAV route (T-304), and establish five RNAV routes (T-268, T-317, T-328, T-332, T-355) in the western United States. The routes would promote operational efficiencies for users and provide connectivity to current and proposed RNAV enroute and terminal procedures.

DATES: Comments must be received on or before June 11, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1 (800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2018-0221; Airspace Docket No. 17-ANM-24 at the beginning of your comments. You may also submit comments through the internet at <http://www.regulations.gov>.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591;

telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741-6030, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

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

FOR FURTHER INFORMATION CONTACT:

Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA-2018-0221; Airspace Docket No. 17-ANM-24) and be submitted in triplicate to the Docket Management Facility (see

ADDRESSES section for address and phone number). You may also submit comments through the internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2018-0221; Airspace Docket No. 17-ANM-24." The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this

document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The Seattle, Salt Lake City, Oakland, Denver, and Minneapolis Air Route Traffic Control Centers (ARTCCs) propose to amend three RNAV T-routes, remove one RNAV T-route, and establish five new RNAV T-routes. These RNAV routes will support the low altitude route structure in the above listed ARTCCs airspace providing routes around congested airspace, routing around special use airspace (SUA), lower minimum enroute altitudes (MEAs) across mountainous terrain, provide connectivity to instrument approach procedures (IAPs) at airports, while minimizing traffic congestion within ARTCC and terminal control airspaces.

Additionally, FAA policy states even numbered route points are listed west to east and odd numbered routes points are listed south to north. Currently, route T-304 is an even numbered route extending north and south. Due to this amendment the route is oriented south to north which dictates a number change to an odd numbered route. Hence, the reasoning for deletion of route T-304. This proposed amendment corrects the numbering of the route and will be in line with current policy.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend United States RNAV routes T-274, T-276, T-302; remove route T-304, and establish United States RNAV routes T-268, T-317, T-328, T-332, T-355. The proposed route changes are outlined below.

T-268: T-268 would be established from the Tatoosh, WA (TOU), VORTAC to Bismarck, ND (BIS), VOR/DME. T-268 provides a route structure around Seattle Class B airspace to the northwest extending east, providing the lowest MEA across the Cascade Mountain Range, lower than existing victor airways where icing conditions are prevalent. The airway extends east through air traffic control terminal airspace areas, borders the Powder River Military Operations Areas (MOAs) to the north, and terminates in North Dakota.

T-274: T-274 would be amended to provide a route across the Cascade Mountain Range in central Oregon. Once east of the mountain range, it provides a RNAV route between and past several MOAs, past Reno, Nevada

and terminating just prior to Los Angeles ARTCC airspace.

T-276: T-276 would be amended to extend west to Ocean Shores, WA and to the east, providing a route through the Columbia Gorge, bordering the Boardman MOA to the north. The route continues east past Walla Walla, WA, Missoula, Great Falls, and Lewistown, MT, bordering the HAYS MOA to the east, terminating at Glasgow, MT.

T-302: T-302 would be amended to extend to the southeast providing an RNAV route bordering the JUNIPER and SADDLE MOAs. The route continues past Boise, ID, and Twin Falls, ID, then southeast to Rock Springs, WY. From Rock Springs, the route continues east, terminating at LUKY waypoint south of LAKEANDES MOA in Nebraska. This route provides connectivity to terminal instrument approach procedures at several airports.

T-304: T-304 would be removed.

T-317: T-317 would be established from the Newman, TX (EWM), VORTAC to Astoria, OR (AST), VOR/DME. T-317 will provide an RNAV route replacing portions of V-187, which was affected by the discontinuance of the McChord VORTAC.

T-328: T-328 would be established from the ORCUS, WA, fix to the KARSH, MT, fix. T-328 is a new airway that provides a route across the Cascade Mountain Range in northern Washington state where no low altitude airways exist today. This route borders the Okanogan MOA to the south, providing a safe route around the airspace. The airway borders the Spokane terminal airspace and connects with instrument approach procedures, providing a seamless transition from enroute to the landing phase of flight.

T-332: T-332 would be established from the ZONUV, WA, waypoint to the ROZTY, WA, waypoint. T-332 is a new route across the Cascade Mountain Range in northern Washington state. This route is a shorter route through the Okanogan MOA, to be used when released for joint use. This route provides an MEA of 10,700 feet, which is 1,000 feet lower than another route to the south. This route saves over 60 flying miles to get to a low MEA across the mountain range where icing conditions are prevalent.

T-355: T-355 would be established to extend south and north of the previous airway T-304, thus replacing the original west to east T-304 airway. T-355 will extend north and south of the original T-304 route to provide greater utility for air traffic. The route provides crossings of the Cascade Mountain Range and provides for connectivity to terminal areas in the Bend and Medford,

Oregon airports. On the south end, the route links to the existing T-263. To the north it provides a route west of Seattle Class B airspace to Bellingham, WA, and the Canadian border.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The United States Area Navigation Routes listed in this document will be subsequently published in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting

Points, dated August 3, 2017 and effective September 15, 2017, is amended as follows:

Paragraph 6011—United States Area Navigation Routes.

T-268 TATOOSH, WA (TOU) to BISMARCK, ND (BIS) [New]

| | | |
|-----------------------------|---------------|--|
| TATOOSH, WA (TOU) | VORTAC | (lat. 48°17'59.64" N, long. 124°37'37.36" W) |
| HEMER, WA | WP | (lat. 48°21'52.95" N, long. 124°23'26.86" W) |
| YUCSU, WA | FIX | (lat. 48°11'20.81" N, long. 123°54'25.64" W) |
| WATTR, WA | FIX | (lat. 48°08'21.35" N, long. 122°56'27.97" W) |
| WOODI, WA | FIX | (lat. 47°46'07.46" N, long. 121°51'47.70" W) |
| BANDR, WA | FIX | (lat. 47°15'30.14" N, long. 121°29'32.11" W) |
| MERFF, WA | WP | (lat. 47°02'12.58" N, long. 120°27'28.25" W) |
| MOSES LAKE, WA (MWH) | VOR/DME | (lat. 47°12'39.11" N, long. 119°19'00.54" W) |
| SPOKANE, WA (GEG) | VORTAC | (lat. 47°33'53.80" N, long. 117°37'36.79" W) |
| MULLAN PASS, ID (MLP) | VOR/DME | (lat. 47°27'24.85" N, long. 115°38'45.76" W) |
| MISSOULA, MT (MSO) | VOR/DME | (lat. 46°54'28.68" N, long. 114°05'01.15" W) |
| HELENA, MT (HLN) | VORTAC | (lat. 46°36'24.56" N, long. 111°57'12.51" W) |
| CONNS, MT | FIX | (lat. 46°16'06.81" N, long. 111°04'55.70" W) |
| NUKUW, MT | FIX | (lat. 46°04'09.77" N, long. 110°51'18.39" W) |
| SUBKY, MT | FIX | (lat. 45°44'00.60" N, long. 109°57'37.27" W) |
| BILLINGS, MT (BIL) | VORTAC | (lat. 45°48'30.81" N, long. 108°37'28.73" W) |
| MILES CITY, MT (MLS) | VOR/DME | (lat. 46°22'56.02" N, long. 105°57'12.72" W) |
| DICKINSON, ND (DIK) | VORTAC | (lat. 46°51'36.14" N, long. 102°46'24.60" W) |
| BISMARCK, ND (BIS) | VOR/DME | (lat. 46°45'42.34" N, long. 100°39'55.47" W) |

* * * * *

T-274 NEWPORT, OR (ONP) to LIDAT, NV [Amended]

| | | |
|--------------------------|--------------|--|
| NEWPORT, OR (ONP) | VORTAC | (lat. 44°34'31.26" N, long. 124°03'38.14" W) |
| WESHH, OR | WP | (lat. 44°38'50.00" N, long. 123°35'32.35" W) |
| CRAAF, OR | FIX | (lat. 44°45'37.17" N, long. 123°21'05.90" W) |
| JAIME, OR | FIX | (lat. 44°25'07.17" N, long. 122°36'28.01" W) |
| MMASN, OR | WP | (lat. 44°21'15.22" N, long. 121°15'36.06" W) |
| FASAB, OR | WP | (lat. 42°23'22.00" N, long. 120°23'51.65" W) |
| NUSME, CA | WP | (lat. 41°53'43.18" N, long. 120°20'35.71" W) |
| RUFUS, CA | WP | (lat. 41°26'00.00" N, long. 120°00'00.00" W) |
| MUSTANG, NV (FMG) | VORTAC | (lat. 39°31'52.60" N, long. 119°39'21.87" W) |
| COALDALE, NV (OAL) | VORTAC | (lat. 38°00'11.74" N, long. 117°46'13.61" W) |
| LIDAT, NV | FIX | (lat. 37°25'48.67" N, long. 117°16'41.00" W) |

* * * * *

T-276 WAVLU, WA to GLASGOW, MT (GGW) [Amended]

| | | |
|-----------------------------|---------------|--|
| WAVLU, WA | FIX | (lat. 46°50'00.90" N, long. 124°06'35.70" W) |
| WINLO, WA | FIX | (lat. 46°27'27.26" N, long. 123°06'03.90" W) |
| COUGA, WA | FIX | (lat. 46°05'31.23" N, long. 122°40'38.59" W) |
| CARBY, WA | FIX | (lat. 45°44'05.96" N, long. 121°55'31.67" W) |
| VECCU, WA | FIX | (lat. 45°40'53.27" N, long. 120°52'00.64" W) |
| WALLA WALLA, WA (ALW) | VOR/DME | (lat. 46°05'13.11" N, long. 118°17'33.13" W) |
| RENGO, WA | FIX | (lat. 46°20'08.16" N, long. 117°50'42.07" W) |
| HENVO, ID | WP | (lat. 46°19'48.06" N, long. 116°37'33.04" W) |
| OFINO, ID | FIX | (lat. 46°31'19.36" N, long. 116°09'54.90" W) |
| FRYMN, MT | FIX | (lat. 47°17'32.40" N, long. 111°38'36.84" W) |
| YOGOS, MT | FIX | (lat. 47°19'30.51" N, long. 110°49'37.75" W) |
| EVBUJ, MT | WP | (lat. 47°03'09.79" N, long. 109°44'19.14" W) |
| ITEVE, MT | WP | (lat. 47°02'12.69" N, long. 109°10'20.79" W) |
| WUDEY, MT | WP | (lat. 47°20'13.56" N, long. 106°56'58.95" W) |
| GLASGOW, MT (GGW) | VOR/DME | (lat. 48°12'55.10" N, long. 106°37'31.51" W) |

* * * * *

T-302 CUKIS, OR to LLUKY, NE [Amended]

| | | |
|------------------------------|---------------|--|
| CUKIS, OR | WP | (lat. 45°20'59.59" N, long. 122°21'49.41" W) |
| CUPRI, OR | FIX | (lat. 44°37'03.76" N, long. 121°15'13.89" W) |
| WILDHORSE, OR (ILR) | VOR/DME | (lat. 43°35'35.27" N, long. 118°57'18.18" W) |
| JOSTN, OR | WP | (lat. 43°34'16.92" N, long. 117°53'51.34" W) |
| PARMO, ID | FIX | (lat. 43°45'32.78" N, long. 116°49'10.43" W) |
| TOXEE, ID | FIX | (lat. 42°41'41.81" N, long. 114°27'13.10" W) |
| JADUP, ID | WP | (lat. 42°44'32.00" N, long. 113°42'15.22" W) |
| ROCK SPRINGS, WY (OCS) | VOR/DME | (lat. 41°35'24.76" N, long. 109°00'55.18" W) |

| | | |
|------------------------------|---------------|--|
| FIKLA, WY | WP | (lat. 41°56'20.50" N, long. 106°57'11.03" W) |
| MEDICINE BOW, WY (MBW) | VOR/DME | (lat. 41°50'43.88" N, long. 106°00'15.42" W) |
| SCOTTSBLUFF, NE (BFF) | VORTAC | (lat. 41°53'38.99" N, long. 103°28'55.31" W) |
| WAKPA, NE | WP | (lat. 42°03'21.64" N, long. 103°04'57.99" W) |
| ALLIANCE, NE (AIA) | VOR/DME | (lat. 42°03'20.27" N, long. 102°48'16.00" W) |
| MARSS, NE | FIX | (lat. 42°27'48.92" N, long. 100°36'15.32" W) |
| PUKFA, NE | WP | (lat. 42°22'59.52" N, long. 099°59'36.42" W) |
| GIYED, NE | FIX | (lat. 42°30'22.02" N, long. 099°08'05.55" W) |
| LLUKY, NE | WP | (lat. 42°29'20.26" N, long. 098°38'11.44" W) |

* * * * *

T-304 GLARA, OR to HERBS, OR
[Removed]

* * * * *

T-317 NEWMAN, TX (EWM) to ASTORIA, OR (AST) [New]

| | | |
|------------------------------------|---------------|--|
| NEWMAN, TX (EWM) | VORTAC | (lat. 31°57'06.28" N, long. 106°16'20.64" W) |
| MOLLY, NM | FIX | (lat. 32°03'47.91" N, long. 106°43'27.24" W) |
| TRUTH OR CONSEQUENCES, NM (TCS) .. | VORTAC | (lat. 33°16'57.01" N, long. 107°16'49.97" W) |
| SOCORRO, NM (ONM) | VORTAC | (lat. 34°20'20.04" N, long. 106°49'13.69" W) |
| YECUG, NM | WP | (lat. 34°59'18.02" N, long. 106°59'58.00" W) |
| AWASH, NM | FIX | (lat. 35°16'35.44" N, long. 106°59'15.33" W) |
| RATTLESNAKE, NM (RSK) | VORTAC | (lat. 36°44'54.21" N, long. 108°05'56.04" W) |
| GRAND JUNCTION, CO (JNC) | VOR/DME | (lat. 39°03'34.44" N, long. 108°47'33.27" W) |
| ROCK SPRINGS, WY (OCS) | VOR/DME | (lat. 41°35'24.76" N, long. 109°00'55.18" W) |
| SWEAT, WY | FIX | (lat. 42°26'35.02" N, long. 108°27'10.31" W) |
| RIVERTON, WY (RIW) | VOR/DME | (lat. 43°03'56.63" N, long. 108°27'19.92" W) |
| FETIK, WY | FIX | (lat. 43°17'24.59" N, long. 108°22'03.98" W) |
| BILLINGS, MT (BIL) | VORTAC | (lat. 45°48'30.81" N, long. 108°37'28.73" W) |
| ZERZO, MT | FIX | (lat. 46°52'25.99" N, long. 110°05'08.51" W) |
| GREAT FALLS, MT (GTF) | VORTAC | (lat. 47°26'59.93" N, long. 111°24'43.79" W) |
| MISSOULA, MT (MSO) | VOR/DME | (lat. 46°54'28.68" N, long. 114°05'01.15" W) |
| NEZ PERCE, ID (MQG) | VOR/DME | (lat. 46°22'53.61" N, long. 116°52'10.24" W) |
| PASCO, WA (PSC) | VOR/DME | (lat. 46°16'12.96" N, long. 119°07'02.27" W) |
| MERFF, WA | WP | (lat. 47°02'12.58" N, long. 120°27'28.25" W) |
| MOUNT, WA | FIX | (lat. 47°06'19.17" N, long. 121°54'17.49" W) |
| FESAS, WA | WP | (lat. 47°05'13.84" N, long. 122°44'00.62" W) |
| ASTORIA, OR (AST) | VOR/DME | (lat. 46°09'42.11" N, long. 123°52'49.36" W) |

* * * * *

T-328 ORCUS, WA to KARSH, MT [New]

| | | |
|-----------------|-----------|--|
| ORCUS, WA | FIX | (lat. 48°20'39.54" N, long. 123°07'44.01" W) |
| BOCAT, WA | FIX | (lat. 48°20'32.01" N, long. 122°09'44.74" W) |
| CREEB, WA | FIX | (lat. 48°13'00.00" N, long. 121°20'24.00" W) |
| ROZSE, WA | WP | (lat. 48°13'22.57" N, long. 121°01'45.71" W) |
| KRUZR, WA | FIX | (lat. 48°04'38.90" N, long. 120°34'40.72" W) |
| SINGG, WA | WP | (lat. 47°59'30.00" N, long. 119°00'00.00" W) |
| ROZTY, WA | WP | (lat. 48°03'46.12" N, long. 117°56'38.05" W) |
| PRRKS, WA | WP | (lat. 48°08'48.19" N, long. 117°31'08.00" W) |
| DAINA, WA | WP | (lat. 48°08'43.44" N, long. 117°07'27.78" W) |
| INOBE, ID | FIX | (lat. 48°04'54.58" N, long. 116°45'47.03" W) |
| KKARP, ID | WP | (lat. 48°10'18.56" N, long. 116°14'21.48" W) |
| KARSH, MT | WP | (lat. 48°08'52.72" N, long. 115°07'55.44" W) |

* * * * *

T-332 ZONUV, WA to ROZTY, WA [New]

| | | |
|-----------------|----------|--|
| ZONUV, WA | WP | (lat. 48°34'10.29" N, long. 122°44'14.63" W) |
| CRNEL, WA | WP | (lat. 48°28'19.45" N, long. 122°13'20.64" W) |
| AALIX, WA | WP | (lat. 48°30'15.89" N, long. 121°45'22.85" W) |
| BAALE, WA | WP | (lat. 48°26'42.58" N, long. 121°24'56.40" W) |
| SNNDY, WA | WP | (lat. 48°22'51.69" N, long. 121°12'38.31" W) |
| METOO, WA | WP | (lat. 48°22'59.81" N, long. 120°07'42.05" W) |
| ROZTY, WA | WP | (lat. 48°03'46.12" N, long. 117°56'38.05" W) |

* * * * *

T-355 FOLDS, CA to SECOG, WA [New]

| | | |
|-----------------|-----------|--|
| FOLDS, CA | FIX | (lat. 40°44'16.56" N, long. 122°30'10.69" W) |
|-----------------|-----------|--|

| | | |
|-----------------|-----------|--|
| GRENA, CA | FIX | (lat. 41°43'31.31" N, long. 122°29'09.72" W) |
| TALEM, OR | FIX | (lat. 42°08'49.70" N, long. 122°52'41.50" W) |
| SAMIE, OR | FIX | (lat. 42°38'46.29" N, long. 123°00'57.97" W) |
| BROKN, OR | FIX | (lat. 42°45'37.47" N, long. 122°57'53.29" W) |
| SSTRS, OR | WP | (lat. 43°40'36.47" N, long. 121°34'47.27" W) |
| HERBS, OR | FIX | (lat. 44°25'07.23" N, long. 121°16'51.75" W) |
| JJETT, OR | WP | (lat. 44°56'35.43" N, long. 121°40'56.36" W) |
| CANBY, OR | FIX | (lat. 45°18'38.05" N, long. 122°45'53.61" W) |
| QAARY, OR | WP | (lat. 46°07'56.92" N, long. 123°29'25.62" W) |
| WUMOX, WA | FIX | (lat. 47°35'07.83" N, long. 122°40'26.84" W) |
| ZONUV, WA | WP | (lat. 48°34'10.29" N, long. 122°44'14.63" W) |
| SECOG, WA | FIX | (lat. 48°59'42.80" N, long. 122°32'17.97" W) |

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

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018-08550 Filed 4-25-18; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0239]

RIN 1625-AA00

Safety Zone; Tennessee River, Gilbertsville, KY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Tennessee River. This action is necessary to provide for the safety of life on these navigable waters near Kentucky Dam Marina, Gilbertsville, KY, during a fireworks display. This proposed rulemaking would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 29, 2018.

ADDRESSES: You may submit comments identified by docket number USCG-2018-0239 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST3 Joseph Stranc, Marine Safety Unit Paducah Waterways division, U.S. Coast Guard;

telephone 270-442-1621 ext. 2124, email Joseph.B.Stranc@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On January 17, 2018, the Kentucky Dam Marina notified the Coast Guard that they would be conducting a fireworks display from 7 p.m. through 10 p.m. on June 30, 2018. The fireworks are to be launched from the break wall of Kentucky Dam Marina. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the fireworks display would be a safety concern for anyone within a 350-foot radius of the break wall.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 350-foot radius of the fireworks launch site before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 6:50 p.m. to 10:10 p.m. on June 30, 2018. The safety zone would cover all navigable waters of the Tennessee River at mile marker (MM) 23 within 350 feet of a break wall at Kentucky Dam Marina in Gilbertsville, KY. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from

the COTP or a designated representative. They may be contacted on VHF-FM Channel 16 or by phone at 1-800-253-7465. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative. The COTP or a designated representative would 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. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone, which would impact a 350-foot designated area of the Tennessee River for approximately 3 hours on one evening. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners (BNMs) via VHF-FM marine channel 16 about the zone, and the rule would allow

vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting approximately 3 hours that would prohibit entry within 350 feet of a break wall. Normally, such actions are categorically excluded from further review under paragraph L 60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0239 to read as follows:

§ 165.T08–0239 Safety Zone; Ohio River, Cincinnati, OH.

(a) *Location.* The following area is a safety zone: all navigable waters of the Tennessee River at mile marker (MM) 23 within a 350-foot radius from fireworks launch site on the Kentucky Dam Marina break wall in Gilbertsville, KY.

(b) *Effective date.* This section is effective from 6:50 p.m. through 10:10 p.m. on June 30, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by phone at 1–800–253–7465.

(3) If permission is granted, all persons and vessels must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notice to Mariners (BNMs) of the enforcement period for the safety zone as well as the date and time of enforcement.

Dated: April 18, 2018.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2018–08743 Filed 4–25–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2018–0015; FRL–9976–45–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Regional Haze State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of

Colorado on May 26, 2017, addressing regional haze. The EPA is proposing to approve source-specific revisions to the nitrogen oxides (NO_x) best available retrofit technology (BART) determination for Craig Station Unit 1. This unit is owned in part and operated by Tri-State Generation & Transmission Association, Inc. (Tri-State). We are also proposing to approve revisions to the NO_x reasonable progress determination for Tri-State's Nucla Station. The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

DATES: *Comments:* Written comments must be received on or before May 29, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2018–0015, to the Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy

of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT:

Jaslyn Dobrahner, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6252, dobrahner.jaslyn@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean the EPA.

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I. What action is the EPA taking?

On December 31, 2012, the EPA approved a regional haze SIP revision submitted by the State of Colorado on May 25, 2011. The 2011 SIP revision included NO_x BART emission limits for Craig Station Units 1 and 2 near Craig, Colorado, and a NO_x reasonable progress emission limit for the Nucla Station located in Montrose County.¹ The State of Colorado submitted proposed revisions to the 2011 SIP submittal on May 26, 2017, that modify the NO_x BART determination for Craig Unit 1 and the NO_x reasonable progress determination for Nucla. The EPA is now proposing to approve those revisions. Specifically, the EPA is proposing to approve the State's revisions to the Craig Unit 1 NO_x BART determination that would require Craig Unit 1 to meet an annual NO_x emission limit of 4,065 tons per year (tpy) by December 31, 2019. The SIP revision would also require the unit to either (1) convert to natural gas by August 31, 2023, and if converting to natural gas,

¹ 77 FR 76871 (December 31, 2012).

comply with a NO_x emission limit of 0.07 lb/MMBtu (30-day rolling average) beginning August 31, 2021, or (2) shut down by December 31, 2025. The EPA is also proposing to approve the State's revisions to the Nucla NO_x reasonable progress determination that would require the source to meet an annual NO_x emission limit of 952 tpy by January 1, 2020, and shut down on or before December 31, 2022.

II. Background

A. Requirements of the Clean Air Act and the EPA's Regional Haze Rule

In section 169A of the CAA, added by the 1977 Amendments to the Act, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section establishes "as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution."² On December 2, 1980, the EPA promulgated regulations to address visibility impairment in Class I areas that is "reasonably attributable" to a single source or small group of sources.³ These regulations represented the first phase in addressing visibility impairment. The EPA deferred action on regional haze, which emanates from a variety of sources, until monitoring, modeling and scientific knowledge about the relationships between pollutants and visibility impairment were improved.⁴

Congress added section 169B to the CAA in 1990 to address regional haze issues. The EPA promulgated a rule to

address regional haze on July 1, 1999.⁵ The Regional Haze Rule (RHR) revised the existing visibility regulations to integrate provisions addressing regional haze and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in the EPA's visibility protection regulations at 40 CFR 51.300–51.309. The EPA revised the RHR on January 10, 2017.⁶

The CAA requires each state to develop a SIP to meet various air quality requirements, including protection of visibility.⁷ Regional haze SIPs must assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. A state must submit its SIP and SIP revisions to the EPA for approval. Once approved, a SIP is enforceable by the EPA and citizens under the CAA; that is, the SIP is federally enforceable.

B. Best Available Retrofit Technology (BART)

Section 169A of the CAA directs the EPA to require states to evaluate the use of retrofit controls at certain larger, often uncontrolled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) requires states to include in their SIPs such measures as may be necessary to make reasonable progress toward the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate the "Best Available Retrofit Technology" as determined by the states. Under the RHR, states are directed to conduct BART determinations for such "BART-eligible" sources that may reasonably be anticipated to cause or contribute to any visibility impairment in a Class I area.

On July 6, 2005, the EPA published the *Guidelines for BART Determinations under the Regional Haze Rule* (the "BART Guidelines") to assist states in determining which sources should be subject to the BART requirements and in setting appropriate emission limits for each covered source.⁸ The process of establishing BART emission limitations follows three steps: first, identify the sources that meet the definition of "BART-eligible source" set forth in 40 CFR 51.301;⁹ second, determine which

of these sources "emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area" (a source which fits this description is "subject to BART"); and third, for each source subject to BART, identify the best available type and level of control for reducing emissions. Section 169A(g)(7) of the CAA requires that states consider five factors in making BART determinations: (1) The costs of compliance; (2) the energy and non-air quality environmental impacts of compliance; (3) any existing pollution control technology in use at the source; (4) the remaining useful life of the source; and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. States must address all visibility-impairing pollutants emitted by a source in the BART determination process. The most significant visibility-impairing pollutants are sulfur dioxide (SO₂), NO_x, and particulate matter (PM).

A SIP addressing regional haze must include source-specific BART emission limits and compliance schedules for each source subject to BART. In lieu of requiring source-specific BART controls, states have the flexibility to adopt alternative measures, as long as the alternative provides greater reasonable progress towards natural visibility conditions than BART (*i.e.*, the alternative must be "better than BART").¹⁰ Once a state has made a BART determination, the BART controls must be installed and operated as expeditiously as practicable, but no later than 5 years after the date of the EPA's approval of the final SIP.¹¹ In addition to what is required by the RHR, general SIP requirements mandate that the SIP include all regulatory requirements related to monitoring, recordkeeping, and reporting for the BART emission limitations.¹²

C. Reasonable Progress Requirements

In addition to BART requirements, each regional haze SIP must contain measures as necessary to make reasonable progress towards the national visibility goal. As part of determining what measures are necessary to make reasonable progress,

visibility-impairing air pollutant, were not in operation before August 7, 1962, but were in existence on August 7, 1977, and whose operations fall within one or more of 26 specifically listed source categories. 40 CFR 51.301.

¹⁰ 40 CFR 51.308(e)(2) and (3).

¹¹ CAA section 169A(g)(4), 42 U.S.C. 7491(g)(4); 40 CFR 51.308(e)(1)(iv).

¹² CAA section 110(a), 42 U.S.C. 7410(a); 40 CFR part 51, subpart K.

² 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to "mandatory Class I Federal areas." Each mandatory Class I Federal area is the responsibility of a "Federal Land Manager." 42 U.S.C. 7602(i). When we use the term "Class I area" in this section, we mean a "mandatory Class I Federal area."

³ 45 FR 80084, 80084 (December 2, 1980).

⁴ Regional haze means visibility impairment that is caused by the emission of air pollutants from numerous anthropogenic sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources. 40 CFR 51.301.

⁵ 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

⁶ 82 FR 3078 (January 10, 2017).

⁷ CAA sections 110(a), 169A, and 169B, 42 U.S.C. 7410(a), 7491, and 7492(a).

⁸ 70 FR 39104; 40 CFR part 51, appendix Y.

⁹ BART-eligible sources are those sources that have the potential to emit 250 tons or more of a

the SIP must first identify anthropogenic sources of visibility impairment that are to be considered in developing the long-term strategy for addressing visibility impairment.¹³ States must then consider the four statutory reasonable progress factors in selecting control measures for inclusion in the long-term strategy—the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of potentially affected sources.¹⁴ Finally, the SIP must establish reasonable progress goals (RPGs) for each Class I area within the State for the plan implementation period (or “planning period”), based on the measures included in the long-term strategy.¹⁵ If an RPG provides for a slower rate of improvement in visibility than the rate needed to attain the national goal by 2064, the SIP must demonstrate, based on the four reasonable progress factors, why the rate to attain the national goal by 2064 is not reasonable and the RPG is reasonable.¹⁶

D. Consultation With Federal Land Managers (FLMs)

The RHR requires that a state consult with FLMs before adopting and submitting a required SIP or SIP revision.¹⁷ States must provide FLMs an opportunity for consultation, in person and at least 60 days before holding any public hearing on the SIP. This consultation must include the opportunity for the FLMs to discuss their assessment of impairment of visibility in any Class I area and to offer recommendations on the development of the RPGs and on the development and implementation of strategies to address visibility impairment. Further, a state must include in its SIP a description of how it addressed any comments provided by the FLMs. Finally, a SIP must provide procedures for continuing consultation between the state and FLMs regarding the state’s visibility protection program, including development and review of SIP revisions and 5-year progress reports, and on the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas.

E. Regulatory and Legal History of the 2012 Colorado SIP

On December 31, 2012, the EPA approved a regional haze SIP revision submitted by the State of Colorado on May 25, 2011. On February 25, 2013, the National Parks Conservation Association (NPCA) and Wild Earth Guardians (Guardians) filed petitions for review in the U.S. Court of Appeals for the Tenth Circuit of the EPA’s final approval of the Colorado regional haze SIP.¹⁸ Among other things, Guardians and NPCA challenged the NO_x BART limit for Craig Unit 1. Tri-State and the State of Colorado joined the litigation as intervenors. After the court consolidated the cases for review, and after several months of court-supervised mediation, the parties reached a settlement under which Craig Unit 1 would be subject to a 0.07 lb/MMBtu NO_x limit, consistent with the installation of selective catalytic reduction (SCR) controls, by August 31, 2021.¹⁹ The settlement further required that the EPA ask the Tenth Circuit to vacate the previous approval of the Colorado SIP revision relating to Craig Unit 1 and remand the rule to the agency for further action. The court granted the EPA’s request on December 22, 2014, and signed an order ending the litigation on August 15, 2015.

In accordance with the terms of the 2014 settlement, Colorado submitted a SIP revision to the EPA in 2015 to revise the Craig Unit 1 NO_x BART determination, emission limit, and associated compliance deadline. Specifically, Colorado determined that NO_x BART for Craig Unit 1 was an emission limit of 0.07 lb/MMBtu, which was based on the capabilities of SCR, and established an associated compliance date of August 31, 2021.

In 2017, Colorado submitted a regional haze SIP revision to the EPA reassessing the NO_x limit for the Craig Unit 1. The revisions were developed after discussions in 2016 between Tri-State, Guardians, NPCA, the State of Colorado, and the EPA, and require one of two possible NO_x BART compliance paths for Craig Unit 1 to either (1) shut down by December 31, 2025, or (2) convert to natural-gas firing by August 31, 2023. If Craig Unit 1 is converted to natural-gas firing, the NO_x emission limit will be 0.07 lb/MMBtu after August 31, 2021 (30-day rolling average). If Craig Unit 1 is shut down, the NO_x emission limit will be 0.28 lb/MMBtu (30-day rolling average) until

December 31, 2025. Colorado withdrew the 2015 SIP revision when it submitted the 2017 SIP revision that is the subject of this proposed action.

III. Craig Unit 1—NO_x BART

A. Background

The 2011 regional haze SIP for Colorado established a NO_x BART emission limit for Craig Units 1 and 2. The Craig Station is located in Moffat County, approximately 2.5 miles southwest of the town of Craig. This facility is a coal-fired power plant with a total net electric generating capacity of 1264 megawatts (MW), consisting of three units. Units 1 and 2, which are subject to BART, are dry-bottom pulverized coal-fired boilers, each rated at a net capacity of 428 MW.

In the 2011 submittal, Colorado determined that selective non-catalytic reduction (SNCR) was BART for both Unit 1 and Unit 2, based on the cost-effectiveness and visibility improvement associated with this level of control. Colorado determined that SCR, a more stringent control technology, was not BART because its costs were too high. Colorado also determined that SNCR could achieve an emission limit of 0.27 lb/MMBtu (30-day rolling average) at both Unit 1 and Unit 2. Nevertheless, as a BART alternative, Colorado ultimately adopted a more stringent emission limit for Unit 2 (0.08 lb/MMBtu, 30-day rolling average, based on SCR) and a slightly less stringent limit for Unit 1 (0.28 lb/MMBtu, 30-day rolling average, based on SNCR). The EPA approved Colorado’s BART alternative and NO_x BART emission limits into the SIP on December 31, 2012.²⁰

B. May 26, 2017 Submittal

On May 26, 2017, Colorado submitted a SIP revision containing amendments to the Colorado Code of Regulations, Regulation Number 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP), Section VI, Regional Haze Determinations. In assessing BART for Craig Unit 1, Colorado determined that, under either a 20- or 30-year remaining useful life, NO_x BART would be an emission limit of 0.07 lb/MMBtu based on the installation of SCR.²¹ Colorado

¹³ 40 CFR 51.308(d)(3)(iv).

¹⁴ CAA section 169A(g)(1), 42 U.S.C. 7491(g)(1); 40 CFR 51.308(d)(1)(i)(A).

¹⁵ 40 CFR 51.308(d), (f).

¹⁶ 40 CFR 51.308(d)(1)(ii).

¹⁷ 40 CFR 51.308(i).

¹⁸ *WildEarth Guardians v. EPA*, No. 13–9520 (10th Cir.) and *National Parks Conservation Association v. EPA*, No. 13–9525 (10th Cir.).

¹⁹ 79 FR 47636 (August 14, 2014).

²⁰ 77 FR 76871 (December 31, 2012).

²¹ This limit, consistent with the 2014 settlement, was contained in the 2015 SIP submission. As noted previously, the State withdrew that submission when it submitted the 2017 SIP revision, but the State’s justification for the 0.07 lb/

then reassessed NO_x BART for Craig Unit 1 under the two compliance paths associated with the 2016 settlement discussions: A shutdown in 2025 or a conversion to natural gas in 2023.²² After completing this reassessment, Colorado established the following amendments:

- Craig Unit 1 will either (1) close on or before December 31, 2025; or (2) cease burning coal no later than August 31, 2021, with the option to convert Unit 1 to natural-gas firing by August 31, 2023;
- In the case of a conversion to natural-gas firing, a 30-day rolling average NO_x emission limit of 0.07 lb/MMBtu (30-day rolling average) will be effective after August 31, 2021;
- The owner/operator of Craig Unit 1 will notify the State in writing on or before February 28, 2021, whether Unit

1 will cease operation or convert to natural gas;

- For both scenarios, Craig Unit 1 will be subject to an interim NO_x emission limit of 0.28 lb/MMBtu (30-day rolling average), effective January 1, 2017 (first compliance date January 31, 2017), until December 31, 2025 if closing or August 31, 2021 if converting to natural gas; and
- Craig Unit 1 will be subject to an annual NO_x emission limit of 4,065 tpy effective December 31, 2019, which will be calculated on a calendar year basis beginning in 2020.

The amendments also excepted Craig Unit 1 from complying with the original SIP effective date of January 30, 2013, and associated compliance date 5 years later. The Colorado Air Quality Control Commission adopted the revisions on December 15, 2016 (effective February 14, 2017).

1. Shutdown

For the shutdown compliance path, the State considered two amortization periods to reflect the remaining useful life based on two possible projected compliance dates and the shutdown date of December 31, 2025. The first scenario used an amortization period of 4 years and 4 months, calculated as the difference between a projected compliance date of August 31, 2021, (which would have been required under the State's BART determination made in conjunction with the 2014 settlement) and the December 31, 2025 shutdown date. The associated emissions reductions, annualized cost, and cost-effectiveness values for SNCR and SCR using the amortization period is shown in Table 1.

TABLE 1—CRAIG STATION UNIT 1 NO_x COST COMPARISON
[4 years, 4 months of operation]

| Control technology | Emissions reduction (tpy) | Annualized cost (\$) | Cost effectiveness (\$/ton) |
|--------------------|---------------------------|----------------------|-----------------------------|
| SNCR | 779 | 6,172,522 | 7,928 |
| SCR | 4,048 | 64,106,699 | 15,835 |

The second scenario used an amortization period of 8 years, to reflect the difference between the December 31, 2025 shutdown date and the December

31, 2017 compliance date that the 2012 SIP revision approval established.²³ The associated emissions reductions, annualized costs, and cost-effectiveness

values for SNCR and SCR using the amortization period of 8 years is shown in Table 2.

TABLE 2—CRAIG STATION UNIT 1 NO_x COST COMPARISON
[8 years of operation]

| Control technology | Emissions reduction (tpy) | Annualized cost (\$) | Cost effectiveness (\$/ton) |
|--------------------|---------------------------|----------------------|-----------------------------|
| SNCR | 779 | 4,755,842 | 6,109 |
| SCR | 4,048 | 41,476,535 | 10,245 |

Under both amortization scenarios, the remaining useful life of Craig Unit 1 is shorter than the 20-year amortization period used in the 2012 BART determination, which increases the annualized costs and cost-effectiveness values of the control technologies.²⁴ Based on this assessment, the State determined that neither SNCR or SCR is cost-effective when the remaining useful life is

shortened to either 4 years and 4 months or 8 years, depending on the scenario selected, as a result of the shutdown of Craig Unit 1 on December 31, 2025.

2. Natural Gas Conversion

For the natural gas conversion compliance path, Craig Unit 1 will cease to burn coal by August 31, 2021, with the option to convert to natural-gas

firing by August 31, 2023. A 30-day rolling average NO_x emission limit of no more than 0.07 lb/MMBtu will apply after August 31, 2021.

C. The EPA's Evaluation of Craig Unit 1 Amendments

We are proposing to approve Colorado's BART reassessment for two possible compliance scenarios for Craig

MMBtu NO_x BART limit is retained in the 2017 SIP.

²² Colorado used the term "reassessment," and we interpret the term to mean that the state reassessed its previous BART determination under the differing future factual scenarios to see whether those facts were outcome determinative.

²³ The operation period begins in calendar year 2018 (December 31, 2017). The effective date of the EPA's approval of Colorado's regional haze SIP was January 30, 2013. As noted previously, the Tenth Circuit vacated the EPA's approval of the Craig portions of this SIP on December 22, 2014.

²⁴ The EPA finalized revisions to the Air Pollution Control Cost Manual (Chapters 1 and 2),

<https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution>, in May 2016; these revisions change the amortization period for SCR from 20 years to 30 years. The amortization period for SNCR remains at 20 years.

Unit 1: (1) Shutdown or (2) conversion to natural gas.

As a threshold matter, we agree with the State's assessment that an emission limit of 0.07 lb/MMBtu would be NO_x BART for Craig Unit 1 under either a 20- or 30-year remaining useful life. But we also agree with the State that it is appropriate to reassess the NO_x BART limit under the shutdown and natural gas conversion scenarios, either of which would considerably shorten the remaining useful life of the existing coal-fired boiler.

While the RHR does not require states to consider source retirements or fuel switching (*e.g.*, from coal to gas) as BART options, states are free to do so.²⁵ In other states, we have approved state-adopted requirements for the shutdown of a source or for switching fuels, which have usually been negotiated between the source operator and the state. We also have approved BART determinations that took into account the resulting shorter remaining useful life of the affected source.

We agree with Colorado's BART reassessment for both the shutdown and natural gas conversion scenarios. Specifically, we acknowledge and agree with the assumptions used to calculate the two different amortization periods for the shutdown scenario. In past SIP actions, the EPA has measured amortization periods from the projected compliance date to the date of retirement. In this instance, the compliance date for SCR is August 31, 2021, which would have been required under the State's BART determination made in conjunction with the 2014 settlement, resulting in an amortization period of four years and four months as reflected in Colorado's first amortization period scenario (Table 1). For SNCR, the projected compliance date would be earlier, thus resulting in a longer amortization period, albeit one shorter than 8 years; the 8-year amortization period is therefore a conservative approach that understates the annualized costs of both SCR and SNCR.

When considering the shortened remaining useful life under either amortization scenario associated with Craig Unit 1 shutting down by December 31, 2025, the EPA finds Colorado's determination reasonable that neither SNCR or SCR is cost effective. Therefore, we are proposing to approve Colorado's NO_x BART reassessment that if Craig Unit 1 shuts down by December 31, 2025, neither SNCR or SCR would be BART due to the high cost-effectiveness values associated with a shortened remaining useful life.

We are also proposing to approve the alternative compliance path that allows Craig Unit 1 to convert to natural-gas firing by August 31, 2023, and cease burning coal by August 31, 2021, with an associated NO_x BART emission limit of 0.07 lb/MMBtu (30-day rolling average) on that date, because this emission limit is equivalent to the one that the State found would be BART under a 20- or 30-year remaining useful life scenario. Accordingly, natural-gas firing is another means by which NO_x BART can be met for Craig Unit 1.

Finally, we are proposing to approve Colorado's requirement that an annual NO_x limit of 4,065 tpy will be effective on December 31, 2019, for Craig Unit 1 because this additional measure would strengthen the SIP as there currently is no regional haze annual NO_x limit for Unit 1.

IV. Nucla—NO_x Reasonable Progress

A. Background

The Tri-State Nucla Station is located in Montrose County approximately 3 miles southeast of the town of Nucla, Colorado. The Nucla facility consists of one coal-fired steam-driven electric generating unit, Unit 4, with a rated electric generating capacity of 110 MW (gross).

In 2006, Tri-State installed a small-scale SNCR system on Unit 4 that injects anhydrous ammonia to achieve NO_x reductions. The SNCR system is used when NO_x emissions approach 0.4 lb/MMBtu; rates above this result in mass emissions that approach the annual permitted NO_x limit of 1,987.9 tpy (12-month rolling average). Although Colorado, in its 2011 submittal, determined that full-scale SNCR and SCR were technically feasible for reducing NO_x emissions at Nucla Unit 4, the State determined that neither control technology was necessary for reasonable progress based on the uncertainty of the control efficiency for SNCR and what Colorado determined would likely be excessive costs associated with SCR. Instead, Colorado determined that Nucla Unit 4 should meet an emission limit of 0.5 lb/MMBtu (30-day rolling average) as expeditiously as practicable, but in no event later than December 31, 2017, based on consideration of the four reasonable progress factors. The EPA approved this emission limit into the SIP on December 31, 2012, as meeting the relevant regional haze requirements.

B. May 26, 2017 Submittal

The May 26, 2017 submittal includes the following amendments to the Colorado Code of Regulations,

Regulation Number 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP), Section VI, Regional Haze Determinations, related to Nucla:

- Nucla will close on or before December 31, 2022; and
- Nucla will be subject to an annual NO_x emission limit of 952 tpy effective January 1, 2020, on a calendar year basis beginning in 2020.

The amendments also removed Nucla's original compliance date of December 31, 2017, and the requirement for a proposed compliance schedule from Nucla due within 60 days after the EPA's approval of the reasonable progress portion of Colorado's regional haze SIP. The current NO_x emission limit of 0.5 lb/MMBtu (30-day rolling average) is not amended.

C. The EPA's Evaluation of Nucla Amendments

Because the amendments, requiring Nucla to shut down on or before December 31, 2022, and meet an annual NO_x limit of 952 tpy by January 1, 2020, do not alter the previously approved 0.5 lb/MMBtu (30-day rolling average) emission limit requirement, the closure of Nucla achieves greater NO_x emission reductions than the relevant portions of the 2012 SIP, (which did not previously include any shutdown date). We therefore propose to approve Colorado's revision related to Nucla.

V. Coordination With FLMs

Class I areas in Colorado are managed by either the U.S. Forest Service (FS) or the U.S. National Park Service (NPS). As described in section II.D of this proposed rule, the Regional Haze Rule grants the FLMs a special role in the review of regional haze SIPs. Under 40 CFR 51.308(i)(2), Colorado was obligated to provide the FS and the NPS with an opportunity for consultation in development of the State's proposed SIP revisions. Colorado provided the FS and the NPS with access to the proposed revisions to Regulation Number 3, Part F on January 12, 2017.²⁶ The FLMs did not provide any comments on the proposed revisions.

VI. The EPA's Proposed Action

In this action, the EPA is proposing to approve SIP amendments to Regulation Number 3, Part F, Section VI, shown in Table 3, submitted by the State of Colorado on May 26, 2017, addressing the NO_x BART and reasonable progress

²⁵ 40 CFR part 51, appendix Y.

²⁶ Email between Colorado and NPS, January 2017.

requirements for Craig Unit 1 and Nucla, respectively.

TABLE 3—LIST OF COLORADO AMENDMENTS THAT EPA IS PROPOSING TO APPROVE

**Amended Sections in May 26, 2017
Submittal Proposed for Approval**

Regulation Number 3, Part F: VI.A.2 (table); VI.A.3; VI.A.4; VI.B.2 (table); VI.B.3; VI.B.4; VI.D; VI.E.

VII. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the amendments described in section VI. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides.

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

Dated: April 16, 2018.

Debra Thomas,
Acting Regional Administrator, Region 8.
[FR Doc. 2018–08622 Filed 4–25–18; 8:45 am]
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[EPA–R08–OAR–2010–0406; FRL–9976–56—Region 8]

**Approval and Promulgation of Air
Quality Implementation Plans; North
Dakota; Regional Haze State
Implementation Plan**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve certain portions of a State Implementation Plan (SIP) revision to address regional haze submitted by the Governor of North Dakota on March 3, 2010, along with SIP Supplement No. 1 submitted on July 27, 2010, SIP Amendment No. 1 submitted on July 28, 2011 and SIP Supplement No. 2 submitted on January 2, 2013 (collectively, “the Regional Haze SIP”). Specifically, the EPA is proposing to approve the nitrogen oxides (NO_x) Best Available Retrofit Technology (BART) determination for Coal Creek Station included in SIP Supplement No. 2. Coal Creek Station is owned and operated by Great River Energy (GRE) and is located near Underwood, North Dakota. This Regional Haze SIP was submitted to address the requirements of the Clean Air Act (CAA or “the Act”) and our rules that require states to develop and implement air quality protection plans to reduce visibility impairment in mandatory Class I areas caused by emissions of air pollutants from numerous sources located over a wide geographic area (also referred to as the “regional haze program”). States are required to assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. The EPA is taking this action pursuant to section 110 of the CAA.

DATES: Written comments must be received on or before May 29, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2010–0406 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.regulations.gov. The EPA may publish any comment received to the public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit

<https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Aaron Worstell, Air Program, EPA, Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6073, worstell.aaron@epa.gov.

I. Background

A. Requirements of the Clean Air Act and the EPA's Regional Haze Rule

In CAA section 169A, added in the 1977 Amendments to the Act, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes "as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution."¹ On December 2, 1980, the EPA promulgated regulations to address visibility impairment in Class I areas that is "reasonably attributable" to a single source or small group of sources, otherwise known as reasonably attributable visibility impairment.² These regulations represented the first phase in addressing visibility impairment. The EPA deferred action on regional haze that emanates from a variety of sources until monitoring, modeling, and scientific knowledge about the relationships between pollutants and visibility impairment were improved.

Congress added section 169B to the CAA in 1990 to address regional haze issues. The EPA promulgated a rule to address regional haze on July 1, 1999.³ The Regional Haze Rule (RHR) revised the existing visibility regulations to integrate provisions addressing regional

haze and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in the EPA's visibility protection regulations at 40 CFR 51.300-51.309. The EPA revised the RHR on January 10, 2017.⁴

The CAA requires each state to develop a SIP to meet various air quality requirements, including protection of visibility.⁵ Regional haze SIPs must assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. A state must submit its SIP and SIP revisions to the EPA for approval. Once approved, a SIP is enforceable by the EPA and citizens under the CAA; that is, the SIP is federally enforceable. If a state fails to make a required SIP submittal, or if we find that a state's required submittal is incomplete or not approvable, then we must promulgate a Federal Implementation Plan (FIP) to fill this regulatory gap, unless the state corrects the deficiency.⁶

B. Best Available Retrofit Technology (BART)

Section 169A of the CAA directs the EPA to require states to evaluate the use of retrofit controls at certain larger, often uncontrolled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA and the RHR require states' implementation plans to contain such measures as may be necessary to make reasonable progress toward the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate the "Best Available Retrofit Technology" as determined by the states. Under the RHR, states are directed to conduct BART determinations for such "BART-eligible" sources that may reasonably be anticipated to cause or contribute to any visibility impairment in a Class I area.

On July 6, 2005, the EPA published the *Guidelines for BART Determinations under the Regional Haze Rule* (the "BART Guidelines") to assist states in determining which sources should be subject to the BART requirements and the appropriate emission limits for each covered source.⁷ The process of establishing BART emission limitations follows three steps: First, identify the sources that meet the definition of

"BART-eligible source" set forth in 40 CFR 51.301;⁸ second, determine which of these sources "emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area" (a source which fits this description is "subject to BART"); and third, for each source subject to BART, identify the best available type and level of control for reducing emissions. Section 169A(g)(1) of the CAA requires that states must consider the following five factors in making BART determinations: (1) The costs of compliance; (2) the energy and non-air quality environmental impacts of compliance; (3) any existing pollution control technology in use at the source; (4) the remaining useful life of the source; and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. States must address all visibility-impairing pollutants emitted by a source in the BART determination process. The most significant visibility impairing pollutants are sulfur dioxide (SO₂), NO_x, and particulate matter (PM).

A SIP addressing regional haze must include source-specific BART emission limits and compliance schedules for each source subject to BART. In lieu of requiring source-specific BART controls, states also have the flexibility to adopt alternative measures, as long as the alternative provides greater reasonable progress towards natural visibility conditions than BART (*i.e.*, the alternative must be "better than BART").⁹ Once a state has made a BART determination, the BART controls must be installed and operated as expeditiously as practicable, but no later than 5 years after the date of the EPA's approval of the final SIP.¹⁰ In addition to what is required by the RHR, general SIP requirements mandate that the SIP include all regulatory requirements related to monitoring, recordkeeping and reporting for the BART emission limitations. See CAA section 110(a); 40 CFR part 51, subpart K.

C. Reasonable Progress Requirements

In addition to BART requirements, as mentioned previously, each regional haze SIP must contain measures as necessary to make reasonable progress

¹ 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to "mandatory Class I Federal areas." Each mandatory Class I Federal area is the responsibility of a "Federal Land Manager." 42 U.S.C. 7602(i). When we use the term "Class I area" in this section, we mean a "mandatory Class I Federal area."

² 45 FR 80084 (December 2, 1980) (codified at 40 CFR part 51, subpart P).

³ 64 FR 35714 (July 1, 1999) (amending 40 CFR part 51, subpart P).

⁴ 82 FR 3078 (January 10, 2017).

⁵ CAA sections 110(a), 169A, and 169B, 42 U.S.C. 7410(a), 7491, and 7492(a).

⁶ CAA section 110(c)(1), 42 U.S.C. 7410(c)(1).

⁷ 70 FR 39104; 40 CFR part 51, appendix Y.

⁸ BART-eligible sources are those sources that have the potential to emit 250 tons or more of a visibility-impairing air pollutant, were not in operation prior to August 7, 1962, but were in existence on August 7, 1977, and whose operations fall within one or more of 26 specifically listed source categories. 40 CFR 51.301.

⁹ 40 CFR 51.308(e)(2) and (3).

¹⁰ CAA section 169A(g)(4); 40 CFR 51.308(e)(1)(iv).

towards the national visibility goals. As part of determining what measures are necessary to make reasonable progress, the SIP must first identify anthropogenic sources of visibility impairment that are to be considered in developing the long-term strategy for addressing visibility impairment.¹¹ States must then consider the four statutory reasonable progress factors in selecting control measures for inclusion in the long-term strategy—the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of potentially affected sources.¹² Finally, the SIP must establish reasonable progress goals (RPGs) for each Class I area within the state for the plan implementation period (or “planning period”), based on the measures included in the long-term strategy. If an RPG provides for a slower rate of improvement in visibility than the rate needed to attain the national goal by 2064, the SIP must demonstrate, based on the four reasonable progress factors, why the rate to attain the national goal by 2064 is not reasonable and the RPG is reasonable.¹³

D. Consultation With Federal Land Managers (FLMs)

The RHR requires that a state consult with FLMs before adopting and submitting a required SIP or SIP revision.¹⁴ States must provide FLMs an opportunity for in-person consultation at least 60 days before holding any public hearing on the SIP. This consultation must include the opportunity for the FLMs to discuss their assessment of impairment of visibility in any Class I area and to offer recommendations on the development of the RPGs and on the development and implementation of strategies to address visibility impairment. Further, a state must include in its SIP a description of how it addressed any comments provided by the FLMs. Finally, a SIP must provide procedures for continuing consultation between the state and FLMs regarding the implementation of the state’s visibility protection program, including development and review of SIP revisions, 5-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas.

E. Regulatory and Legal History of the North Dakota Regional Haze SIP

The Governor of North Dakota originally submitted a Regional Haze SIP to the EPA on March 3, 2010, followed by SIP Supplement No. 1 submitted on July 27, 2010, and SIP Amendment No. 1 submitted on July 28, 2011. The EPA initially acted on North Dakota’s Regional Haze SIP on April 6, 2012.¹⁵ Among other things, the Regional Haze SIP included a BART emission limit for NO_x for Units 1 and 2 at Coal Creek Station of 0.17 lb/MMBtu averaged across the two units (on a 30-day rolling average)¹⁶, represented by modified and additional separated overfire air (SOFA), close-coupled overfire air (COFA), and low NO_x burners (LNB) (collectively referred to as LNC3+).¹⁷ When considering the next most stringent control option, selective non-catalytic reduction (SNCR; in addition to the existing LNC3), North Dakota took into account the potential for ammonia from the SNCR to contaminate the fly ash, which is a marketable product sold by GRE. Ultimately, the State concluded that “[b]ecause of the potential for lost sales of fly ash, the negative environmental effects of having to dispose of the fly ash instead of recycling it into concrete, and the very small amount of visibility improvement from the use of SNCR, this option is rejected as BART.”¹⁸ The State’s Regional Haze SIP was submitted to meet the requirements of the regional haze program for the first planning period of 2008 through 2018.

During our previous review of North Dakota’s NO_x BART analysis for Coal Creek Station in 2012, the EPA identified an error in the costs associated with lost fly ash sales.¹⁹ At our request, and after submitting the Regional Haze SIP in 2010, North Dakota obtained additional supporting information from GRE for lost fly ash revenue and for the potential cost of fly ash ammonia mitigation. The supporting information included an updated cost analysis from GRE noting that the correct sales price for fly ash was \$5/ton instead of \$36/ton. The

updated analysis included corrected fly ash revenue data and ammonia mitigation costs. That analysis, dated June 16, 2011, indicated that the cost effectiveness for SNCR at Coal Creek Station Units 1 and 2 would be \$2,318/ton of NO_x emissions reductions rather than the original estimate of \$8,551/ton. Because the State’s cost of compliance analysis was based upon fundamentally flawed and greatly inflated cost estimates regarding lost fly ash revenue, we concluded that the SIP submittal failed to properly consider the cost of compliance in any meaningful sense as required by 40 CFR 51.308(e)(1)(ii)(A). We also concluded that GRE could avoid contaminating the fly ash by proper management of the ammonia injection rate; and thereby avoid losing fly ash sales altogether. Therefore, we disapproved the NO_x BART determination for the Coal Creek Station.²⁰

In the same action, we promulgated a FIP that included a NO_x BART emission limit for Units 1 and 2 at the Coal Creek Station of 0.13 lb/MMBtu averaged across the two units (30-day rolling average), which GRE could meet by installing SNCR plus LNC3+.²¹ This emission limit was based on the EPA’s independent BART analysis, including the updated costs of compliance.

Subsequently, several petitioners challenged various aspects of the EPA’s final rule in the Eighth Circuit Court of Appeals. Pertinent to this proposal, the State and GRE, the owner of the Coal Creek Station, challenged the EPA’s disapproval of the State’s determination that LNC3+ with an emission limit of 0.17lb/MMBtu averaged across the two units (30-day rolling average) is BART for Coal Creek Station. These same petitioners also challenged the EPA’s determination that SNCR plus LNC3+ with an emission limit of 0.13lb/MMBtu averaged across the two units (30-day rolling average) is BART for the Coal Creek Station.

On January 2, 2013, North Dakota submitted Supplement No. 2 to the SIP, which was primarily intended to correct

²⁰ 77 FR 20894 (Apr. 6, 2012).

²¹ The FIP also included: A reasonable progress determination and NO_x emission limit for Antelope Valley Station Units 1 and 2 of 0.17 lb/MMBtu that applies singly to each of these units on a 30-day rolling average, and a requirement that the owner/operator meet the limit as expeditiously as practicable, but no later than July 31, 2018; monitoring, record-keeping, and reporting requirements for the Coal Creek Station and Antelope Valley Station units to ensure compliance with the emission limitations; RPGs consistent with the approved SIP emission limits approved and the final FIP limits; and LTS elements that reflect the other aspects of the finalized FIP. Please refer to the EPA’s final FIP rule for further information on the FIP requirements. 77 FR 20894 (Apr. 6, 2012).

¹⁵ 77 FR 20894.

¹⁶ Throughout, 30-day rolling average emission limits are based on boiler operating days.

¹⁷ In the 2013 SIP supplement, modified and additional SOFA, COFA, and LNB are referred to as LNC3+. Hereinafter in this proposed rule, this combination of controls will also be referred to as LNC3+. By contrast, the existing controls, SOFA (unmodified), COFA, and LNB are referred to as LNC3.

¹⁸ Regional Haze SIP, Appendix D.2, BART Determination for Coal Creek Station Units 1 and 2, 12/1/2009, p. 20.

¹⁹ 76 FR 58603; 77 FR 20921.

¹¹ 40 CFR 51.308(d)(3)(iv).

¹² See CAA section 169A(g)(1), 42 U.S.C. 7491(g)(1) (defining the reasonable progress factors); 40 CFR 51.308(d)(1)(i)(A).

¹³ 40 CFR 51.308(d)(1)(ii).

¹⁴ 40 CFR 51.308(i).

the error in the costs of compliance for SNCR plus LNC3+ related to lost fly ash sales. SIP Supplement No. 2 includes a revised five-factor BART evaluation for Coal Creek Station that largely replaces the five-factor evaluation contained in the Regional Haze SIP that was submitted in 2010 and 2011. SIP Supplement No. 2 affirms the State's earlier BART determination of 0.17 lb/MMBtu averaged across the two units (30-day rolling average) to be met with LNC3+. SIP Supplement No. 2 was submitted after the EPA took final action on the Regional Haze SIP in 2012, and is the focus of this proposed rule.

On September 23, 2013, the Eighth Circuit concluded that the EPA properly disapproved portions of the State's Regional Haze SIP, including the State's NO_x BART determination for the Coal Creek Station.²² In particular, the court ruled that the EPA's role in reviewing the State's SIP was not merely ministerial, and that the EPA acted properly in disapproving the State's NO_x BART determination for the Coal Creek Station that was based on erroneous costs of compliance. However, the court vacated the EPA's FIP promulgating an emission limit of 0.13 lb/MMBtu (30-day rolling average), holding that the EPA had failed to consider existing pollution control technology²³ in use at the Coal Creek Station. More specifically, the court found that the EPA's refusal to consider

DryFiningTM as an existing pollution control because it had been voluntarily installed after the regional haze baseline date was arbitrary and capricious. DryFiningTM is an innovative technology developed by GRE that reduces moisture and refines lignite coal, increasing the efficiency and performance of the fuel while reducing emissions.

II. Coal Creek Station—NO_x BART Determination

Coal Creek Station is a mine-mouth electrical generating plant, consisting primarily of two steam generators (each with a 550 MW capacity) and associated coal and ash handling systems. The units are identical Combustion Engineering boilers that tangentially fire pulverized lignite coal. Since at least 1999, both units have been equipped with the following combustion controls: SOFA, COFA, and LNB. These combustion controls are collectively referred to as LNC3. In addition, DryFiningTM was fully installed on both units by mid-2010.

The State analyzed the impact of Coal Creek on visibility in Class I areas, and found that the source was subject to BART requirements.²⁴

A. North Dakota's NO_x BART Determination

To address the EPA's disapproval of the NO_x BART determination for Coal

Creek Station, North Dakota submitted SIP Supplement No. 2 to the EPA on January 2, 2013. Because the two Coal Creek boilers are identical, the State performed a single BART analysis that is relevant to both units. The State's supplemental evaluation is provided in Appendix B.2.1 of SIP Supplement No. 2. The supplemental evaluation is informed by GRE's refined BART analysis of April 5, 2012, updated June 6, 2012, and found in Appendix C.2.1 of SIP Supplement No. 2.

The State considered only LNC3+, SNCR (with existing LNC3), and SNCR plus LNC3+ as technically feasible control options. Both the State and the EPA have previously determined that selective catalytic reduction and low temperature oxidation are not required as BART.²⁵ In addition, because the State found that ammonia slip from SNCR has the potential to negatively impact fly ash sales, it evaluated three different scenarios for the SNCR and SNCR plus LNC3+ control options: 0% lost fly ash sales, 30% lost fly ash sales, and 100% lost fly ash sales. The State determined a control effectiveness for LNC3+ of 23.9%, for SNCR of 24.9% (with existing LNC3), and for SNCR plus LNC3+ of 39.3%.

A summary of the State's NO_x BART analysis is provided in Table 1. Note that costs are provided in 2011 dollars.

TABLE 1—SUMMARY OF COAL CREEK NO_x BART ANALYSIS FOR UNIT 1 AND UNIT 2 BOILERS

| Control option ^a | Control efficiency (%) | Annual emission rate (lb/MMBtu) | Annual emission reductions (tons/yr) | Cost effectiveness (\$/ton) | Incremental cost effectiveness (\$/ton) ^b | Visibility benefit (delta dv) ^{c,d} |
|--------------------------------|------------------------|---------------------------------|--------------------------------------|-----------------------------|--|--|
| SNCR plus LNC3+ | | | | | | |
| 100% Lost Fly Ash Sales | 39.3 | 0.122 | 1,998 | 4,444 | 10,350 | 1.623 |
| 30% Lost Fly Ash Sales | 39.3 | 0.122 | 1,998 | 3,305 | 7,449 | 1.623 |
| 0% Lost Fly Ash Sales | 39.3 | 0.122 | 1,998 | 2,195 | 4,619 | 1.623 |
| SNCR with existing LNC3 | | | | | | |
| 100% Lost Fly Ash Sales | 24.9 | 0.151 | 1,265 | 7,194 | 163,471 | 1.529 |
| 30% Lost Fly Ash Sales | 24.9 | 0.151 | 1,265 | 5,396 | 118,863 | 1.529 |
| 0% Lost Fly Ash Sales | 24.9 | 0.151 | 1,265 | 3,643 | 75,373 | 1.529 |
| LNC3+ | 23.9 | 0.153 | 1,214 | 629 | NA | 1.463 |

^a DryFiningTM is common to each of the control options.

^b The incremental costs listed for SNCR plus LNC3+ are for between SNCR plus LNC3+ and LNC3+.

^c The visibility modeling that GRE performed for Coal Creek Units 1 and 2 included SO₂ controls in addition to the noted NO_x control. Accordingly, the modeling results summarized above reflect the chosen SO₂ BART control, scrubber modifications, in addition to the noted NO_x control option. Thus, these values do not reflect the distinct visibility benefit from each NO_x control option, but do provide the incremental benefit between the NO_x control options.

^d The visibility improvement described in this table represents the change in the maximum 98th percentile impact over the modeled 3-year meteorological period (2001–2003) at the highest impacted Class I area, Theodore Roosevelt, relative to a pre-controlled baseline. Refer to the spreadsheet created by EPA titled "CALPUFF Modeling Results from GRE Supplemental Analysis of 4–5–2012.xlsx".

²² *North Dakota v. United States EPA*, 730 F.3d 750 (8th Cir. 2013), *cert. denied*, 134 S. Ct. 2662 (2014).

²³ Pursuant to Section 169A(g)(1) of the CAA, "any existing pollution control technology in use at the source" is one of the five factors that must be considered when making a BART determination.

²⁴ Regional Haze SIP, Section 7.3.1; 76 FR 58553.

²⁵ Regional Haze SIP, Appendix B.2; 76 FR 58622–23.

The State considered each of the five statutory BART factors when making its NO_x BART determination for Coal Creek Station as described below.

Costs of Compliance

When the State began development of its regional haze program in 2006, it established costs of compliance thresholds for both cost effectiveness and incremental cost effectiveness above which costs are considered excessive.²⁶ When adjusted to 2011 dollars, the threshold for cost effectiveness is \$4,100/ton, while the threshold for incremental cost effectiveness is \$7,300/ton. The cost effectiveness of LNC3+, \$629/ton, is very reasonable by this standard.²⁷ The State found that SNCR, with the existing LNC3 combustion controls, is clearly an inferior option to LNC3+ because this control option presents only marginally more control effectiveness at much higher cost per ton values in comparison to LNC3+. In addition, the State found that the incremental cost between these two options to be excessive regardless of what percentage of fly ash sales are lost. For the remaining control option, SNCR plus LNC3+, the State found that whether the costs of compliance were reasonable depends on the percentage of fly ash sales that may be lost. If no fly ash sales are lost, the State found that neither the cost effectiveness, \$2,195/ton, or incremental cost effectiveness relative to LNC3+, \$4,619/ton, would be deemed excessive when using the State's criteria. However, if 30% of the fly ash sales are lost, the State found that the incremental cost effectiveness relative to LNC3+ of \$7,449/ton exceeds the relevant threshold. If all of the fly ash sales are lost, then the State found that both thresholds are exceeded. Moreover, if none of the fly ash can be sold, the State found that \$31 million of existing fly ash handling equipment would be rendered useless with likely no opportunity to retrieve the resources invested. The State concluded that it is likely that some fly ash sales will be lost. However, because it is difficult to know precisely how much of the fly ash sales will be lost, the State found that the costs of compliance are uncertain.

Energy and Non-Air Quality Environmental Impacts

When evaluating the environmental and non-air quality impacts, the State emphasized that recycling the fly ash

and keeping this material out of a landfill is important. The State expressed concerns that the use of SNCR may prevent the recycling of fly ash.

Any Existing Pollution Controls in Use at the Source

Regarding any existing pollution control in use at the source, the State noted that SOFA, COFA, and LNB (collectively referred to as LNC3) had been in place at the facility for some time, until combustion controls on Unit 2 were upgraded to LNC3+ in 2007. Unit 1 has not been similarly modified. Also, both units were equipped with DryFining™ in 2010. Unlike in the original BART evaluation, the State's 2013 supplemental BART evaluation recognizes the NO_x emission reduction that can be attributed to DryFining™. When North Dakota submitted the Regional Haze SIP in 2010, it based the BART analysis on a historical baseline emission rate of 0.22 lb/MMBtu (annual average, 2000–2004) that reflected NO_x reductions achieved with the existing combustion controls (LNC3). At that time, although it had been installed, the effect of DryFining™ on NO_x emissions was uncertain. Since then, the State has found that the technology can reduce NO_x emissions by about 0.02 lb/MMBtu. The State has also determined that, because LNC3+ had been installed on Unit 2 for the purpose of meeting BART, it was inappropriate for the baseline to reflect the additional reduction achieved by LNC3+ relative to LNC3. Accordingly, the State used a revised baseline emission rate of 0.201 lb/MMBtu in SIP Supplement No. 2 that reflects the use of both LNC3 and DryFining™.

Remaining Useful Life of the Source

The State noted that the source is expected to have a remaining useful life of at least 20 years.²⁸ The State has used this value in the calculations of cost effectiveness. Otherwise, the remaining useful life did not have an impact on the State's selection of NO_x BART.

Degree of Improvement in Visibility

The State evaluated visibility impacts (and improvement) at the two affected Class I areas: Theodore Roosevelt National Park (NP) and Lostwood Wilderness Area. The visibility impacts were provided in GRE's April 5, 2012, submittal to the State, and were based on CALPUFF modeling.²⁹ At the most

impacted Class I area, Theodore Roosevelt NP, the State found that the incremental visibility improvement for SNCR plus LNC3+ versus LNC3+ is 0.106 dv for the 98th percentile, and this improvement was considered negligible by the State. As such, the State concluded that the visibility improvement does not warrant the selection of SNCR plus LNC3+ as BART.³⁰ Finally, because the costs of compliance cannot be determined precisely due to the uncertainty surrounding lost fly ash sales, the State chose to weigh the visibility benefits heavily in its BART determination.

After evaluating the five BART factors, and for the reasons stated above, North Dakota determined that BART should be based on the installation of LNC3+. The State's BART analysis used an annual emission rate for LNC3+ of 0.153 lb/MMBtu, reflecting the performance demonstrated at Unit 2. However, the State noted that the shorter averaging period of the BART emission limit, 30 days, requires a slightly higher value.³¹ Accordingly, the State established an emission limit of 0.17 lb/MMBtu averaged across the two units (30-day rolling average). The State required that compliance with the emission limit be as expeditiously as practicable but in no event later than 5 years after the EPA approves the BART requirements for Coal Creek Station. Further, the State required that compliance be demonstrated within 180 days of initial startup of the equipment required to meet the BART limits, but no later than 5 years after the EPA approves the BART requirements for the Coal Creek Station.

B. EPA's Evaluation of North Dakota's NO_x BART Determination

In our evaluation of the State's NO_x BART determination for Coal Creek Station, we seek to address two deficiencies that relate to our disapproval of the State's 2010 NO_x BART determination and resultant FIP. First, we intend to revisit the State's NO_x BART determination in light of the fact that SIP Supplement No. 2 addresses the error related to lost fly ash sales in the estimation of the costs of compliance. Second, we intend to re-evaluate the State's BART determination for Coal Creek in consideration the

³⁰ The State calculated the incremental visibility benefit between SNCR plus LNC3+ and LNC3+ (both with scrubber upgrades for SO₂) as the difference between the respective modeled visibility impacts, or 1.623 dv – 1.529 dv = 0.106 dv.

³¹ North Dakota found that 30-day rolling average emission rates are expected to be at least 5–15% higher than the annual average emission rate. For example, see Appendix B.1 of SIP, page 16.

²⁶ Refer to Appendix E of the Regional Haze SIP.

²⁷ Incremental cost effectiveness for LNC3+ is not calculable because it is the least effective control option considered.

²⁸ Regional Haze SIP, Appendix D.2, BART Determination for Coal Creek Station Units 1 and 2, 12/1/2009, p. 12.

²⁹ Refer to Appendix A.1 of the Regional Haze SIP regarding the CALPUFF modeling methodology.

Eighth Circuit's decision as it relates to any existing pollution controls.

As described earlier, in 2012, the EPA disapproved the State's BART determination in part because of an error in the sales price for fly ash that affected the State's consideration of the costs of compliance. GRE used a sales price of \$36/ton for fly ash in calculating the cost effectiveness for SNCR. The State in turn relied on these values in support of its 2010 BART determination. In 2011, GRE indicated the correct sales price for fly ash was \$5/ton instead of \$36/ton. Subsequently, when commenting on EPA's 2011 proposed rule,³² GRE indicated that, rather than \$5/ton, the lost fly ash sales revenue should be based on the 2010 average per ton freight on board (FOB) price of \$41.00, with 30% (\$12.30/ton) of the sale price going to GRE as revenue. The remainder of the revenue, \$28.79/ton, goes to Headwaters Resources, Inc. (HRI), GRE's partner in the sale and distribution of fly ash. In our 2012 final rule, we responded that we were not convinced that such an increase (over the \$5/ton price) would be appropriate because GRE did not provide any detail on the basis for the increased price. However, in GRE's revised BART analysis of April 5, 2012, the company clarified that \$5/ton figure represented what GRE received as a portion of the FOB price before December of 2011. GRE also reaffirmed the then-current ash sales contract (as of April 2012) required payments to GRE that total 30% of the price. GRE points out that HRI has "invested heavily into fly ash sales infrastructure including terminals and storage facilities, conveying equipment, scales and train car shuttles" and that HRI "financed GRE's portion of the infrastructure through a per ton payment on fly ash sales."³³ Accordingly, we find that the revised cost effectiveness value for SNCR plus LNC3+, as well as the incremental cost effectiveness value of SNCR plus LNC3+ compared to LNC3+, in SIP Supplement No. 2 are reliable because they are based on an established contractual sales price for fly ash.

In the 2011 proposed FIP, the EPA agreed that use of SNCR might result in lost ash sales and the need to landfill fly ash due to ammonia contamination. These additional costs were included in our cost analysis supporting the proposed FIP. However, we also invited comment on the assumption that use of SNCR would result in lost fly ash sales

and on the availability of ammonia mitigation techniques.³⁴ We received responsive comments on both sides of the issue. Ultimately, we concluded that it is possible to control ammonia slip from SNCR to within the range of 2 ppm or less, and that it is widely accepted that ammonia at this level does not impact the potential sales and use of fly ash in concrete. Accordingly, we concluded that charges for lost fly ash sales should not be applied to the SNCR cost analysis and that SNCR can be successfully deployed at the Coal Creek Station in a cost-effective manner. Specifically, we calculated a cost effectiveness of \$1,313/ton.³⁵ In consideration of the costs of compliance, and the remaining BART factors, we concluded that BART is represented by SNCR plus LNC3+.

In its SIP Supplement No. 2, North Dakota contested the lost ash sales analysis reflected in the EPA's final rule, citing studies that, according to the State, supported its assertions. North Dakota contended that "EPA's assertion that no ash sales will be lost is speculative."³⁶

Given the importance of assumptions about lost fly ash sales in assessing the costs of compliance, and in consideration of more than five years having passed since we originally established BART for the Coal Creek Station, it is appropriate that we investigate and analyze this issue further. Accordingly, we once again invite comment in relation to the following: (1) Whether ammonia slip from the SNCR can be controlled to levels sufficient enough to prevent unacceptable ammonia contamination of the fly ash; (2) what levels of ammonia contamination are acceptable to fly ash marketers and end-users; and (3) availability, applicability, and cost of applying ammonia mitigation techniques to fly ash derived from lignite coal.

On the matter of any existing controls, the State's BART evaluation now relies on a baseline NO_x emission rate of 0.201 lb/MMBtu (annual) that reflects the use of DryFiningTM. As noted earlier, this baseline emission rate incorporates the 0.02 lb/MMBtu reduction that is achieved with the technology. As a result, the State's BART analysis reasonably considers "any existing pollution control technology in use at the source,"

consistent with the Eighth Circuit decision.³⁷

With these two issues appropriately addressed by the State's SIP Supplement No. 2, and because we have not identified any further deficiencies, we conclude that North Dakota has reasonably considered the five statutory BART factors in making its BART determination for the Coal Creek Station in accordance with the CAA and RHR. Therefore, we propose to approve the State's NO_x BART emission limit of 0.17 lb/MMBtu averaged across the two units (30-day rolling average), which is based on LNC3+.

III. Coordination With FLMs

Theodore Roosevelt National Park is managed by the National Park Service (NPS), while the Lostwood Wilderness Area is managed by the U.S. Fish and Wildlife Service (FWS). As described in section I.D of this proposed rule, the Regional Haze Rule grants the FLMs a special role in the review of regional haze SIPs. Under 40 CFR 51.308(i)(2), North Dakota was obligated to provide the FLMs with an opportunity for consultation in development of the State's proposed SIP revisions. By written correspondence dated August 8, 2012, North Dakota provided the FLMs the opportunity to comment on the draft SIP Supplement No. 2.³⁸ The FWS submitted comments to North Dakota in a letter dated October 29, 2012, and the State responded to those comments in its response to public comments.³⁹ No other FLMs commented. The EPA considers the State's obligation to consult with the FLMs on the SIP revision to be fulfilled.

IV. The EPA's Proposed Action

In this action, the EPA is proposing to approve certain portions of North Dakota's Regional Haze SIP. Specifically, the EPA is proposing to approve the NO_x BART determination for the Coal Creek Station, included in SIP Supplement No. 2, of 0.17 lb/MMBtu averaged across the two units (30-day rolling average). Refer to the final action of April 6, 2012, regarding EPA's disapproval or approval of other elements of North Dakota's Regional Haze SIP.

In addition, the EPA plans to remove from the Code of Federal Regulations the FIP requirements for Coal Creek Station that the Eighth Circuit vacated in the *North Dakota* decision and are therefore not enforceable as a matter of

³⁴ 76 FR 58620.

³⁵ 77 FR 20925.

³⁶ Supplemental Evaluation of NO_x BART Determination for Coal Creek Station Units 1 and 2, at 10–11.

³² 76 FR 58570 (Sep. 21, 2011).

³³ GRE's refined BART analysis of April 5, 2012, p. 17.

³⁷ 77 FR at 20925; see also *North Dakota*, 730 F.3d at 764.

³⁸ Refer to Appendix J.3.4 of the SIP Supplement.

³⁹ Refer to Appendix F.8.1 of the SIP Supplement.

law. We are not inviting public comment on this portion of our action.

V. Incorporation by Reference

In this rule, the EPA is proposing to include, in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the amendments described in section II. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory

action because SIP approvals are exempted under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
 - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
 - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
 - Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not proposed to apply on any Indian reservation land or in any other area where the EPA or an

Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides.

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

Dated: April 13, 2018.

Douglas Benevento,

Regional Administrator, Region 8.

40 CFR part 52 is proposed to be amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart JJ—North Dakota

- 2. Section 52.1820 in paragraph (d) is amended by revising the table entry “PTC10005” under the centered heading “Coal Creek Station Units 1 and 2” to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(d) * * *

| Rule No. | Rule title | State effective date | EPA effective date | Final rule citation/date | Comments |
|--|--|----------------------|--------------------|---|---|
| * | * | * | * | * | * |
| Coal Creek Station Units 1 and 2. | | | | | |
| PTC10005 | Air pollution control permit to construct for best available retrofit technology (BART). | 12/20/12 | 5/29/18 | [Insert Federal Register citation], 4/26/18. | Only: NO _x BART emissions limits for Units 1 and 2 and corresponding monitoring, record-keeping, and reporting requirements. |
| * | * | * | * | * | * |

* * * *

- 3. Section 52.1825 is amended by revising paragraphs (a), (c)(1) and (d) to read as follows:

§ 52.1825 Federal implementation plan for regional haze.

(a) *Applicability.* This section applies to each owner and operator of the following coal-fired electric generating units (EGUs) in the State of North

Dakota: Antelope Valley Station, Units 1 and 2.

* * * *

(c) *Emissions limitations.* (1) The owners/operators subject to this section shall not emit or cause to be emitted NO_x in excess of the following

limitations, in pounds per million British thermal units (lb/MMBtu), averaged over a rolling 30-day period:

| Source name | NO _x Emission limit (lb/MMBtu) |
|---------------------------------------|---|
| Antelope Valley Station, Unit 1 | 0.17 |
| Antelope Valley Station, Unit 2 | 0.17 |

(2) * * *

(d) *Compliance date.* The owners and operators of Antelope Valley Station shall comply with the emissions limitations and other requirements of this section as expeditiously as practicable, but no later than July 31, 2018, unless otherwise indicated in specific paragraphs.

* * * * *

[FR Doc. 2018-08623 Filed 4-25-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2017-0099 FRL-9977-21—Region 5]

Air Plan Approval; Minnesota; Flint Hills Sulfur Dioxide (SO₂) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Minnesota sulfur dioxide (SO₂) State Implementation Plan (SIP) for the Flint Hills Resources, LLC Pine Bend Refinery (FHR) as submitted on February 8, 2017. The proposed SIP revision pertains to the introduction and removal of certain equipment at the refinery as well as amendments to certain emission limits, resulting in an overall decrease of SO₂ emissions from FHR.

DATES: Comments must be received on or before May 29, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2017-0099 at <https://www.regulations.gov> or via email to blakley.pamela@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be

Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8777, maietta.anthony@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for this action?
- II. What is EPA’s analysis of the SIP revision?
 - a. Coker Replacement
 - b. #4 Hydrogen Plant Reformer—30H401 Furnace
 - c. Diesel Fire Water Pump at #4 Cooling Tower
 - d. #3 Crude/Coker Improvements
 - e. Cleanup
- III. SO₂ SIP and Emissions Impacts
- IV. What action is EPA proposing?
- V. Incorporation by Reference
- VI. Statutory and Executive Order Reviews

I. What is the background for this action?

FHR operates an oil refinery located in the Pine Bend Area of Rosemount, Dakota County, Minnesota. On February 8, 2017, the Minnesota Pollution Control Agency (MPCA) submitted a request to EPA to approve into the Minnesota SIP the conditions cited as “Title I Condition: 40 CFR 50.4(SO₂ SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y” in FHR’s revised joint Title I/Title V document, Permit No. 03700011-101¹

¹ In 1995, EPA approved consolidated permitting regulations into the Minnesota SIP. (60 FR 21447, May 2, 1995). The consolidated permitting regulations included the term “Title I condition” which was written, in part, to satisfy EPA requirements that SIP control measures remain

(joint document 101). Joint document 101 contains measures for FHR to implement changes that improve technology at the plant and increase efficiency through new and existing equipment, as well as clarifying amendments to the document’s language. MPCA posted joint document 101 for public comment in the Minnesota *State Register* on November 21, 2016, and the comment period ended on December 23, 2016. MPCA received no comments on the document.

II. What is EPA’s analysis of the SIP revision?

Joint document 101, issued by MPCA on January 13, 2017, contains amended SIP conditions that, when combined, provide FHR with the ability to more efficiently upgrade hydrocarbons that are distilled from FHR’s crude units into transportation fuels, primarily diesel. The amended SIP conditions allow FHR to increase fuel production and operate more efficiently and closer to the facility’s overall distillation capacity. See Table 1 at the end of our review for a list of detailed changes to SO₂ allowable emissions limits associated with this action. The amended SIP conditions in joint document 101 include:

a. Coker Replacement.

A coker replacement project consists of the installation of a new coker process unit (#4 Coker Unit Charge Heater/EQUI1456) into joint document 101. The new #4 Coker will replace the #1 and #2 Cokers, which will be permanently retired. In addition to their retirement, the SIP condition that lists the decoking scenario in which the #1 and #2 cokers’ associated process units

permanent and enforceable. A “Title I condition” is defined, in part, as “any condition based on source specific determination of ambient impacts imposed for the purpose of achieving or maintaining attainment with a national ambient air quality standard and which was part of a [SIP] approved by the EPA or submitted to the EPA pending approval under section 110 of the act. . .” MINN. R. 7007.1011 (2013). The regulations also state that “Title I conditions and the permittee’s obligation to comply with them, shall not expire, regardless of the expiration of the other conditions of the permit.” Further, “any title I condition shall remain in effect without regard to permit expiration or reissuance, and shall be restated in the reissued permit.” MINN. R. 7007.0450 (2007). Minnesota has initiated using the joint Title I/Title V document as the enforceable document for imposing emission limitations and compliance requirements in SIPs. The SIP requirements in the joint Title I/Title V document submitted by MPCA are cited as “Title I conditions,” therefore ensuring that SIP requirements remain permanent and enforceable. EPA reviewed the state’s procedure for using joint Title I/Title V documents to implement site specific SIP requirements and found it to be acceptable under both Title I and Title V of the Clean Air Act (July 3, 1997 letter from David Kee, EPA, to Michael J. Sandusky, MPCA).

operate simultaneously with 21H1 Steam/Air Heater Decoking unit (EQUI 493) and 21H2 Steam/Air Heater Decoking unit (EQUI 494) is being removed from joint document 101.

b. #4 Hydrogen Plant Reformer—30H401 Furnace.

The allowable SO₂ emissions limit on the 30H401 furnace for the #4 Hydrogen Plant Reformer is being lowered. This is because the originally approved allowable SO₂ limit for the heater assumed that it would operate on refinery fuel gas. Since start-up, the unit has primarily been operated on pressure swing adsorption offgas, which originates as a natural gas ahead of the reformer and does not contain sulfur. Because of the dual-fuel operation of the heater, its allowable SO₂ limit has been reduced to meet actual operating conditions.

c. Diesel Fire Water Pump at #4 Cooling Tower.

The diesel fire water pump at the #4 cooling tower was decommissioned and so its SO₂ emission limits are removed from joint document 101.

d. #3 Crude/Coker Improvements.

Improvements to the #3 crude/coker that were incorporated as “Title I Condition: 40 CFR 50.4(SO₂ SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y” conditions in a previous joint Title I/Title V document (Permit No. 03700011–010) have been completed and as a result, SIP conditions for three process heaters (EQUI495/EU034, EQUI496/EU035, and EQUI500/EU040) and two process heaters for steam-air decoking activities (EQUI498/EU037 and EQUI499/EU038) are being removed from joint document 101.

e. Cleanup.

MPCA also requested to remove from the Minnesota SIP an emission limit for the ammonium thiosulfate process unit that was erroneously labeled as a “Title I Condition: 40 CFR 50.4(SO₂ SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y” condition in the prior joint Title I/Title V document, Permit No. 3700011–12 (joint document 12). EPA had approved joint document 12 into the Minnesota SIP on June 27, 2016 (81 FR 41447). The state-based SO₂ limit for EQUI574 at

condition 5.162.4 in joint document 12 are revised to be labeled a “Minn. R. 7009.0080” Title V condition in joint document 101. This is acceptable because the federal SO₂ standards are still contained in joint document 101 and the erroneous condition incorporated into joint document 12 at 81 FR 41447 does not affect FHR’s ability to meet the SO₂ NAAQS.

III. SO₂ SIP and Emissions Impacts

Joint document 101 removes SIP conditions for equipment that have been approved for shutdown and decommissioning in joint document 12, and that have been decommissioned from FHR and are no longer necessary. Joint document 101 also strengthens the Minnesota SIP by requiring new or more stringent limits on equipment. As shown in Table 1, for the 3-hour, 24-hour, and annual SO₂ standards, allowable emissions are decreased by 95.402 lb/hr, 95.402 lb/hr, and 249.169 tpy, respectively, from the impact of the revisions to joint document 101. Joint document 101 becomes effective upon the effective date of EPA’s approval of MPCA’s February 8, 2017, request.

TABLE 1—SUMMARY OF CHANGES TO ALLOWABLE SO₂ EMISSIONS IN JOINT DOCUMENT 101

| Unit | Section in permit | Change to allowable in lb/hr (1-hr and 24-hr standards) | Change to allowable in tpy (annual standard) |
|---|-------------------|---|--|
| COMG 28/GP 011/Diesel engines w/SIP conditions | 5.23.3 | – 0.002 | – 0.009 |
| EQUI 471/EU 296/#4 Hydrogen Plant Reformer—Refining Equipment | 5.122.4 | – 69.4 | – 243.3 |
| EQUI 495/EU 034/#3 Coker Heater—Process Heater | 5.122.8 | 22.7 | 79.7 |
| EQUI496/EU 035/#3 Coker Heater—Process Heater | 5.133.1 | – 12.7 | – 44.6 |
| EQUI 498/EU 037/Steam/Air Heater Decooking 23H–1—Process Heater | 5.134.1 | – 9.4 | – 13.4 |
| EQUI 500/EU 040/#3 Crude Unit Charge Heater—Process Heater | 5.135.1 | – 20.2 | – 4.26 |
| EQUI 1456/EQUI 24H–1/no description | 5.137.1 | – 19.5 | – 54.3 |
| | 5.163.13 | 13.1 | 31 |
| Total Change | | – 95.402 | – 249.169 |

Joint document 101 is approvable because EPA’s review of the revised document shows that reductions of allowable SIP-based SO₂ emissions, and strengthening of the Minnesota SIP will occur through corrections, clarifications, and revisions made since approval of joint document 12.

IV. What action is EPA proposing?

EPA is proposing to approve a revision to Minnesota’s SO₂ SIP for FHR, as submitted by MPCA on February 8, 2017, and reflected in conditions labeled “Title I Condition: 40 CFR 50.4(SO₂ SIP); Title I Condition: 40

CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y” in joint document 101.

V. Incorporation by Reference

In this rule, EPA proposes to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA proposes to incorporate by reference all the conditions in Minnesota Permit No. 03700011–101 cited as “Title I Condition: 40 CFR 50.4(SO₂ SIP); Title I Condition: 40 CFR 51; Title I Condition: 40 CFR pt. 52, subp. Y”, effective January 13, 2017. EPA has made, and will continue to make, these documents generally

available through www.regulations.gov, and at the EPA Region 5 Office (please contact the person identified in the “For Further Information Contact” section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of

the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 18, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018-08807 Filed 4-25-18; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1355

RIN 0970-AC76

Adoption and Foster Care Analysis and Reporting System

AGENCY: Children's Bureau (CB), Administration on Children Youth and Families (ACYF), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of Proposed Rulemaking; correction.

SUMMARY: This document corrects the Regulatory Identification Number (RIN) that appeared in the heading of a Notice of Proposed Rulemaking published in the **Federal Register** of March 15, 2018. Through that document, the Children's Bureau proposed to delay the compliance and effective dates in the Adoption and Foster Care Analysis and Reporting System (AFCARS) 2016 final rule for title IV-E agencies to comply with agency rules for an additional two fiscal years.

DATES: April 26, 2018.

SUPPLEMENTARY INFORMATION: In the Notice of Proposed Rulemaking FR Doc 2018-05038, beginning on page 11450 in the issue of March 15, 2018, the RIN appeared incorrectly in the heading of the document as RIN 0970-AC47. The RIN is corrected to read "RIN 0970-AC76".

Dated: April 20, 2018.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2018-08736 Filed 4-25-18; 8:45 am]

BILLING CODE 4184-25-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 10

[PS Docket Nos. 15-91, 15-94; DA 18-302]

Parties Asked To Refresh the Record on Facilitating Multimedia Content in Wireless Emergency Alerts

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Public Safety and Homeland Security Bureau (Bureau) seeks to refresh the record on the issue of facilitating multimedia content (such as photos and maps) in Wireless Emergency Alert (WEA) messages raised in the 2016 *Report and Order and Further Notice of Proposed Rulemaking* in this proceeding.

DATES: Comments are due on or before May 29, 2018 and reply comments are due on or before June 11, 2018.

ADDRESSES: You may submit comments, identified by PS Docket Nos. 15-91 and 15-94, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission's Website:* <https://www.fcc.gov/ecfs/>. Follow the instructions for submitting comments.

- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by Email: FCC504@fcc.gov or phone: (202) 418-0530 or TTY: (202) 418-0432.

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

FOR FURTHER INFORMATION CONTACT: John A. Evanoff, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0848 or john.evanoff@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document in PS Docket Nos. 15-91, 15-94; DA 18-302, released on March 28, 2018. It is available on the

Commission's website at <https://www.fcc.gov>.

Synopsis

1. By this document, DA 18–302, the Public Safety and Homeland Security Bureau (Bureau) of the Federal Communications Commission (Commission) invites interested parties to update the record on the feasibility of including multimedia content in Wireless Emergency Alert (WEA) messages.

2. Currently, the Commission's rules do not specify technical requirements for enabling multimedia content in WEA alert messages. In the 2016 *WEA Report and Order and Further Notice of Proposed Rulemaking (WEA R&O and FNPRM)*, 81 FR 78539, Nov. 8, 2016, the Commission recognized that additional standards development remains necessary. Accordingly, the Commission sought comment regarding the establishment of an appropriate regulatory framework and timeframe for incorporating multimedia capability into WEA alert messages. Numerous stakeholders responded to that request.

3. Since the release of the *WEA R&O and FNPRM*, the Commission has taken measures to strengthen WEA as a tool for emergency managers to communicate with the public. For example, the Commission revised its rules to ensure that emergency managers can geographically target alerts to only those phones located in areas affected by an emergency. When the WEA program launched in 2012, Participating Commercial Mobile Service (CMS) Providers were generally required to send alerts to a geographic area no larger than the county or counties affected by the emergency situation. As of November 1, 2017, all Participating CMS Providers must transmit alerts to a geographic area that “best approximates” the area affected by the emergency situation, and by November 30, 2019, all Participating CMS Providers must match the target area of the alert. In addition to improving the accuracy with which WEA messages must be geo-targeted, the Commission has taken action to improve emergency managers' ability to deliver more effective content in WEA messages. For example, as of November 1, 2017, nationwide Participating CMS Providers must support the inclusion of embedded references (*i.e.*, URLs and phone numbers) in WEA messages. By May 1, 2019, Participating CMS Providers also must support longer WEA alerts (with the maximum Alert Message length increasing from 90 to 360 characters for 4G LTE and future networks) and the transmission of Spanish-language alert

messages. Also as of May 1, 2019, authorized State and local alert initiators will be able to conduct “end-to-end” WEA tests that can be received by members of their communities, in order to assess how WEA is working within their jurisdictions.

4. In response to The Commission continues to consider the *WEA FNPRM's* proposal regarding multimedia alerting, and the Bureau requests that interested commenters refresh the record with any new information or arguments. Commenters should address the technical feasibility for requiring multimedia content in WEA messages, including the current state of multimedia testing and standards development. Commenters should also address with particularity the potential costs and benefits to public safety and Participating CMS Providers for supporting the inclusion of multimedia content in WEA messages, given the other changes to WEA that are currently ongoing.

Procedural Matters

A. Accessible Formats

5. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CARTS, *etc.*) by email: FCC504@fcc.gov; phone: (202) 418–0530 (voice), (202) 418–0432 (TTY).

B. Filing Requirements

6. *Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments

already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with

rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington DC 20554.

People With Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

C. Initial Paperwork Reduction Act of 1995 Analysis

8. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Federal Communications Commission.

Lisa Fowlkes,

Chief, Public Safety and Homeland Security Bureau.

[FR Doc. 2018-08772 Filed 4-25-18; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 171030999-8375-01]

RIN 0648-BH34

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Shorebased Individual Fishing Quota Program

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

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: This notice provides information on a request by the Pacific Fishery Management Council (Council) to establish a control date of September

15, 2017, for the Pacific Coast groundfish fishery. The Council may use the control date to limit the extent, location, or ability to use non-trawl gear types to harvest individual fishing quota (IFQ) (termed ‘gear switching’) in the Pacific Coast groundfish fishery. The Council may or may not provide credit for any gear switching related activities after the control date in any decision setting limits on gear switching. The control date would account for Pacific Coast groundfish fishery participants with historic investment to engage in gear switching should the Council set limits to future participants eligible to gear switch.

DATES: Written comments must be received by May 29, 2018.

ADDRESSES: You may submit comments on the proposed rule identified by “NOAA-NMFS-2018-0015” by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/ #!docketDetail;D=NOAA-NMFS-2018-0015, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Frank Lockhart, NMFS West Coast Regional Office, 7600 Sand Point Way NE, Seattle, WA 98115.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Colin Sayre, NMFS West Coast Regional Office, telephone: 206-526-4656, or email: colin.sayre@noaa.gov.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service (NMFS) implemented the West Coast Groundfish Trawl Catch Share Program on January 11, 2011. The Catch Share Program changed harvest management in the trawl fishery from a trip limit system, with cumulative vessel trip limits, to a quota system where vessels can harvest quota shares at any time during an open season. The Catch Share Program offers industry increased

flexibility in exchange for additional monitoring and data collection requirements.

The Magnuson-Stevens Fishery Conservation and Management Act requires that fishery management councils review catch share programs within five years after implementation. The Council’s first five-year Catch Share Program review concluded in November 2017. As part of response to this review, the Council is considering changing the gear switching provision in the shorebased trawl IFQ component of the Catch Share Program.

The Council originally included gear switching in the Catch Share Program to provide flexibility to trawl harvesters. Gear switching allows vessels to use any legal non-trawl gear type to prosecute the shorebased trawl IFQ fishery. About two-thirds of shorebased IFQ vessels that have taken advantage of the gear switching provision used fixed gear (pots and longlines) prior to Catch Share Program implementation in 2011, and typically used these gears to target sablefish. The remaining vessels operating under the gear switching provision had not fished in the shorebased IFQ trawl fishery prior to Catch Share Program implementation, and purchased or leased trawl permits and sablefish quota to fish with fixed gear after 2011. The Catch Share Program five-year review identified gear switching as a concern for many participants of the shorebased IFQ trawl fishery. Trawl vessels expressed concern that fixed gear vessels targeting sablefish in the shorebased IFQ fishery both depleted sablefish quota and constrained the trawl fishery before vessels were able to attain quotas for other target species that co-occur with sablefish.

At its September 2017 meeting, the Council developed alternatives to limit the amount of quota available to vessels that are gear switching, and the number of participants eligible to continue gear switching activity. The Council also voted to set a control date of September 15, 2017, to account for participants’ financial investment to engage in gear switching in the shorebased IFQ trawl fishery. By establishing this control date, the Council is notifying industry that it may not provide credit for gear switching related activity after this date, in the event that it adopts restrictions on gear switching.

This announcement does not commit the Council or NMFS to any particular action or outcome. The Council may or may not use the control date as part of any deliberations and decisions on gear switching. The Council may also choose to take no further action.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

Dated: April 23, 2018.

Samuel D. Rauch, III,

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

[FR Doc. 2018-08761 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 180202114-8361-01]

RIN 0648-BH60

Pacific Island Fisheries; 5-Year Extension of Moratorium on Harvest of Gold Corals

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

ACTION: Proposed rule; request for
comments.

SUMMARY: This proposed rule would
extend the current region-wide
moratorium on the harvest of gold corals
in the U.S. Pacific Islands through June
30, 2023. NMFS intends this proposed
rule to prevent overfishing and to
stimulate research on gold corals.

DATES: NMFS must receive comments
by May 11, 2018.

ADDRESSES: You may submit comments
on this document, identified by NOAA-
NMFS-2018-0018, by either of the
following methods:

- **Electronic Submission:** Submit all
electronic public comments via the
Federal e-Rulemaking Portal. Go to
<https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0018>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Send written comments to
Michael D. Tosatto, Regional
Administrator, NMFS Pacific Islands
Region (PIR), 1845 Wasp Blvd., Bldg.
176, Honolulu, HI 96818.

Instructions: NMFS may not consider
comments sent by any other method, to
any other address or individual, or
received after the end of the comment
period. All comments received are a
part of the public record and will
generally be posted for public viewing
on <https://www.regulations.gov> without
change. All personal identifying
information (e.g., name, address, etc.),
confidential business information, or

otherwise sensitive information
submitted voluntarily by the sender will
be publicly accessible.

FOR FURTHER INFORMATION CONTACT: Kate
Taylor, NMFS PIR Sustainable
Fisheries, 808-725-5182.

SUPPLEMENTARY INFORMATION: Jewelry
designers use small amounts of precious
corals to adorn their products. The
precious corals fishery in the U.S.
Pacific Islands includes black, pink,
bamboo, and gold corals. They are slow-
growing and have low rates of natural
mortality and recruitment. Unexploited
populations are relatively stable, and a
wide range of age classes is generally
present. Due to the great longevity of
individuals and the associated slow
population turnover rates, a long period
of reduced fishing effort is required to
restore a stock's ability to produce at the
maximum sustainable yield if a stock
has been over-exploited. Fishermen
harvest precious corals by various
methods, including hand-harvesting and
submersibles.

Gold corals are suspension feeders,
and live in deep water (100–1,500
meters (m)) on hard substrates where
bottom currents are strong, such as
seamounts, ledges, pinnacles, walls, and
cliffs. Prior fishing effort harvested gold
corals by submersible or tangle net
dredges. There are several beds of gold
corals (*Gerardia* spp., *Callogorgia*
gilberti, *Narella* spp., and *Calyptrophora*
spp.) in the U.S. Exclusive Economic
Zone (EEZ, generally 3–200 nautical
miles from shore) around Hawaii. Gold
coral distribution and abundance are
unknown in the region beyond Hawaii,
but they likely occur in the EEZ around
American Samoa, the Commonwealth of
the Northern Mariana Islands, Guam,
and the Pacific Remote Island Areas
(PRIA: Baker Island, Howland Island,
Jarvis Island, Wake Atoll, Johnston
Atoll, Kingman Reef, Midway Atoll, and
Palmyra Atoll).

NMFS and the Western Pacific
Fishery Management Council (Council)
manage precious coral fisheries in the
U.S. Pacific Islands under fishery
ecosystem plans (FEPs) for American
Samoa, Hawaii, the Mariana
Archipelago, and the PRIA. The FEPs
and associated Federal regulations at 50
CFR part 665 require permits and data
reporting, and allow harvesting of
precious corals only with selective gear
(e.g., submersibles, remotely-operated
vehicles, or by hand). There are also
bed-specific quotas, refuges from
fishing, and size limits. The fishery for
gold corals, like most deepwater
precious corals, has remained dormant
since 2001.

The Council considered past and
current research on gold corals growth
rates and recruitment. Past research on
gold corals indicated that the linear
growth rate of gold corals is
approximately 6.6 centimeters/year,
suggesting a relatively young age for
large coral colonies. However, updated
research using radiocarbon dating
revealed that gold corals in Hawaii
could have a growth rate of 0.14–0.40
centimeters/year and that colony ages
ranged from 450–2,740 years.
Additional research also identified
previously unknown habitat
requirements for gold coral, specifically
that gold corals may depend on bamboo
corals to provide required substrate for
gold coral larvae.

Because of these uncertainties, the
Council and NMFS established a 5-year
moratorium on harvesting gold corals in
2008 (73 FR 47098, August 13, 2008).
They extended the moratorium for
another five years in 2013 (78 FR 32181,
May 29, 2013). These moratoria have
prevented the potential for
overharvesting gold corals from a
renewed fishery and allowed for
research on gold coral biology. The
current moratorium is scheduled to
expire on June 30, 2018.

The Council continues to be
concerned about uncertainties related to
the growth rates and habitat
requirements for gold coral, and
recognizes that fishery managers need
more research to inform appropriate
measures for this fishery. This proposed
rule would extend the moratorium
through June 30, 2023. The proposed
action would prevent the potential for
overfishing and allow such further
research on gold corals that could
inform sustainable management models
and reference points for appropriate
gold coral management measures.

NMFS must receive any public
comments on this proposed rule by the
close of business on May 11, 2018, and
will not consider late comments.

Classification

Pursuant to section 304(b)(1)(A) of the
Magnuson-Stevens Act, the NMFS
Assistant Administrator has determined
that this proposed rule is consistent
with the FEPs for American Samoa, the
PRIA, Hawaii, and the Mariana
Archipelago, other provisions of the
Magnuson-Stevens Act, and other
applicable law, subject to further
consideration after public comment.

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

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The proposed rule would extend the current gold coral harvest moratorium for five years. The current moratorium is scheduled to expire on June 30, 2018. The Western Pacific Fishery Management Council (Council) recommended extending the moratorium through June 30, 2023.

The proposed action would potentially affect any entity possessing a Federal western Pacific precious corals permit, because those entities would be permitted to harvest or land gold corals, in addition to black, bamboo, pink, and red corals. Only one entity, based in the state of Hawaii, currently possesses a permit (http://www.fpir.noaa.gov/SFD/SFD_permits_index.html, accessed: February 2, 2018). NMFS believes that this entity would be considered a small entity because the permit holder is engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and has annual gross receipts not in excess of \$11 million.

Although NMFS believes that the permit holder would be considered a small entity, it is unlikely that the permit holder would begin to harvest gold corals in the absence of a moratorium. The Pacific Islands gold coral fishery had been dormant when the current moratorium went into effect in 2008, and extended in 2013. Gold coral harvesting had occurred infrequently during the past 50 years. In the late 1970s, harvesters used a manned submersible to selectively take several thousand kilograms of gold coral off eastern Oahu, Hawaii. From 1999–2001, a second harvester took a small amount of gold coral, along with other

deepwater precious corals, from exploratory areas off Hawaii.

Extending the moratorium on gold coral harvests will not likely cause immediate economic impact to the entity permitted to harvest gold corals. Furthermore, this fishery is still characterized by high equipment and operating costs, continued safety concerns and other logistical constraints. Gold coral market prices are not high enough to offset those risks and expenses. Because of these challenges to entities wishing to harvest and land gold corals, interest in this fishery will likely remain low even without the moratorium. However, extending the moratorium for another five years would ensure that no harvesting of gold corals would occur until at least 2023.

Additional research may better inform future management decisions regarding sustainable harvest of this resource.

The proposed rule does not duplicate, overlap, or conflict with other Federal rules and is not expected to have significant impact on small entities (as discussed above), organizations or government jurisdictions. There does not appear to be disproportionate economic impacts from the proposed rule based on home port, gear type, or relative vessel size. The proposed rule will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

List of Subjects in 50 CFR 665

Administrative practice and procedure, American Samoa, Deep sea coral, Fisheries, Fishing, Guam, Hawaii, Northern Mariana Islands, Pacific Remote Island Areas, Precious coral.

Dated: April 23, 2018.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. Revise § 665.169 to read as follows:

§ 665.169 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

■ 3. In § 665.269, revise note 2 to the table in paragraph (d) to read as follows:

§ 665.269 Quotas.

* * * * *

(d) * * *

Notes:

1. No fishing for coral is authorized in refugia.
2. A moratorium on gold coral harvesting is in effect through June 30, 2023.

■ 4. Revise § 665.270 to read as follows:

§ 665.270 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

■ 5. Revise § 665.469 to read as follows:

§ 665.469 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

■ 6. Revise § 665.669 to read as follows:

§ 665.669 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

[FR Doc. 2018–08784 Filed 4–25–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 81

Thursday, April 26, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 23, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by May 29, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Small Business Timber Set-Aside Program: Appeal Procedures on Recomputation of Shares.

OMB Control Number: 0596-0141.

Summary of Collection: The Forest Service (FS) administers the Small Business Timber Sale Set-Aside Program in cooperation with the Small Business Administration (SBA) under the authorities of the Small Business Act (15 U.S.C. 631), which establishes Federal policy regarding assistance provided to small businesses; the National Forest Management Act of 1976; the Administrative Procedures Act (5 U.S.C. 522); and SBA's regulations found at 13 CFR part 121. The Set-Aside Program is designed to ensure that qualifying small business manufacturers can purchase a fair portion of National Forest System sawtimber offered for sale.

Need and Use of the Information: Under the program, the FS must re-compute the shares of timber sales to be set aside for qualifying small businesses every five years based on the actual volume of sawtimber purchased by small businesses. Re-computation of shares must occur if there is a change in manufacturing capability, if the purchaser size class changes, or if certain purchaser(s) discontinue operations. The appeal information is collected in writing and is possible, in most locations to be sent via email and attached documents to a Forest Service Officer. The collected information is reviewed by FS officials who use the information to render decisions related to re-computations of timber sale share to be set-aside for small business timber purchasers.

Description of Respondents: Business or other for-profit.

Number of Respondents: 40.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 800.

Forest Service

Title: Qualified Product List for Wild Land Fire Chemicals.

OMB Control Number: 0596-0182.

Summary of Collection: The policy of the Forest Service (FS) is stated in Forest Service Handbook (FSH 5109.16, chapters zero code, 10, 20, and 30), "Use only evaluated, approved and qualified fire chemicals." This policy requires Agency to evaluate all wildland fire chemicals before use in fire management activities on lands managed by the FS. Additionally, FS needs to have available and utilize adequate types and quantities of qualified fire chemical products to accomplish fire management activities safely, efficiently, and effectively. To accomplish their objective, FS evaluates chemical products that may be used in direct wildland fire suppression operations prior to their use on lands managed by the FS. Safe products do not include ingredients that create an enhanced risk, in typical use, to either the firefighters involved or the public in general. Safety to the environment in terms of aquatic (fish, clean water) and terrestrial environments (wildlife, plants) is also considered.

Need and Use of the Information: FS will collect the listing of individual ingredients and quantity of these ingredients in the formulation of a product being submitted for evaluation to test the products using various Technical Data Sheets and other forms. The entity submitting the information provides the FS with the specific ingredients used in its product and identifies the specific source of supply for each ingredient. The information collected is specific mixing requirements and hydration requirements of gum-thickened retardants. The information provided will allow the FS to search the List of Known and Suspected Carcinogens, as well as the Environment Protection Agency's List of Highly Hazardous Materials, to determine if any of the ingredients appear on any of these lists. Without the information FS would not be able to assess the safety of the wildland fire chemicals utilized on FS managed land, since the specific ingredients and the quantity of each ingredients used in a formulation would not be known.

Description of Respondents: Business or other for-profit.

Number of Respondents: 3.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 41.

Forest Service

Title: Generic Information Collection and Clearance of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 0596–0226.

Summary of Collection: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. Improving Forest Service (FS) programs requires ongoing assessment of service delivery, by which we mean systematic review of the operation of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program.

Need and Use of the Information: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between FS and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures

that were or will be undertaken prior fielding the study. Depending on the degree of influence, the results are likely to have such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Description of Respondents: Farms; Business or other for-profit; Not-for-profit Institutions and State, Local or Tribal Government.

Number of Respondents: 1,875,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 468,750.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–08741 Filed 4–25–18; 8:45 am]

BILLING CODE 3411–15-P

DEPARTMENT OF AGRICULTURE**Submission for OMB Review; Comment Request**

April 23, 2018.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725–17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured

of having their full effect if received by May 29, 2018. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Milk and Milk Products.

OMB Control Number: 0535–0020.

Summary of Collection: The National Agricultural Statistics Service's (NASS) primary function is to prepare and issue current official State and national estimates of crop and livestock production, prices and disposition, and to collect information on related environmental, land values, farm numbers, and other economic factors. Estimates of milk production and manufactured dairy products are an integral part of this program. Milk and dairy statistics are used by the U.S. Department of Agriculture (USDA) to help administer price support programs and by the dairy industry in planning, pricing, and projecting supplies of milk and milk products. The general authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. The legislative actions which affect these surveys are the "Dairy Market Enhancement Act of 2000," U.S. Code Title 7, Section 1621, and Public Law 106–532 which changed the program from voluntary to mandatory for reporting the moisture content of cheddar cheese plus the price and quantity of cheddar cheese, butter, non-fat dry milk, and dry whey. In April 2012 the authority for collecting Dairy Product Prices was moved from NASS to the Agricultural Marketing Service. NASS will continue to collect milk production and manufactured dairy product data under this OMB approval.

Need and Use of the Information: NASS will collect information quarterly with the Milk Production Survey. The monthly Milk and Milk Products surveys obtain basic agricultural statistics on milk production and manufactured dairy products from farmers and processing plants throughout the nation. Data are gathered for milk production, evaporated and condensed milk, dairy products, manufactured dry milk and manufactured whey products. Estimates of total milk production, number of milk

cow, and milk production per cow, are used by the dairy industry in planning, pricing, and projecting supplies of milk and milk products. The mandatory dairy product information reporting requires each manufacturer to report the price, quantity and moisture content of dairy products sold and each entity storing dairy products to report information on the quantity of dairy products stored. Collecting data less frequently would prevent USDA and the agricultural industry from keeping abreast of changes at the State and National level.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 18,850.

Frequency of Responses: Reporting: Quarterly; Monthly; Annually.

Total Burden Hours: 13,081.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018-08813 Filed 4-25-18; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2018-0011]

Notice of Availability of Proposed Changes to the Chronic Wasting Disease Herd Certification Program Standards

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice; extension of comment period.

SUMMARY: We are extending the comment period for our notice of availability of a revised version of the Chronic Wasting Disease Herd Certification Program Standards. This action will allow interested persons additional time to prepare and submit comments.

DATES: We will consider all comments that we receive on or before May 30, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0011>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No.

APHIS-2018-0011, 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-2018-0011> 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. Tracy Nichols, Staff Officer, Cervid Health Team, Surveillance, Preparedness, and Response Services, VS, APHIS, USDA, 2150 Centre Avenue, Bldg. B, Fort Collins, CO 80526; (970) 494-7380.

SUPPLEMENTARY INFORMATION:

On March 29, 2018, we published in the **Federal Register** (83 FR 13469-13470, Docket No. APHIS-2018-0011) a notice of availability of a revised version of the Chronic Wasting Disease Herd Certification Program Standards. These standards provide guidance on how to meet program and interstate movement requirements. The proposed revisions addressed concerns of State and industry participants about the existing standards.

Comments were required to be received on or before April 30, 2018. We are extending the comment period on Docket No. APHIS-2018-0011 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 20th day of April 2018.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018-08787 Filed 4-25-18; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Solicitation of Applications (NOSA) for the Rural Community Development Initiative (RCDI) for Fiscal Year 2018

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (Agency), an agency within the USDA Rural Development mission area, announces the acceptance of applications under the Rural Community Development Initiative (RCDI) program. Applicants must

provide matching funds in an amount at least equal to the Federal grant. These grants will be made to qualified intermediary organizations that will provide financial and technical assistance to recipients to develop their capacity and ability to undertake projects related to housing, community facilities, or community and economic development that will support the community.

This Notice lists the information needed to submit an application for these funds. This Notice announces that the Agency is accepting fiscal year (FY) 2018 applications for the RCDI program. The Agency will publish the amount of funding received in the appropriations act on its website at <https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas>.

DATES: The deadline for receipt of an application is 4 p.m. local time, June 25, 2018. The application date and time are firm. The Agency will not consider any application received after the deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX), electronic mail, and postage due applications will not be accepted.

ADDRESSES: Entities wishing to apply for assistance may download the application documents and requirements delineated in this Notice from the RCDI website: <http://www.rd.usda.gov/programs-services/rural-community-development-initiative-grants>.

Application information for electronic submissions may be found at <http://www.grants.gov>.

Applicants may also request paper application packages from the Rural Development office in their state. A list of Rural Development State offices contacts can be found via https://www.rd.usda.gov/files/CF_State_Office_Contacts.pdf.

FOR FURTHER INFORMATION CONTACT: The Rural Development office for the state in which the applicant is located. A list of Rural Development State Office contacts is provided at the following link: https://www.rd.usda.gov/files/CF_State_Office_Contacts.pdf.

Paperwork Reduction Act

The paperwork burden has been cleared by the Office of Management and Budget (OMB) under OMB Control Number 0575-0180.

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America (www.usda.gov/ruralprosperity). Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships, and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Overview

Federal Agency: Rural Housing Service.

Funding Opportunity Title: Rural Community Development Initiative.

Announcement Type: Initial Announcement.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.446.

Dates: The deadline for receipt of an application is 4 p.m. local time, June 25, 2018. The application date and time are firm. The Agency will not consider any application received after the deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX), electronic mail and postage due applications will not be accepted. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to June 15, 2018. Technical assistance is not meant to be an analysis or assessment of the quality of the materials submitted, a substitute for agency review of completed applications, nor a determination of eligibility, if such determination requires in-depth analysis. The Agency will not solicit or consider scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification information on materials contained in the submitted application.

A. Program Description

Congress first authorized the RCDI in 1999 (Pub.L. 106–78, which was

amended most recently by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141) to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and federally recognized Native American Tribes to undertake projects related to housing, community facilities, or community and economic development in rural areas. Strengthening the recipient's capacity in these areas will benefit the communities they serve. The RCDI structure requires the intermediary (grantee) to provide a program of financial and technical assistance to recipients. The recipients will, in turn, provide programs to their communities (beneficiaries).

B. Federal Award Information

The Agency will publish the amount of funding received in the FY 2018 Appropriations Act on its website at <https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas>.

Qualified private organizations, nonprofit organizations and public (including tribal) intermediary organizations proposing to carry out financial and technical assistance programs will be eligible to receive the grant funding.

The intermediary will be required to provide matching funds in an amount at least equal to the RCDI grant.

A grant will be the type of assistance instrument awarded to successful applications.

The respective minimum and maximum grant amount per intermediary is \$50,000 and \$250,000.

Grant funds must be utilized within 3 years from date of the award.

A grantee that has an outstanding RCDI grant over 3 years old, as of the application due date in this Notice, is not eligible to apply for this round of funding.

The intermediary must provide a program of financial and technical assistance to one or more of the following: a private, nonprofit community-based housing and development organization, a low-income rural community or a federally recognized tribe.

(a) Restrictions substantially similar to Sections 743, 744, 745, and 746 outlined in Title VII, “General Provisions—Government-Wide” of the Consolidated Appropriations Act, 2018 (Pub. L. 115–141) will apply unless noted on the rural development website. Any corporation (i) that has been convicted of a felony criminal violation under any Federal law within the past 24 months or (ii) that has any unpaid

Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. In addition, none of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. Additionally, no funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).”

C. Eligibility Information

Applicants must meet all of the following eligibility requirements by the application deadline. Applications

which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further, and will not receive a Federal award.

1. Eligible Applicants

(a) Qualified private organizations, nonprofit organizations (including faith-based and community organizations and philanthropic foundations), in accordance with 7 CFR part 16, and public (including tribal) intermediary organizations are eligible applicants. Definitions that describe eligible organizations and other key terms are listed below.

(b) The recipient must be a nonprofit community-based housing and development organization, low-income rural community, or federally recognized tribe based on the RCDI definitions of these groups.

(c) Private nonprofit, faith or community-based organizations must provide a certificate of incorporation and good standing from the Secretary of the State of incorporation, or other similar and valid documentation of current nonprofit status. For low-income rural community recipients, the Agency requires evidence that the entity is a public body and census data verifying that the median household income of the community where the office receiving the financial and technical assistance is located is at, or below, 80 percent of the State or national median household income, whichever is higher. For federally recognized tribes, the Agency needs the page listing their name from the current **Federal Register** list of tribal entities recognized and eligible for funding services (see the definition of federally recognized tribes in this Notice for details on this list).

(d) Any corporation (1) that has been convicted of a felony criminal violation under any Federal law within the past 24 months or (2) that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; is not eligible for financial assistance provided with full-year appropriated funds for Fiscal Year 2018, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

2. Cost Sharing or Matching

There is a matching requirement of at least equal to the amount of the grant. If this matching funds requirement is not met, the application will be deemed ineligible. See section D, Application and Submission Information, for required pre-award and post award matching funds documentation submission.

Matching funds are cash or confirmed funding commitments that must be at least equal to the grant amount and committed for a period of not less than the grant performance period. These funds can only be used for eligible RCDI activities and must be used to support the overall purpose of the RCDI program.

In-kind contributions such as salaries, donated time and effort, real and nonexpendable personal property and goods and services cannot be used as matching funds.

Grant funds and matching funds must be used in equal proportions. This does not mean funds have to be used equally by line item.

The request for advance or reimbursement and supporting documentation must show that RCDI fund usage does not exceed the cumulative amount of matching funds used.

Grant funds will be disbursed pursuant to relevant provisions of 2 CFR parts 200 and 400. See Section D, Application and Submission Information, for matching funds documentation and pre-award requirements.

The intermediary is responsible for demonstrating that matching funds are available, and committed for a period of not less than the grant performance period to the RCDI proposal. Matching funds may be provided by the intermediary or a third party. Other Federal funds may be used as matching funds if authorized by statute and the purpose of the funds is an eligible RCDI purpose.

RCDI funds will be disbursed on an advance or reimbursement basis. Matching funds cannot be expended prior to execution of the RCDI Grant Agreement.

3. Other Program Requirements

(a) The recipient and beneficiary, but not the intermediary, must be located in an eligible rural area. The physical location of the recipient's office that will be receiving the financial and technical assistance must be in an eligible rural area. If the recipient is a low-income community, the median household income of the area where the

office is located must be at or below 80 percent of the State or national median household income, whichever is higher. The applicable Rural Development State Office can assist in determining the eligibility of an area.

A listing of Rural Development State Office contacts can be found at the following link: https://www.rd.usda.gov/files/CF_State_Office_Contacts.pdf. A map showing eligible rural areas can be found at the following link: <http://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do?pageAction=RBSmenu&NavKey=property@13>.

(b) RCDI grantees that have an outstanding grant over 3 years old, as of the application due date in this Notice, will not be eligible to apply for this round of funding. Grant and matching funds must be utilized in a timely manner to ensure that the goals and objectives of the program are met.

(c) Individuals cannot be recipients.

(d) The intermediary must provide a program of financial and technical assistance to the recipient.

(e) The intermediary organization must have been legally organized for a minimum of 3 years and have at least 3 years prior experience working with private nonprofit community-based housing and development organizations, low-income rural communities, or tribal organizations in the areas of housing, community facilities, or community and economic development.

(f) Proposals must be structured to utilize the grant funds within 3 years from the date of the award.

(g) Each applicant, whether singularly or jointly, may only submit one application for RCDI funds under this Notice. This restriction does not preclude the applicant from providing matching funds for other applications.

(h) Recipients can benefit from more than one RCDI application; however, after grant selections are made, the recipient can only benefit from multiple RCDI grants if the type of financial and technical assistance the recipient will receive is not duplicative. The services described in multiple RCDI grant applications must have separate and identifiable accounts for compliance purposes.

(i) The intermediary and the recipient cannot be the same entity. The recipient can be a related entity to the intermediary, if it meets the definition of a recipient, provided the relationship does not create a Conflict of Interest that cannot be resolved to Rural Development's satisfaction.

(j) If the recipient is a low-income rural community, identify the unit of government to which the financial and

technical assistance will be provided, *e.g.*, town council or village board. The financial and technical assistance must be provided to the organized unit of government representing that community, not the community at large.

4. Eligible Grant Purposes

Fund uses must be consistent with the RCDI purpose. A nonexclusive list of eligible grant uses includes the following:

(a) Provide technical assistance to develop recipients' capacity and ability to undertake projects related to housing, community facilities, or community and economic development, *e.g.*, the intermediary hires a staff person to provide technical assistance to the recipient or the recipient hires a staff person, under the supervision of the intermediary, to carry out the technical assistance provided by the intermediary.

(b) Develop the capacity of recipients to conduct community development programs, *e.g.*, homeownership education or training for business entrepreneurs.

(c) Develop the capacity of recipients to conduct development initiatives, *e.g.*, programs that support micro-enterprise and sustainable development.

(d) Develop the capacity of recipients to increase their leveraging ability and access to alternative funding sources by providing training and staffing.

(e) Develop the capacity of recipients to provide the technical assistance component for essential community facilities projects.

(f) Assist recipients in completing pre-development requirements for housing, community facilities, or community and economic development projects by providing resources for professional services, *e.g.*, architectural, engineering, or legal.

(g) Improve recipient's organizational capacity by providing training and resource material on developing strategic plans, board operations, management, financial systems, and information technology.

(h) Purchase of computers, software, and printers, limited to \$10,000 per award, at the recipient level when directly related to the technical assistance program being undertaken by the intermediary.

(i) Provide funds to recipients for training-related travel costs and training expenses related to RCDI.

5. Ineligible Fund Uses

The following is a list of ineligible grant uses:

(a) Pass-through grants, and any funds provided to the recipient in a lump sum that are not reimbursements.

(b) Funding a revolving loan fund (RLF).

(c) Construction (in any form).

(d) Salaries for positions involved in construction, renovations, rehabilitation, and any oversight of these types of activities.

(e) Intermediary preparation of strategic plans for recipients.

(f) Funding prostitution, gambling, or any illegal activities.

(g) Grants to individuals.

(h) Funding a grant where there may be a conflict of interest, or an appearance of a conflict of interest, involving any action by the Agency.

(i) Paying obligations incurred before the beginning date without prior Agency approval or after the ending date of the grant agreement.

(j) Purchasing real estate.

(k) Improvement or renovation of the grantee's or recipient's office space or for the repair or maintenance of privately owned vehicles.

(l) Any purpose prohibited in 2 CFR part 200 or 400.

(m) Using funds for recipient's general operating costs.

(n) Using grant or matching funds for Individual Development Accounts.

(o) Purchasing vehicles.

6. Program Examples and Restrictions

The following are examples of eligible and ineligible purposes under the RCDI program. (These examples are illustrative and are not meant to limit the activities proposed in the application. Activities that meet the objectives of the RCDI program and meet the criteria outlined in this Notice will be considered eligible.)

(a) The intermediary must work directly with the recipient, not the ultimate beneficiaries. As an example:

The intermediary provides training to the recipient on how to conduct homeownership education classes. The recipient then provides ongoing homeownership education to the residents of the community—the ultimate beneficiaries. This “train the trainer” concept fully meets the intent of this initiative. The intermediary is providing technical assistance that will build the recipient's capacity by enabling them to conduct homeownership education classes for the public.

This is an eligible purpose. However, if the intermediary directly provided homeownership education classes to individuals in the recipient's service area, this would not be an eligible purpose because the recipient would be bypassed.

(b) If the intermediary is working with a low-income community as the

recipient, the intermediary must provide the technical assistance to the entity that represents the low-income community and is identified in the application. Examples of entities representing a low-income community are a village board or a town council.

If the intermediary provides technical assistance to the Board of the low-income community on how to establish a cooperative, this would be an eligible purpose. However, if the intermediary works directly with individuals from the community to establish the cooperative, this is not an eligible purpose.

The recipient's capacity is built by learning skills that will enable them to support sustainable economic development in their communities on an ongoing basis.

(c) The intermediary may provide technical assistance to the recipient on how to create and operate a revolving loan fund. The intermediary may not monitor or operate the revolving loan fund. RCDI funds, including matching funds, cannot be used to fund revolving loan funds.

(d) The intermediary may work with recipients in building their capacity to provide planning and leadership development training. The recipients of this training would be expected to assume leadership roles in the development and execution of regional strategic plans. The intermediary would work with multiple recipients in helping communities recognize their connections to the greater regional and national economies.

(e) The intermediary could provide training and technical assistance to the recipients on developing emergency shelter and feeding, short-term housing, search and rescue, and environmental accident, prevention, and cleanup program plans. For longer term disaster and economic crisis responses, the intermediary could work with the recipients to develop job placement and training programs, and develop coordinated transit systems for displaced workers.

D. Application and Submission Information

1. Address To Request Application Package

Entities wishing to apply for assistance may download the application documents and requirements delineated in this Notice from the RCDI website: <http://www.rd.usda.gov/programs-services/rural-community-development-initiative-grants>.

Application information for electronic submissions may be found at <http://www.grants.gov>.

Applicants may also request paper application packages from the Rural Development office in their state. A list of Rural Development State office contacts can be found via https://www.rd.usda.gov/files/CF_State_Office_Contacts.pdf. You may also obtain a copy by calling 202-205-9685.

2. Content and Form of Application Submission

If the applicant is ineligible or the application is incomplete, the Agency will inform the applicant in writing of the decision, reasons therefore, and its appeal rights and no further evaluation of the application will occur.

A complete application for RCDI funds must include the following:

(a) A summary page, double-spaced between items, listing the following: (This information should not be presented in narrative form.)

- (1) Applicant's name,
- (2) Applicant's address,
- (3) Applicant's telephone number,
- (4) Name of applicant's contact person, email address and telephone number,
- (5) Applicant's fax number,
- (6) County where applicant is located,
- (7) Congressional district number where applicant is located,
- (8) Amount of grant request, and
- (9) Number of recipients.

(b) A detailed Table of Contents containing page numbers for each component of the application.

(c) A project overview, no longer than one page, including the following items, which will also be addressed separately and in detail under "Building Capacity and Expertise" of the "Evaluation Criteria."

(1) The type of technical assistance to be provided to the recipients and how it will be implemented.

(2) How the capacity and ability of the recipients will be improved.

(3) The overall goals to be accomplished.

(4) The benchmarks to be used to measure the success of the program. Benchmarks should be specific and quantifiable.

(d) Organizational documents, such as a certificate of incorporation and a current good standing certification from the Secretary of State where the applicant is incorporated and other similar and valid documentation of current non-profit status, from the intermediary that confirms it has been legally organized for a minimum of 3 years as the applicant entity.

(e) Verification of source and amount of matching funds, e.g., a copy of a bank

statement if matching funds are in cash or a copy of the confirmed funding commitment from the funding source.

The verification must show that matching funds are available for the duration of the grant performance period. The verification of matching funds must be submitted with the application or the application will be considered incomplete.

The applicant will be contacted by the Agency prior to grant award to verify that the matching funds provided with the application continue to be available. The applicant will have 15 days from the date contacted to submit verification that matching funds continue to be available.

If the applicant is unable to provide the verification within that timeframe, the application will be considered ineligible. The applicant must maintain bank statements on file or other documentation for a period of at least 3 years after grant closing except that the records shall be retained beyond the 3-year period if audit findings have not been resolved.

(f) The following information for each recipient:

- (1) Recipient's entity name,
- (2) Complete address (mailing and physical location, if different),
- (3) County where located,
- (4) Number of Congressional district where recipient is located,
- (5) Contact person's name, email address and telephone number and,
- (6) Form RD 400-4, "Assurance Agreement."

If the Form RD 400-4 is not submitted for the applicant and each recipient, the recipient will be considered ineligible. No information pertaining to that recipient will be included in the income or population scoring criteria and the requested funding may be adjusted due to the deletion of the recipient.

(g) Submit evidence that each recipient entity is eligible. Documentation must be submitted to verify recipient eligibility. Acceptable documentation varies depending on the type of recipient:

(1) Nonprofits—provide a current valid letter confirming non-profit status from the Secretary of the State of incorporation, a current good standing certification from the Secretary of the State of incorporation, or other valid documentation of current nonprofit status of each recipient.

A nonprofit recipient must provide evidence that it is a valid nonprofit when the intermediary applies for the RCDI grant. Organizations with pending requests for nonprofit designations are not eligible.

(2) Low-income rural community—provide evidence the entity is a public body (copy of Charter, relevant Acts of Assembly, relevant court orders (if created judicially) or other valid documentation), a copy of the 2010 census data to verify the population, and 2010 American Community Survey (ACS) 5-year estimates (2006–2010 data set) data as evidence that the median household income is at, or below, 80 percent of either the State or national median household income. We will only accept data and printouts from <http://www.census.gov>.

(3) Federally recognized tribes—provide the page listing their name from the **Federal Register** list of tribal entities published most recently by the Bureau of Indian Affairs. The 2018 list is available at 83 FR 4235 pages 4235–4241 and <https://www.gpo.gov/fdsys/pkg/FR-2018-01-30/pdf/2018-01907.pdf>. For Tribes that received federal recognition after the most recent publication, statutory citations and additional documentation may suffice.

(h) Each of the "Evaluation Criteria" must be addressed specifically and individually by category. Present these criteria in narrative form. Narrative (not including attachments) must be limited to five pages per criterion. The "Population and Income" criteria for recipient locations can be provided in the form of a list; however, the source of the data must be included on the page(s).

(i) A timeline identifying specific activities and proposed dates for completion.

(j) A detailed project budget that includes the RCDI grant amount and matching funds. This should be a line-item budget, by category. Categories such as salaries, administrative, other, and indirect costs that pertain to the proposed project must be clearly defined. Supporting documentation listing the components of these categories must be included. The budget should be dated: Year 1, year 2, and year 3, as applicable.

(k) The indirect cost category in the project budget should be used only when a grant applicant has a federally negotiated indirect cost rate. A copy of the current rate agreement must be provided with the application. Non-federal entities that have never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200-States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph (d)(1)(B), may use the de minimis rate of 10 percent of modified total direct costs (MTDC).

(l) Form SF-424, "Application for Federal Assistance."

(Do not complete Form SF-424A, "Budget Information." A separate line-item budget should be presented as described in Letter (j) of this section.)

(m) Form SF-424B, "Assurances—Non-Construction Programs."

(n) Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions."

(o) Form AD-1048, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions."

(p) Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements."

(q) Certification of Non-Lobbying Activities.

(r) Standard Form LLL, "Disclosure of Lobbying Activities," if applicable.

(s) Form RD 400-4, "Assurance Agreement," for the applicant and each recipient. The applicant and each prospective recipient must sign Form RD 400-4, Assurance Agreement, which assures USDA that the recipient is in compliance with Title VI of the Civil Rights Act of 1964, 7 CFR part 15, and other Agency regulations: That no person will be discriminated against based on race, color or national origin, in regard to any program or activity for which the recipient receives Federal financial assistance; That nondiscrimination statements are in advertisements and brochures.

Applicants must collect and maintain data provided by recipients on race, sex, and national origin and ensure Ultimate Recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity" (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

The applicant and the recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Executive Order 12250, Executive Order 13166 Limited English Proficiency (LEP), and 7 CFR part 1901, subpart E.

(t) Identify and report any association or relationship with Rural Development employees. (A statement acknowledging

whether or not a relationship exists is required.)

(u) Form AD-3030, "Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants," if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

Grant applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register in the System for Award Management (SAM) prior to submitting an application pursuant to 2 CFR 25.200(b). In addition, an entity applicant must maintain registration in SAM at all times during which it has an active Federal award or an application or plan under consideration by the Agency. Similarly, all recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation in accordance to 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR 170.200(b).

An applicant, unless excepted under 2 CFR 25.110(b), (c), or (d), is required to:

(a) Be registered in SAM before submitting its application;

(b) Provide a valid DUNS number in its application; and

(c) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

The Federal awarding agency may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a

Federal award and use that determination as a basis for making a Federal award to another applicant.

As required by the Office of Management and Budget (OMB), all grant applications must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free number at 1-866-705-5711 or via internet at <http://fedgov.dnb.com/webform>. Additional information concerning this requirement can be obtained on the *Grants.gov* website at <http://www.grants.gov>. Similarly, applicants may register for SAM at <https://www.sam.gov> or by calling 1-866-606-8220.

The applicant must provide documentation that they are registered in SAM and their DUNS number. If the applicant does not provide documentation that they are registered in SAM and their DUNS number, the application will not be considered for funding. The required forms and certifications can be downloaded from the RCDI website at: <http://www.rd.usda.gov/programs-services/rural-community-development-initiative-grants>.

4. Submission Dates and Times

The deadline for receipt of an application is 4 p.m. local time, June 25, 2018. The application date and time are firm. The Agency will not consider any application received after the deadline. You may submit your application in paper form or electronically through *Grants.gov*. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX), electronic mail, and postage due applications will not be accepted.

To submit a paper application, the original application package must be submitted to the Rural Development State Office where the applicant's headquarters is located.

A listing of Rural Development State Offices contacts can be found via https://www.rd.usda.gov/files/CF_State_Office_Contacts.pdf.

Applications will not be accepted via FAX or electronic mail.

Applicants may file an electronic application at <http://www.grants.gov>. *Grants.gov* contains full instructions on all required passwords, credentialing, and software. Follow the instructions at *Grants.gov* for registering and submitting an electronic application. If

a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the *Grants.gov* website.

Technical difficulties submitting an application through *Grants.gov* will not be a reason to extend the application deadline. If an application is unable to be submitted through *Grants.gov*, a paper application must be received in the appropriate Rural Development State Office by the deadline noted previously.

First time *Grants.gov* users should carefully read and follow the registration steps listed on the website. These steps need to be initiated early in the application process to avoid delays in submitting your application online.

In order to register with System for Award Management (SAM), your organization will need a DUNS number. Be sure to complete the Marketing Partner ID (MPID) and Electronic Business Primary Point of Contact fields during the SAM registration process.

These are mandatory fields that are required when submitting grant applications through *Grants.gov*. Additional application instructions for submitting an electronic application can be found by selecting this funding opportunity on *Grants.gov*.

5. Funding Restrictions

Meeting expenses. In accordance with 31 U.S.C. 1345, "Expenses of Meetings," appropriations may not be used for travel, transportation, and subsistence expenses for a meeting. RCDI grant funds cannot be used for these meeting-related expenses. Matching funds may, however, be used to pay for these expenses.

RCDI funds may be used to pay for a speaker as part of a program, equipment to facilitate the program, and the actual room that will house the meeting.

RCDI funds cannot be used for meetings; they can, however, be used for travel, transportation, or subsistence expenses for program-related training and technical assistance purposes. Any training not delineated in the application must be approved by the Agency to verify compliance with 31 U.S.C. 1345. Travel and per diem expenses (including meals and incidental expenses) will be allowed in accordance with 2 CFR parts 200 and 400.

E. Application Review Information

1. Evaluation Criteria

Applications will be evaluated using the following criteria and weights:

(a) Building Capacity and Expertise—Maximum 40 Points

The applicant must demonstrate how they will improve the recipients' capacity, through a program of financial and technical assistance, as it relates to the RCDI purposes.

Capacity-building financial and technical assistance should provide new functions to the recipients or expand existing functions that will enable the recipients to undertake projects in the areas of housing, community facilities, or community and economic development that will benefit the community. Capacity-building financial and technical assistance may include, but is not limited to: Training to conduct community development programs, *e.g.*, homeownership education, or the establishment of minority business entrepreneurs, cooperatives, or micro-enterprises; organizational development, *e.g.*, assistance to develop or improve board operations, management, and financial systems; instruction on how to develop and implement a strategic plan; instruction on how to access alternative funding sources to increase leveraging opportunities; staffing, *e.g.*, hiring a person at intermediary or recipient level to provide technical assistance to recipients.

The program of financial and technical assistance that is to be provided, its delivery, and the measurability of the program's effectiveness will determine the merit of the application.

All applications will be competitively ranked with the applications providing the most improvement in capacity development and measurable activities being ranked the highest.

The narrative response must contain the following items. This list also contains the points for each item.

(1) Describe the nature of financial and technical assistance to be provided to the recipients and the activities that will be conducted to deliver the technical assistance; (10 Points)

(2) Explain how financial and technical assistance will develop or increase the recipient's capacity. Indicate whether a new function is being developed or if existing functions are being expanded or performed more effectively; (7 Points)

(3) Identify which RCDI purpose areas will be addressed with this assistance: Housing, community facilities, or community and economic development; (3 Points)

(4) Describe how the results of the technical assistance will be measured. What benchmarks will be used to

measure effectiveness? Benchmarks should be specific and quantifiable; (5 Points)

(5) Demonstrate that it has conducted programs of financial and technical assistance and achieved measurable results in the areas of housing, community facilities, or community and economic development in rural areas. (10 Points)

(6) Provide in a chart or excel spreadsheet, the organization name, point of contact, address, phone number, email address, and the type and amount of the financial and technical assistance the applicant organization has provided to the following for the last 3 years: (5 Points)

(i) Nonprofit organizations in rural areas.

(ii) Low-income communities in rural areas (also include the type of entity, *e.g.*, city government, town council, or village board).

(iii) Federally recognized tribes or any other culturally diverse organizations.

(b) Soundness of Approach—Maximum 15 Points

The applicant can receive up to 15 points for soundness of approach. The overall proposal will be considered under this criterion.

Applicants must list the page numbers in the application that address these factors.

The maximum 15 points for this criterion will be based on the following:

(1) The proposal fits the objectives for which applications were invited, is clearly stated, and the applicant has defined how this proposal will be implemented. (7 Points)

(2) The ability to provide the proposed financial and technical assistance based on prior accomplishments. (6 Points)

(3) Cost effectiveness will be evaluated based on the budget in the application. The proposed grant amount and matching funds should be utilized to maximize capacity building at the recipient level. (2 Points)

(c) Population and Income—Maximum 15 Points

Population is based on the average population from the 2010 census data for the communities in which the recipients are located. The physical address, not mailing address, for each recipient must be used for this criterion. Community is defined for scoring purposes as a city, town, village, county, parish, borough, or census-designated place where the recipient's office is physically located.

The applicant must submit the census data from the following website in the

form of a printout of the applicable “Fact Sheet” to verify the population figures used for each recipient. The data can be accessed on the internet at <http://www.census.gov>; click on “American FactFinder,” fill in field and click “Go”; the name and population data for each recipient location must be listed in this section.

The average population of the recipient locations will be used and will be scored as follows:

| Population | Scoring (points) |
|------------------------|------------------|
| 10,000 or less | 5 |
| 10,001 to 20,000 | 4 |
| 20,001 to 30,000 | 3 |
| 30,001 to 40,000 | 2 |
| 40,001 to 50,000 | 1 |

The average of the median household income for the communities where the recipients are physically located will determine the points awarded. The physical address, not mailing address, for each recipient must be used for this criterion. Applicants may compare the average recipient median household income to the State median household income or the national median household income, whichever yields the most points. The national median household income to be used is \$51,914.

The applicant must submit the income data in the form of a printout of the applicable information from the following website to verify the income for each recipient. The data being used is from the 2010 American Community Survey (ACS) 5-year estimates (2006–2010 data set). The data can be accessed on the internet at <http://www.census.gov>; click on “American FactFinder,” (under “Find Data” at bottom of page), “Advanced Search,” (click on “Show Me All” tab), “Topics,” “Dataset,” locate 2010 ACS 5 year estimates, close table, check the “Median Income” table (\$1903 on page 2), fill in the “state, county or place” field (at top of page), select “Go” and click “View”; the name and income data for each recipient location must be listed in this section (use the Household and Median Income column). Points will be awarded as follows:

| Average recipient median income | Scoring (points) |
|--|------------------|
| Less than or equal to 70 percent of state or national median household income | 10 |
| Greater than 70, but less than or equal to 80 percent of state or national median household income | 5 |

| Average recipient median income | Scoring (points) |
|--|------------------|
| In excess of 80 percent of state or national median household Income | 0 |

(d) State Director’s Points Based on Project Merit—Maximum 10 Points

(1) This criterion will be addressed by the Agency, not the applicant.

(2) Up to 10 points may be awarded by the Rural Development State Director to any application(s) that benefits their State regardless of whether the applicant is headquartered in their State. The total points awarded under this criterion, to all applications, will not exceed 10.

(3) When an intermediary submits an application that will benefit a State that is not the same as the State in which the intermediary is headquartered, it is the intermediary’s responsibility to notify the State Director of the State which is receiving the benefit of their application. In such cases, State Directors awarding points to applications benefiting their state must notify the reviewing State in writing.

(4) Assignment of any points under this criterion requires a written justification and must be tied to and awarded based on how closely the application aligns with the Rural Development State Office’s strategic goals.

(e) Administrator Discretionary Points—Maximum 20 Points

The Administrator may award up to 20 discretionary points for projects to address geographic distribution of funds, emergency conditions caused by economic problems, natural disasters and other initiatives identified by the Secretary.

2. Review and Selection Process

(a) Rating and ranking.

Applications will be rated and ranked on a national basis by a review panel based on the “Evaluation Criteria” contained in this Notice.

If there is a tied score after the applications have been rated and ranked, the tie will be resolved by reviewing the scores for “Building Capacity and Expertise” and the applicant with the highest score in that category will receive a higher ranking. If the scores for “Building Capacity and Expertise” are the same, the scores will be compared for the next criterion, in sequential order, until one highest score can be determined.

(b) Initial screening.

The Agency will screen each application to determine eligibility

during the period immediately following the application deadline. Listed below are examples of reasons for rejection from previous funding rounds. The following reasons for rejection are not all inclusive; however, they represent the majority of the applications previously rejected.

(1) Recipients were not located in eligible rural areas based on the definition in this Notice.

(2) Applicants failed to provide evidence of recipient’s status, *i.e.*, documentation supporting nonprofit evidence of organization.

(3) Applicants failed to provide evidence of committed matching funds or matching funds were not committed for a period at least equal to the grant performance period.

(4) Application did not follow the RCDI structure with an intermediary and recipients.

(5) Recipients were not identified in the application.

(6) Intermediary did not provide evidence it had been incorporated for at least 3 years as the applicant entity.

(7) Applicants failed to address the “Evaluation Criteria.”

(8) The purpose of the proposal did not qualify as an eligible RCDI purpose.

(9) Inappropriate use of funds (*e.g.*, construction or renovations).

(10) The applicant proposed providing financial and technical assistance directly to individuals.

(11) The application package was not received by closing date and time.

F. Federal Award Administration Information

1. Federal Award Notice

Within the limit of funds available for such purpose, the awarding official of the Agency shall make grants in ranked order to eligible applicants under the procedures set forth in this Notice.

Successful applicants will receive a selection letter by mail containing instructions on requirements necessary to proceed with execution and performance of the award.

This letter is not an authorization to begin performance. In addition, selected applicants will be requested to verify that components of the application have not changed at the time of selection and on the award obligation date, if requested by the Agency.

The award is not approved until all information has been verified, and the awarding official of the Agency has signed Form RD 1940–1, “Request for Obligation of Funds” and the grant agreement.

Unsuccessful applicants will receive notification including appeal rights by mail.

2. Administrative and National Policy Requirements

Grantees will be required to do the following:

(a) Execute a Rural Community Development Initiative Grant Agreement.

(b) Execute Form RD 1940–1, “Request for Obligation of Funds.”

(c) Use Form SF 270, “Request for Advance or Reimbursement,” to request reimbursements. Provide receipts for expenditures, timesheets and any other documentation to support the request for reimbursement.

(d) Provide financial status and project performance reports on a quarterly basis starting with the first full quarter after the grant award.

(e) Maintain a financial management system that is acceptable to the Agency.

(f) Ensure that records are maintained to document all activities and expenditures utilizing RCDI grant funds and matching funds. Receipts for expenditures will be included in this documentation.

(g) Provide annual audits or management reports on Form RD 442–2, “Statement of Budget, Income and Equity,” and Form RD 442–3, “Balance Sheet,” depending on the amount of Federal funds expended and the outstanding balance.

(h) Collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain the same data on beneficiaries. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,” (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

(i) Provide a final project performance report.

(j) Identify and report any association or relationship with Rural Development employees.

(k) The intermediary and recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Executive Order 12250, Age Act of 1975, Executive Order 13166 Limited English Proficiency, and 7 CFR part 1901, subpart E.

(l) The grantee must comply with policies, guidance, and requirements as described in the following applicable Code of Federal Regulations, and any successor regulations:

(i) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards).

(ii) 2 CFR parts 417 and 180 (Government-wide Debarment and Suspension (Nonprocurement)).

(m) Form AD–3031, “Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants,” must be signed by corporate applicants who receive an award under this Notice.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following, as indicated in the Grant Agreement:

(a) SF–425, “Federal Financial Report” and SF–PPR, “Performance Progress Report” will be required on a quarterly basis (due 30 working days after each calendar quarter). The Performance Progress Report shall include the elements described in the grant agreement.

(b) Final financial and performance reports will be due 90 calendar days after the period of performance end date.

(c) A summary at the end of the final report with elements as described in the grant agreement to assist in documenting the annual performance goals of the RCDI program for Congress.

G. Federal Awarding Agency Contact

Contact the Rural Development office in the State where the applicant’s headquarters is located. A list of Rural Development State Offices contacts can be found via https://www.rd.usda.gov/files/CF_State_Office_Contacts.pdf.

H. Other Information

Survey on Ensuring Equal Opportunity for Applicants, OMB No. 1894–0010 (applies to nonprofit applicants only—submission is optional).

No reimbursement will be made for any funds expended prior to execution of the RCDI Grant Agreement unless the intermediary is a non-profit or educational entity and has requested and received written Agency approval of the costs prior to the actual expenditure.

This exception is applicable for up to 90 days prior to grant closing and only applies to grantees that have received written approval but have not executed the RCDI Grant Agreement.

The Agency cannot retroactively approve reimbursement for expenditures prior to execution of the RCDI Grant Agreement.

Program Definitions

Agency—The Rural Housing Service or its successor.

Beneficiary—Entities or individuals that receive benefits from assistance provided by the recipient.

Capacity—The ability of a recipient to implement housing, community facilities, or community and economic development projects.

Conflict of interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Regarding use of both grant and matching funds, Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. An example of conflict of interest occurs when the grantee’s employees, board of directors, or the immediate family of either, have the appearance of a professional or personal financial interest in the recipients receiving the benefits or services of the grant.

Federally recognized tribes—Tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs, based on the most recent notice in the **Federal Register** published by the Bureau of Indian Affairs and Tribes that received federal recognition after the most recent publication. Tribally Designated Housing Entities are eligible RCDI recipients.

Financial assistance—Funds, not to exceed \$10,000 per award, used by the intermediary to purchase supplies and equipment to build the recipient’s capacity.

Funds—The RCDI grant and matching money.

Intermediary—A qualified private organization, nonprofit organization (including faith-based and community organizations and philanthropic organizations), or public (including tribal) organization that provides financial and technical assistance to multiple recipients.

Low-income rural community—An authority, district, economic development authority, regional council, or unit of government representing an incorporated city, town,

village, county, township, parish, or borough whose income is at or below 80 percent of either the state or national Median Household Income as measured by the 2010 Census.

Matching funds—Cash or confirmed funding commitments. Matching funds must be at least equal to the grant amount and committed for a period of not less than the grant performance period.

Recipient—The entity that receives the financial and technical assistance from the Intermediary. The recipient must be a nonprofit community-based housing and development organization, a low-income rural community or a federally recognized Tribe.

Rural and rural area—Any area other than (i) a city or town that has a population of greater than 50,000 inhabitants; and (ii) the urbanized area contiguous and adjacent to such city or town.

Technical assistance—Skilled help in improving the recipient's abilities in the areas of housing, community facilities, or community and economic development.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or

write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) *By mail*: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington DC 20250-9410;
- (2) *Fax*: (202) 690-7442; or
- (3) *Email*: program.intake@usda.gov.

Persons With Disabilities

Individuals who are deaf, hard of hearing, or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email.

If you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Appeal Process

All adverse determinations regarding applicant eligibility and the awarding of points as part of the selection process are appealable pursuant to 7 CFR part 11. Instructions on the appeal process will be provided at the time an applicant is notified of the adverse decision.

In the event the applicant is awarded a grant that is less than the amount requested, the applicant will be required to modify its application to conform to the reduced amount before execution of the grant agreement. The Agency reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the awardee within 15 working days from the date the request for modification is made. Any modifications must be within the scope of the original application.

Dated: April 18, 2018.

Curtis M. Anderson,

Acting Administrator, Rural Housing Service.

[FR Doc. 2018-08785 Filed 4-25-18; 8:45 am]

BILLING CODE 3410-XV-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the

following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: Quarterly Services Survey.

OMB Control Number: 0607-0907.

Form Number(s): QSS-1A, QSS-1E, QSS-1PA, QSS-1PE, QSS-2A, QSS-2E, QSS-3A, QSS-3E, QSS-3SA, QSS-3SE, QSS-4A, QSS-4E, QSS-4FA, QSS-4FE, QSS-4SA, QSS-4SE, QSS-5A, QSS-5E.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 22,150.

Average Hours per Response: Between 10 and 15 minutes. The average is 13 minutes.

Burden Hours: 19,087.

Needs and Uses: The U.S. Census Bureau requests an extension of the current Office of Management and Budget (OMB) clearance of the Quarterly Services Survey (QSS). The QSS covers employer firms with establishments located in the United States and classified in select service industries as defined by the North American Industry Classification System (NAICS). The QSS coverage currently includes all or parts of the following NAICS sectors: Utilities (excluding government owned); transportation and warehousing (except rail transportation and postal); information; finance and insurance (except funds, trusts, and other financial vehicles); real estate and rental and leasing; professional, scientific, and technical services (except offices of notaries); administrative and support and waste management and remediation services; educational services (except elementary and secondary schools, junior colleges, and colleges, universities, and professional schools); health care and social assistance; arts, entertainment, and recreation; accommodation; and other services (except public administration). The primary estimates produced from the QSS are quarterly estimates of total operating revenue and the percentage of revenue by source. The survey also produces estimates of total operating expenses from tax-exempt firms in industries that have a large not-for-profit component. For hospitals, the survey produces estimates of the number of inpatient days and discharges, and for select industries in the arts, entertainment, and recreation sector, the survey produces estimates of admissions revenue.

Firms are selected for the QSS using a stratified design with strata defined by industry, tax status, and estimated size based on annual revenue. The sample is a subsample of firms from the larger Service Annual Survey (OMB #0607-

0422). Each quarter the QSS sample is updated to reflect the addition of new businesses and the removal of firms that have gone out-of-business.

The Bureau of Economic Analysis uses the survey results as input to its quarterly Gross Domestic Product (GDP) and GDP by industry estimates. The estimates provide the Federal Reserve Board, Council of Economic Advisers, and other government and private policymakers with timely information to assess current economic conditions. The Centers for Medicare and Medicaid Services use the QSS estimates to develop hospital-spending estimates for the National Accounts. Other government and private stakeholders also benefit from a better understanding of important cyclical components of the U.S. service economy.

Affected Public: Businesses, Not-for-profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 131 and 182.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202) 395-5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018-08740 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on May 10, 2018, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Introductions and opening remarks by senior management.
2. Presentation on ThreatSEQ (a program to analyze DNA sequences of concern)
3. Report by regime representatives.
4. Public Comments.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov, no later than May 3, 2018.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 13, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018-08751 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on May 15, 2018,

9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov, no later than May 8, 2018.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 13, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with matters the premature disclosure of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018–08752 Filed 4–25–18; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment; Technical Advisory Committee;

Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on May 9, 2018, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov no later than May 2, 2018.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 13, 2018, pursuant to Section 10(d) of the

Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018–08748 Filed 4–25–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–868]

Large Residential Washers From the Republic of Korea: Preliminary Results of the First Five-Year Sunset Review of the Antidumping Duty Order

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

SUMMARY: On January 2, 2018, the Department of Commerce (Commerce) initiated the first sunset review of the antidumping duty order on large residential washers from the Republic of Korea (Korea). Commerce determined that it was appropriate to conduct a full review. Commerce preliminarily finds that revocation of this antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Preliminary Results of Review” section of this notice.

DATES: Applicable April 26, 2018.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–4136.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 2018, Commerce initiated the first sunset review of the antidumping duty order on large residential washers from Korea, in accordance with section 751(c) of the Tariff Act of 1930, as amended (the Act).¹ Commerce received a notice of intent to participate from Whirlpool Corporation (Whirlpool), within the

deadline specified in 19 CFR 351.218(d)(1)(i).² Whirlpool claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of large residential washers.

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through January 22, 2018. As a result, the revised deadline for the preliminary results of this review is now April 25, 2018.³

Commerce received substantive responses from Whirlpool⁴ and from LG Electronics Inc. (LGEKR), LG Electronics U.S.A., Inc. (LGEUS), and LG Electronics Alabama, Inc. (LGEAI) (collectively LGE)⁵ within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). LGEKR claimed interested party status under section 771(9) of the Act as a foreign producer and foreign exporter of subject merchandise. LGEUS claimed interested party status under section 771(9) of the Act as a U.S. importer and a U.S. producer of subject merchandise. LGEAI claimed interested party status under section 771(9) of the Act as an importer and distributor or parts.

On February 12, 2018, we received rebuttal comments from Whirlpool within the deadline specified in 19 CFR 351.218(d)(4).⁶

On February 23, 2018, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.⁷ On February 26, 2018, Commerce notified the ITC that it had inadvertently not taken into consideration a substantive response from a respondent interested party and that, in accordance with 19

² See Letter from Whirlpool re: “Five-Year (“Sunset”) Review of Antidumping and Countervailing Duty Orders on Large Residential Washers from Mexico and the Republic of Korea: Notice of Intent to Participate,” dated January 17, 2018.

³ See Memorandum, “Deadlines Affected by the Shutdown of the Federal Government,” dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

⁴ See Letter from Whirlpool re: “Five-Year (“Sunset”) Review of Antidumping Duty Order on Large Residential Washers from Korea: Substantive Response of Whirlpool Corporation to the Notice of Initiation of First Sunset Review,” dated February 5, 2018 (Whirlpool Substantive Response).

⁵ See Letter from LGE re: “LG Electronics’ Notice of Intent to Participate and Substantive Response to Notice of Initiation of Sunset Review—Large Residential Washers from Korea,” dated February 5, 2018 (LGE Substantive Response).

⁶ See Letter from Whirlpool re: “Five-Year (“Sunset”) Review of Antidumping Duty Order on Large Residential Washers from Korea: Rebuttal Comments on LGE’s Substantive Response to the Notice of Initiation of First Sunset Review,” dated February 12, 2018 (Whirlpool Rebuttal).

⁷ See Letter re: “Sunset Reviews Initiated on January 2, 2018,” dated February 23, 2018.

¹ See *Initiation of Five-Year (Sunset) Review*, 83 FR 100 (January 2, 2018) (*Initiation*).

CFR 351.218(e)(2), it would conduct a full sunset review of this antidumping duty order.⁸

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Korea. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff Schedule of the United States (HTSUS).

Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.⁹

Analysis of Comments Received

All issues raised for the preliminary results of this sunset review are addressed in the Preliminary Decision Memorandum. The issues discussed in the Preliminary Decision Memorandum are the likelihood of continuation or recurrence of dumping, and the magnitude of the margins of dumping likely to prevail if this order were revoked.¹⁰ The Preliminary Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

Pursuant to section 752(c) of the Act, we determine that revocation of the antidumping duty order on large residential washers from Korea would be likely to lead to continuation or

recurrence of dumping at weighted average margins up to 82.41 percent.

Interested parties may submit case briefs no later than 30 days after the date of publication of the preliminary results of this full sunset review, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than five days after the time limit for filing case briefs in accordance with 19 CFR 351.309(d). Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). A hearing, if requested, will be held two days after the date the rebuttal briefs are due. Commerce will issue a notice of final results of this full sunset review, which will include the results of its analysis of issues raised in any such comments, no later than September 4, 2018.

This five-year (sunset) review and notice are in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218(f)(1).

Dated: April 19, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Summary
2. History of the Order
3. Background
4. Scope of the Order
5. Discussion of the Issues
 - a. Legal Framework
 - b. Likelihood of Continuation of Recurrence of Dumping
 - c. Magnitude of the Margin Likely To Prevail
6. Recommendation

[FR Doc. 2018–08777 Filed 4–25–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–918]

Steel Wire Garment Hangers From the People's Republic of China; 2016–2017; Partial Rescission of the Ninth Antidumping Duty Administrative Review

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

SUMMARY: On December 7, 2017, the Department of Commerce (Commerce) published a notice of initiation of an administrative review of the antidumping duty order on steel wire

garment hangers from the People's Republic of China (China). Based on M&B Metal Products Co., Ltd.'s (the petitioner) timely withdrawal of the requests for review of certain companies, we are now rescinding this administrative review for the period October 1, 2016, through September 30, 2017, with respect to 17 companies.

DATES: Applicable April 26, 2018.

FOR FURTHER INFORMATION CONTACT:

Christian Llinas, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–4877.

Background

On October 4, 2017, Commerce published a notice of “Opportunity to Request Administrative Review” of the antidumping order on steel wire garment hangers from China.¹ In October 2017, Commerce received timely requests to conduct administrative reviews of the antidumping duty order on steel wire garment hangers from China from the petitioner and Shanghai Wells Hanger Co., Ltd., and its two affiliates.² Based upon these requests, on December 7, 2017, Commerce published a notice of initiation of an administrative review of the order covering the period October 1, 2016, to September 30, 2017.³ Commerce initiated the administrative review with respect to 20 companies.⁴ On December 18, 2017, the petitioner withdrew its request for an administrative review of 17 companies.⁵

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 82 FR 46217 (October 4, 2017).

² See the petitioner's letter, “Steel Wire Garment Hangers from the People's Republic of China: Review Request,” dated October 25, 2017; See Shanghai Wells' letter, “Steel Wire Garment Hangers from the People's Republic of China: Review Request,” dated October 31, 2017. In the first administrative review of the Order, Commerce found that Shanghai Wells Hanger Co., Ltd. and Hong Kong Wells Ltd. (collectively Shanghai Wells) are a single entity. See *Steel Wire Garment Hangers from the People's Republic of China: Preliminary Results and Preliminary Rescission, in Part, of the First Antidumping Duty Administrative Review*, 75 FR 68758, 68761 (November 9, 2010), unchanged in *First Administrative Review of Steel Wire Garment Hangers from the People's Republic of China: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 27994, 27996 (May 13, 2011).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 57705 (December 7, 2017).

⁴ *Id.*

⁵ See the petitioner's letter, “Re: Ninth Administrative Review of Steel Wire Garment Hangers from China- Petitioner's Withdrawal of Review Requests for Specific Companies” dated December 18, 2017.

⁸ See Letter re: “Sunset Reviews Initiated on January 2, 2018,” dated February 26, 2018.

⁹ For a complete description of the Scope of the Order, see Memorandum “Issues and Decision Memorandum for the Preliminary Results of First Sunset Review of the Antidumping Duty Order on Large Residential Washers from the Republic of Korea,” dated concurrently with this notice (Preliminary Decision Memorandum).

¹⁰ A list of topics discussed in the Preliminary Decision Memorandum can be found in the Appendix to this notice.

Partial Rescission

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 petitioner timely withdrew its review request, in part, and no other party requested a review of the companies for which the petitioner requested a review. Out of the 18 companies for which the petitioner requested an administrative review, the petitioner withdrew its requests for review of 17 companies, which are listed in the Appendix to this notice.⁶ Accordingly, we are rescinding this review of steel wire garment hangers from China for the period October 1, 2016, through September 30, 2017, in part, with respect to these entities, in accordance with 19 CFR 351.213(d)(1).

This administrative review will continue with respect to Shanghai Wells.

Assessment

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

Notification to Importers

This notice serves as the only reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

⁶ As stated in Change in Practice in NME Reviews, Commerce will no longer consider the non-market economy (NME) entity as an exporter conditionally subject to administrative reviews. See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751 and 777(i)(1) of the Tariff Act of 1930, as amended, 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.

APPENDIX

1. Da Sheng Hanger Ind. Co., Ltd.
2. Hangzhou Qingqing Mechanical Co. Ltd.
3. Hangzhou Yingqing Material Co. Ltd.
4. Hangzhou Yinte.
5. Shanghai Guoxing Metal Products Co. Ltd.
6. Shanghai Jianhai International Trade Co. Ltd.
7. Shangyu Baoxiang Metal Manufactured Co. Ltd.
8. Shaoxing Andrew Metal Manufactured Co. Ltd.
9. Shaoxing Dingli Metal Clotheshorse Co. Ltd.
10. Shaoxing Gangyuan Metal Manufactured Co. Ltd.
11. Shaoxing Guochao Metallic Products Co., Ltd.
12. Shaoxing Liangbao Metal Manufactured Co. Ltd.
13. Shaoxing Meideli Hanger Co. Ltd.
14. Shaoxing Shunji Metal Clotheshorse Co., Ltd.
15. Shaoxing Tongzhou Metal Manufactured Co. Ltd.
16. Shaoxing Zhongbao Metal Manufactured Co. Ltd.
17. Zhejiang Lucky Cloud Hanger Co. Ltd.

[FR Doc. 2018–08656 Filed 4–25–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Honey From the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty order on honey from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the antidumping duty order.

DATES: Applicable April 26, 2018.

FOR FURTHER INFORMATION CONTACT: Ian Hamilton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4798.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2001, Commerce published in the **Federal Register** notice of the antidumping duty order on honey from China.¹ On November 1, 2017, Commerce published the notice of initiation of the third five-year (sunset) review of the antidumping duty order on honey from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).²

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. As a result, the revised deadline for the final results of this sunset review was March 5, 2018.³

Commerce conducted this sunset review on an expedited basis, pursuant to section 751(c)(3)(B) of the Act and 19

¹ See *Notice of Amended Final Determination at Less Than Fair Value and Antidumping Duty Order: Honey from the People's Republic of China*, 66 FR 63670 (December 10, 2001).

² See *Initiation of Five-Year (Sunset) Reviews*, 82 FR 50612 (November 1, 2017).

³ See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government," dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

CFR 351.218(e)(1)(ii)(C)(2), because it received a complete, timely, and adequate response from a domestic interested party but no substantive responses from respondent interested parties. As a result of its review, Commerce determined that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping.⁴ Commerce, therefore, notified the ITC of the magnitude of the margins likely to prevail should the antidumping duty order be revoked. On April 19, 2018, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on honey from China would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

Scope of the Order

The merchandise subject to the order is honey. For a complete description of the scope of this order, see the Issues and Decision Memorandum.⁶

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the antidumping duty order on honey from China. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next sunset review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

⁴ See *Honey from the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order*, 83 FR 10432 (March 9, 2018) (*Final Results*) and accompanying Issues and Decision Memorandum, dated March 5, 2017.

⁵ See *Honey from China: Investigation No. 731-TA-893 (Third Review)*, USITC Publication 4776 (April 2018); see also *Honey from China: Determination*, 83 FR 17445 (April 19, 2018).

⁶ For a full description of the scope of order, see *Final Results* and accompanying Issues and Decision Memorandum.

This sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

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. 2018-08776 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-820 and A-560-830]

Biodiesel From Argentina and Indonesia: Antidumping Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) orders on biodiesel from Argentina and Indonesia.

DATES: Applicable April 26, 2018.

FOR FURTHER INFORMATION CONTACT:

David Lindgren (Argentina) or Myrna Lobo (Indonesia); 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) 482-3870, or (202) 482-2371, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.210(c), on March 1, 2018, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of biodiesel from Argentina and Indonesia.¹ On April 16, 2018, the ITC notified Commerce of its affirmative final determination, pursuant to section 735(d) of the Act, that an industry in the United States is

¹ See *Biodiesel from Argentina: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, In Part*, 83 FR 8837 (March 1, 2018) (*Argentina Final Determination*); see also *Biodiesel from Indonesia: Final Determination of Sales at Less Than Fair Value*, 83 FR 8835 (March 1, 2018) (*Indonesia Final Determination*).

materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of biodiesel from Argentina and Indonesia, and its determination that critical circumstances do not exist with respect to imports of biodiesel from Argentina subject to Commerce's affirmative critical circumstances determination.² On April 19, 2018, the ITC published its final determination in the **Federal Register**.³

Scope of the Order

The product covered by these orders is biodiesel from Argentina and Indonesia. For a complete description of the scope of these orders, see the Appendix to this notice.

Antidumping Duty Orders

In accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured by reason of imports of biodiesel from Argentina and Indonesia.⁴ The ITC also notified Commerce of its determination that critical circumstances do not exist with respect to imports of biodiesel from Argentina subject to Commerce's critical circumstances finding.⁵ Therefore, in accordance with section 735(c)(2) of the Act, Commerce is issuing these AD orders.

Because the ITC determined that imports of biodiesel from Argentina and Indonesia are materially injuring a U.S. industry, unliquidated entries of such merchandise from Argentina and Indonesia, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties. Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of biodiesel from Argentina and Indonesia. Antidumping duties will be assessed on unliquidated entries of biodiesel from Argentina and Indonesia entered, or withdrawn from warehouse for consumption, on or after October 31, 2017, the date on which

² See Letter from the ITC to the Honorable Gary Taverman, dated April 16, 2018 (Notification of ITC Final Determination); see also *Biodiesel from Argentina and Indonesia*, Investigation Nos. 731-TA-1347-1348 (Final) (April 2018).

³ See *Biodiesel from Argentina and Indonesia: Determinations*, 83 FR 17447 (April 19, 2018).

⁴ See Notification of ITC Final Determination.

⁵ *Id.*

Commerce published its preliminary determinations in the **Federal Register**.⁶

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation of all relevant entries of biodiesel from Argentina and Indonesia. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits for estimated antidumping duties equal to the estimated cash deposit rates indicated

below. Accordingly, effective the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit equal to the cash deposit rates listed below.⁷ The all-others rates apply to producers or exporters not specifically listed, as appropriate.

Critical Circumstances

With regard to the ITC's negative critical circumstances determination regarding imports of biodiesel from Argentina, Commerce will instruct CBP to lift suspension and refund any cash

deposits made to secure payment of estimated antidumping duties on subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 2, 2017, (*i.e.*, 90 days prior to the date of publication of the Argentina preliminary determination), but before October 31, 2017, (*i.e.*, the date of publication of the Argentina preliminary determination).

Estimated Weighted-Average Dumping Margins

The estimated weighted-average AD margins and cash deposit rates are as follows:

| Exporters/producers from Argentina | Estimated margin (percent) | Estimated cash deposit rate (adjusted for subsidy offset(s)) (percent) |
|--------------------------------------|---|--|
| LDC Argentina S.A | 60.44 | 60.44 |
| Vicentin S.A.I.C. ⁸ | 86.41 | 86.23 |
| All Others | 74.73 | 74.63 |
| Exporters/producers from Indonesia | Estimated margin (percent) ⁹ | |
| Wilmar Trading PTE Ltd | 92.52 | |
| PT Musim Mas | 276.65 | |
| All Others | 92.52 | |

Notification to Interested Parties

This notice constitutes the AD orders with respect to biodiesel from Argentina and Indonesia, pursuant to section 736(a) of the Act. Interested parties can find a list of AD orders currently in effect at <http://enforcement.trade.gov/stats/iastats1.html>.

These orders are issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 20, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

Scope of the Orders

The product covered by these orders is biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, including biologically-based waste oils or greases, and other biologically-based oil or fat sources. These orders cover biodiesel in pure form (B100) as well as fuel mixtures containing at least 99 percent biodiesel by volume (B99). For fuel mixtures containing less than 99

percent biodiesel by volume, only the biodiesel component of the mixture is covered by the scope of these orders.

Biodiesel is generally produced to American Society for Testing and Materials International (ASTM) D6751 specifications, but it can also be made to other specifications. Biodiesel commonly has one of the following Chemical Abstracts Service (CAS) numbers, generally depending upon the feedstock used: 67784–80–9 (soybean oil methyl esters); 91051–34–2 (palm oil methyl esters); 91051–32–0 (palm kernel oil methyl esters); 73891–99–3 (rapeseed oil methyl esters); 61788–61–2 (tallow methyl esters); 68990–52–3 (vegetable oil methyl esters); 129828–16–6 (canola oil methyl esters); 67762–26–9 (unsaturated alkylcarboxylic acid methyl ester); or 68937–84–8 (fatty acids, C12–C18, methyl ester).

The B100 product subject to the orders is currently classifiable under subheading 3826.00.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), while the B99 product is currently classifiable under HTSUS subheading 3826.00.3000. Although the HTSUS subheadings, ASTM specifications, and CAS numbers are provided for convenience and

customs purposes, the written description of the scope is dispositive.

[FR Doc. 2018–08775 Filed 4–25–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG190

Gulf of Mexico 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 Gulf of Mexico Fishery Management Council will hold a one day meeting of its Outreach and Education Technical Committee.

DATES: The meeting will convene on Thursday, May 10, 2018, from 8:30 a.m. to 4 p.m., EDT.

treated as a single entity. *See Argentina Final Determination*, 83 FR at 8838 n.8.

⁹ There were no export subsidies that were countervailed in the concurrent countervailing duty investigation.

⁶ See *Biodiesel from Argentina: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, Preliminary Affirmative Determination of Critical Circumstances, In Part, 82 FR 50391 (October 31, 2017); *Biodiesel from Indonesia: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 50379 (October 31, 2017).

⁷ See section 736(a)(3) of the Act.

⁸ Commerce determined that Vicentin S.A.I.C., and companies Renova S.A., Oleaginosa Moreno Hermanos S.A., Molinos Agro S.A., Patagonia Energia S.A., VFG Inversiones y Actividades Especiales S.A., Vicentin S.A.I.C. Sucursal Uy, Trading Company X, and Molinos Overseas Commodities S.A. are affiliated and should be

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council Office, 2203 N Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348-1630.

FOR FURTHER INFORMATION CONTACT: Emily Muehlstein, Public Information Officer, Gulf of Mexico Fishery Management Council; emily.muehlstein@gulfcouncil.org; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Thursday, May 10, 2018; 8:30 a.m. until 4 p.m.

Agenda

The committee will begin with introductions and adoption of agenda, approval of the August 2017 meeting summary. The committee will review the Gulf Council's policy on the use of venting tools and descending devices and discuss an outreach plan to promote the policy.

The committee will review a Council effort to collect anecdotal data to supplement stock assessments and inform the Council and its Scientific and Statistical Committee.

Finally, the Committee will discuss the utility of improving the regulations APP.

Meeting Adjourns—

The meeting will be broadcast via webinar. You may listen in by registering for the webinar by visiting www.gulfcouncil.org and clicking on the Outreach & Education Technical Committee meeting on the calendar. <https://attendee.gotowebinar.com/register/3383291116212545537>. The Agenda is subject to change, and the latest version along with other meeting materials will be posted on www.gulfcouncil.org as they become available.

Although other non-emergency issues not on the agenda may come before the Technical Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Technical Committee will be restricted to those issues specifically identified in the agenda 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 Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other

auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: April 23, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018-08802 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG191

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Salmon Technical Team (STT) will hold a planning session to discuss the development of salmon rebuilding plans. This meeting will be held via webinar and is open to the public. **DATES:** The webinar will be held Thursday, May 17, 2018, from 9 a.m. to 3 p.m., or until business has been completed.

ADDRESSES: The meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar, use this link: <https://www.gotomeeting.com/webinar> (click "Join a Webinar" in top right corner of page). (1) Enter the Webinar ID: 457-307-347; (2) Enter your name and email address (required). You must use your telephone for the audio portion of the meeting by dialing this TOLL number 1-213-929-4232; (3) Enter the Attendee phone audio access code 421-973-026; (4) Enter your audio phone pin (shown after joining the webinar). NOTE: We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see <https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps>). You

may send an email to Mr. Kris Kleinschmidt at Kris.Kleinschmidt@noaa.gov or contact him at 503-820-2280, extension 411 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT:

Robin Ehlke, Pacific Council; telephone: (503) 820-2410.

SUPPLEMENTARY INFORMATION: The purpose of this planning session is to discuss the schedule and workload associated with the development of five salmon rebuilding plans in 2018. The STT will discuss a tentative timeline and meeting schedule for completing the plans and contributions of entities outside the STT in the development of rebuilding plans. This webinar is intended to address the logistics of developing the plans; detailed discussions of actual content will occur at future meetings. A proposed agenda will be posted once available. If time and interest allows, additional pertinent topics may be discussed, including, but not limited to, future Council agenda items.

Three coho stocks (Queets coho, Strait of Juan de Fuca coho, and Snohomish coho) and two Chinook stocks (Sacramento River fall Chinook and Klamath River fall Chinook) were found to meet the criteria for being classified as overfished in the Pacific Council's *Review of 2017 Ocean Salmon Fisheries*, released in February 2018. Under the tenants of the Salmon Fishery Management Plan (FMP), a rebuilding plan is required for each of these stocks. Among other requirements stipulated in Chapter 3 of the FMP, the STT is to propose a rebuilding plan for Council consideration within one year.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document 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

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris

Kleinschmidt (*kris.kleinschmidt@noaa.gov*; (503) 820-2411) at least 10 days prior to the meeting date.

Dated: April 23, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018-08805 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request; Recording Assignments

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office, Commerce.

Title: Recording Assignments.

OMB Control Number: 0651-0027.

Form Number(s):

- PTO-1594
- PTO-1595

Type of Request: Regular.

Number of Respondents: 596,527 responses per year.

Average Hours per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to prepare the appropriate form or document and submit it to the USPTO.

Burden Hours: 298,263.50 hours annually.

Cost Burden: \$3,292,293.88.

Needs and Uses:

This collection of information is required by 35 U.S.C. 261 and 262 for patents and 15 U.S.C. 1057 and 1060 for trademarks. These statutes authorize the United States Patent and Trademark Office (USPTO) to record patent and trademark assignment documents, including transfers of properties (*i.e.* patents and trademarks), liens, licenses, assignments of interest, security interests, mergers, and explanations of transactions or other documents that record the transfer of ownership of a particular patent or trademark property from one party to another. Assignments are recorded for applications, patents, and trademark registrations.

The USPTO administers these statutes through 37 CFR 2.146, 2.171, and 37 CFR part 3. These rules permit the public, corporations, other federal agencies, and Government-owned or

Government-controlled corporations to submit patent and trademark assignment documents and other documents related to title transfers to the USPTO to be recorded. In accordance with 37 CFR 3.54, the recording of an assignment document by the USPTO is an administrative action and not a determination of the validity of the document or of the effect that the document has on the title to an application, patent, or trademark.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A_Fraser@omb.eop.gov*.

Once submitted, the request will be publicly available in electronic format through *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Paper copies can be obtained by:

- *Email:* *InformationCollection@uspto.gov*. Include "0651-0027 Recording Assignments" in the subject line of the message.

- *Mail:* Marcie Lovett, Director, Records and Information Governance Division, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before May 29, 2018 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A_Fraser@omb.eop.gov*, or by fax to 202 395-5167, marked to the attention of Nicholas A. Fraser.

Marcie Lovett,

Director, Records and Information Governance Division, OCTO, United States Patent and Trademark Office.

[FR Doc. 2018-08737 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request; "Patent Prosecution Highway (PPH) Program"

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: United States Patent and Trademark Office, Commerce.

Title: Patent Prosecution Highway (PPH) Program.

OMB Control Number: 0651-0058.

Form Number(s):

- PTO/SB/20GLBL
- PTO/SB/20AR
- PTO/SB/20BR
- PTO/SB/20CZ
- PTO/SB/20EA
- PTO/SB/20MX
- PTO/SB/20NL
- PTO/SB/20PH
- PTO/SB/20RO
- PTO/SB/20TW

Type of Request: Regular.

Number of Respondents: 8,110 responses per year.

Average Hours per Response: The USPTO estimates that it will take the public approximately two hours to gather the necessary information, prepare the appropriate form, and submit a completed request to the USPTO.

Burden Hours: 16,200 hours.

Cost Burden: \$0.

Needs and Uses: The information gathered in this collection is integral to the Patent Prosecution Highway (PPH) programs that the USPTO participates in by identifying patent applications being filed at multiple intellectual property offices across the globe, including at the USPTO. This includes declaring the Office of Earlier Examination (OEE) with whom the application at the OEE, and providing the necessary supporting documentation for the application. The forms also identify the correspondence between the claims being made at the USPTO with claims filed at the OEE and an explanation for that correspondence.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A_Fraser@omb.eop.gov*.

Once submitted, the request will be publicly available in electronic format through *www.reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- *Email:* *InformationCollection@uspto.gov*. Include "0651-0068 copy request" in the subject line of the message.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before May 29, 2018 to Nicholas A. Fraser, OMB Desk Officer, via email to Nicholas_A_Fraser@omb.eop.gov or by fax to 202-395-5197, marked to the attention of Nicholas A. Fraser.

Marcie Lovett,

*Records and Information Governance
Division Director, Office of the Chief
Technology Officer, United States Patent and
Trademark Office.*

[FR Doc. 2018-08739 Filed 4-25-18; 8:45 am]

BILLING CODE 3510-16-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Academic Research Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Academic Research Council (ARC or Council) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Council. This notice is being published less than 15 days prior to the meeting date due to administrative delays.

DATES: The meeting date is Wednesday, May 2, 2018, 1:00 p.m. to 4:30 p.m. eastern standard time.

ADDRESSES: The meeting location is Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT:

Emily Turner, Director's Financial Analyst, at 202-435-7730, CFPB_AcademicResearchCouncil@cfpb.gov, Academic Research Council, Office of Research, 1700 G Street NW, Washington, DC 20552. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1013(b)(1) of the Consumer Financial Protection Act, 12 U.S.C. 5493(b)(1), establishes the Office of Research (OR) and assigns to it the responsibility of researching, analyzing, and reporting on topics relating to the Bureau's mission, including developments in markets for consumer financial products and services, consumer awareness, and consumer behavior. The Academic Research

Council is a consultative body comprised of scholars that help the Office of Research perform these responsibilities. Section 3 of the ARC Charter states:

The Council will provide the Bureau's Office of Research technical advice and feedback on research methodologies, data collection strategies, and methods of analysis. Additionally, the Council will provide both backward- and forward-looking feedback on the Office of Research's research work and will offer input into its research strategic planning process and research agenda.

II. Agenda

The Academic Research Council will discuss methodology and direction for consumer finance research at the Bureau.

Persons who need a reasonable accommodation to participate should contact CFPB_504Request@cfpb.gov, 202-435-9EE0, 1-855-233-0362, or 202-435-9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to CFPB_AcademicResearchCouncil@cfpb.gov, a minimum of seven (7) days in advance of the meeting. The comments will be provided to the ARC members for consideration. Individuals who wish to attend the Academic Research Council meeting must RSVP to CFPB_AcademicResearchCouncil@cfpb.gov, by noon, May 1, 2018. Members of the public must RSVP by the due date and must include "ARC" in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on April 24, 2018, via consumerfinance.gov. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the Bureau's website consumerfinance.gov.

Dated: April 20, 2018.

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2018-08716 Filed 4-25-18; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Board of Regents (Board), Uniformed Services University of the Health Sciences (USU), Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board of Regents, Uniformed Services University of the Health Sciences will take place.

DATES: Friday, May 18, 2018 open to the public from 8:00 a.m. to 10:20 a.m. Closed session will occur from approximately 10:25 a.m. to 11:25 a.m.

ADDRESSES: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Everett Alvarez Jr. Board of Regents Room (D3001), Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT:

Jennifer Nuetzi James, 301-295-3066 (Voice), 301-295-1960 (Facsimile), jennifer.nuetzi-james@usuhs.edu (Email). Mailing address is 4301 Jones Bridge Road, A1020, Bethesda, Maryland 20814. Website: <https://www.usuhs.edu/vpe/bor>.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) 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 purpose of the meeting is to provide advice and recommendations to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, on academic and administrative matters critical to the full accreditation and successful operation of USU. These actions are necessary for USU to pursue its mission, which is to educate, train and comprehensively prepare uniformed services health professionals, officers, scientists and leaders to support the Military and Public Health Systems, the National Security and National Defense Strategies of the United States, and the readiness of our Uniformed Services.

Agenda: The actions scheduled to occur include the review of the minutes from the Board meeting held on

February 6, 2018; recommendations regarding the awarding of associate, baccalaureate and post-baccalaureate degrees; recommendations regarding the approval of faculty appointments and promotions; recommendations regarding award nominations; and award presentations. The USU President will provide a report on recent actions affecting academic and operational aspects of USU. Member reports will include an Academics Summary consisting of reports from the Dean of the F. Edward Hébert School of Medicine, Dean of the Daniel K. Inouye Graduate School of Nursing, Executive Dean of the Postgraduate Dental College, Dean of the College of Allied Health Sciences, Director of USU Graduate Medical Education, and the President of the USU Faculty Senate. Member Reports will also include a Finance and Administration Summary consisting of reports from the Senior Vice President of the Southern Region, Senior Vice President of the Western Region, Vice President for Finance and Administration, Vice President for Information and Education Technology, and the Director of the Armed Forces Radiobiology Research Institute. Additional reports include the USU Alumni Association, USU School of Medicine Gunpowder Redesign, USU School of Medicine Telehealth Pilot and the President and CEO for the Henry M. Jackson Foundation for the Advancement of Military Medicine. A closed session will be held, after the open session, to discuss active investigations and personnel actions.

Meeting Accessibility: Pursuant to Federal statutes and regulations (5 U.S.C., Appendix, 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 10:20 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Jennifer Nuetzi James no later than five business days prior to the meeting, at the address and phone number noted in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 5 U.S.C. 552b(c)(2, 5–7), the DoD has determined that the portion of the meeting from 10:25 a.m. to 11:25 a.m. shall be closed to the public. The Under Secretary of Defense (Personnel and Readiness), in consultation with the Office of the Department of Defense General Counsel, has determined in writing that this portion of the Board's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of

the agency, will involve allegations of a person having committed a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

Written Statements: Pursuant to section 10(a)(3) of the Federal Advisory Committee Act of 1972 and 41 CFR 102–3.140, the public or interested organizations may submit written comments to the Board about its approved agenda pertaining to this meeting or at any time regarding the Board's mission. Individuals submitting a written statement must submit their statement to the Designated Federal Officer at the address listed above in **FOR FURTHER INFORMATION CONTACT**. Written statements that do not pertain to a scheduled meeting of the Board may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then these statements must be received at least 5 calendar days prior to the meeting, otherwise, the comments may not be provided to or considered by the Board until a later date. The Designated Federal Officer will compile all timely submissions with the Board's Chair and ensure such submissions are provided to Board Members before the meeting.

Dated: April 23, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–08831 Filed 4–25–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Innovation Board; Notice of Federal Advisory Committee Meeting

AGENCY: Chief Management Officer, Defense Innovation Board, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal advisory committee meeting of the Defense Innovation Board (DIB) will take place.

DATES: Closed to the public Thursday, April 26, 2018 from 12:30 p.m. to 2:00 p.m. Open to the public Thursday, April 26, 2018 from 2:30 p.m. to 5:00 p.m.

ADDRESSES: The closed portion of the meeting will be held at the Draper Laboratory, 555 Technology Square, Cambridge, MA 02139. The open portion of the meeting will be held at

Broad Institute, 415 Main Street, Cambridge, MA 02142. Additionally, the open portion of the meeting will be live streamed for those who are unable to physically attend the meeting.

FOR FURTHER INFORMATION CONTACT:

Michael L. Gable, (571) 372–0933 (Voice), michael.l.gable.civ@mail.mil (Email) or OSD.Innovation@mail.mil. Mailing address is Defense Innovation Board, ATTN: Designated Federal Officer, 9010 Defense Pentagon, Room 5E572, Washington, DC 20301–9010. Website: <http://innovation.defense.gov>. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Defense Innovation Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on April 26, 2018, of the Defense Innovation Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting is being held in accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b) (“the Sunshine Act”), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the DIB is to examine and provide the Secretary of Defense and the Deputy Secretary of Defense independent advice and recommendations on innovative means to address future challenges in terms of integrated change to organizational structure and processes, business and functional concepts, and technology applications. The DIB focuses on (a) technology and capabilities, (b) practices and operations, and (c) people and culture.

Agenda: During the closed portion of the meeting, the DIB will receive classified informational briefings from the Executive Director of the DIB related to DoD's latest efforts to leverage advances in artificial intelligence and machine learning and from the Secretary of the Navy related to innovation priorities and ongoing activities within the U.S. Navy.

During the open portion of the meeting, the DIB will invite selected experts to provide analysis and inputs related to software acquisition and development. Experts include Lieutenant General Lee Levy, U.S. Air Force, Commander, Air Force Sustainment Center; Rear Admiral

David Hahn, U.S. Navy, Chief of Naval Research; Ms. Jane Rathbun, Deputy Director, Business Systems, DoD; Colonel Mike McGinley, U.S. Air Force, Defense Innovation Unit Experimental—Boston; Ms. Jen Edgin, Chief Technology Officer, U.S. Marine Corps; Captain Bryon Kroger, U.S. Air Force, Chief Operations Officer, Kessel Run. DIB members will present their initial research and plan for the Software Acquisition and Practices (SWAP) study directed in the National Defense Authorization Act for Fiscal Year 2018 (“the FY18 NDAA”). The DIB will deliberate and vote on the initial SWAP observations, referred to as the 10 Commandments of Software for DoD, and the research plan intended to be submitted as the interim report to Congress required by the FY18 NDAA. The DIB’s Executive Director will brief the DIB on DoD’s latest implementation activities related to DIB recommendations. Members of the public will have an opportunity to provide oral comments to the DIB regarding the DIB’s deliberations and potential recommendations. See below for additional information on how to sign up to provide public comments.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b(c)(1), the DoD has determined that the portion of the meeting from 12:30 p.m. to 2:00 p.m. shall be closed to the public. The Chief Management Officer, in consultation with the Office of the DoD General Counsel, has determined in writing that this portion of the DIB’s meeting will be closed as the discussions will involve classified matters of national security. Such classified material is so inextricably intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without disclosing matters that are classified SECRET or higher. Pursuant to Federal statutes and regulations (the FACA, the Sunshine Act, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 2:30 p.m. to 5:00 p.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting or wanting to receive a link to the live stream webcast should register on the DIB website, <http://innovation.defense.gov>, no later than April 24, 2018. Members of the media should RSVP to Commander Patrick Evans, U.S. Navy, Office of the Secretary of Defense Public Affairs, at Patrick.L.Evans.mil@mail.mil.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the Designated Federal Officer

(DFO), see **FOR FURTHER INFORMATION CONTACT** section for contact information, no later than April 24, 2018, so that appropriate arrangements can be made.

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102–3.140, the public or interested organizations may submit written comments to the DIB about its approved agenda pertaining to this meeting or at any time regarding the DIB’s mission. Individuals submitting a written statement must submit their statement to the DFO (see **FOR FURTHER INFORMATION CONTACT** section for contact information). Written comments that do not pertain to a scheduled meeting may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then such comments must be received in writing not later than April 24, 2018. The DFO will compile all written submissions and provide them to DIB members for consideration.

Oral Presentations: Individuals wishing to make an oral statement to the DIB at the public meeting may be permitted to speak for up to two minutes. Anyone wishing to speak to the DIB should submit a request by email at osd.innovation@mail.mil not later than April 24, 2018 for planning. Requests for oral comments should include a copy or summary of planned remarks for archival purposes. Individuals may also be permitted to submit a comment request at the public meeting; however, depending on the number of individuals requesting to speak, the schedule may limit participation. Webcast attendees will be provided instructions with the live stream link if they wish to submit comments during the open meeting.

Dated: April 23, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–08830 Filed 4–25–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2018–OS–0003]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense 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 29, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Sehra, DoD Desk Officer, at oir_submission@omb.eop.gov. Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Biometric Identification System (DBIDS); OMB Control Number 0704–0455.

Type of Request: Reinstatement, with change.

Number of Respondents: 2,500,000.

Responses per Respondent: 1.

Annual Responses: 2,500,000.

Average Burden per Response: 7.5 minutes.

Annual Burden Hours: 312,500.

Needs and Uses: The information collection requirement is necessary to obtain and record the biographic & biometric data connected with positively identifying identity, eligibility for access, and fitness within DBIDS and shared with IMESA/IOLS. The form data is used in the determination of access at DBIDS sites and affiliated systems through use of IMESA/IOLS.

Affected Public: Individuals or Households, Business or Other For-Profit, Not-For-Profit Institutions, Federal Government, State, Local or Tribal Government.

Frequency: On occasion.

Respondent’s Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Sehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public

viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: April 18, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018-08744 Filed 4-25-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2018-ICCD-0047]

Agency Information Collection Activities; Comment Request; 21st Century Community Learning Centers Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before June 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-0047. 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 Daryn Hedlund, 202-401-3008.

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: 21st Century Community Learning Centers Annual Performance Report.

OMB Control Number: 1810-0668.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 54.

Total Estimated Number of Annual Burden Hours: 1,488.

Abstract: The purpose of the 21st Century Community Learning Centers (21st CCLC) program, as authorized under Title IV, Part B, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7171-7176) is to create community learning centers that provide academic enrichment opportunities for children, particularly students who attend high poverty and low-performing schools, to meet State and local student standards in core academic subjects, to offer students a broad array of enrichment activities that can complement their regular academic programs, and to offer literacy and other educational services to the families of participating children. Present in all 50 states, the District of Columbia, Puerto Rico, U.S. Virgin Islands, and the Bureau of Indian Education, academic enrichment and youth development programs are designed to enhance participants' well-being and academic

success. In support of this program, Congress appropriated nearly \$1.2 billion for 21st CCLC programs for fiscal year 2016. Consisting of public and nonprofit agencies, community- and faith-based organizations, postsecondary institutions, and other community entities, 3,695 sub-grantees—operating 9,252 centers—provided academic and enrichment services and activities to over 1.8 million participants.

Dated: April 20, 2018.

Tomakie Washington,

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

[FR Doc. 2018-08735 Filed 4-25-18; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD18-8-000; Docket No. EL18-26-000]

Reform of Affected System Coordination in the Generator Interconnection Process, EDF Renewable Energy, Inc. v. Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.; Notice Inviting Post-Technical Conference Comments

On April 3 and April 4, 2018, Federal Energy Regulatory Commission (Commission) staff conducted a technical conference to discuss issues related to affected systems that have been raised in the complaint filed by EDF Renewable Energy, Inc. against Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C. in Docket No. EL18-26-000 and in the Commission's Notice of Proposed Rulemaking (Generator Interconnection NOPR) on the interconnection process in Docket No. RM17-8-000.

All interested persons are invited to file initial and reply post-technical conference comments on the questions listed in the Supplemental Notice of Technical Conference issued in this proceeding on March 26, 2018 and the questions listed in the attachment to this notice. Commenters need not respond to all topics or questions asked. Commenters may reference material previously filed in this docket but are encouraged to submit new or additional information rather than reiterate information that is already in the record.

In particular, commenters are encouraged, when possible, to provide examples in support of their answers. Initial and reply comments are due within 30 days and 45 days, respectively, from the date of this notice.

For more information about this notice, please contact:

Myra Sinnott (Technical Information),
Office of Energy Policy and
Innovation, (202) 502-6033,
Myra.Sinnott@ferc.gov.

Kathleen Ratcliff (Technical
Information), Office of Energy Market
Regulation, (202) 502-8018,
Kathleen.Ratcliff@ferc.gov.

Lina Naik (Legal Information), Office of
the General Counsel, (202) 502-8882,
Lina.Naik@ferc.gov.

Dated: April 19, 2018.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Post-Technical Conference Questions for Comment

For any of the following questions, please also describe any issues presented when an affected system is a non-public utility transmission provider.

General Affected Systems Coordination Processes

1. Please describe any affected system coordination processes and guidance available for your market or balancing authority area, including, but not limited to, tariff provisions, joint operating agreements (JOA), and business practice manuals (BPM).

2. Please explain the role of the host transmission provider in managing the coordination and communication between an interconnection customer and an affected system during the course of an interconnection request process. If the interconnection customer has primary responsibility to coordinate and communicate with the affected system, please explain how the host transmission provider ensures that affected system matters are addressed before proceeding with an interconnection for which affected system impacts have been raised.

3. With respect to Midcontinent Independent System Operator, Inc. (MISO), Southwest Power Pool, Inc. (SPP), and PJM Interconnection, L.L.C. (PJM) specifically, once the need for an affected system study is determined, please describe how each RTO then coordinates with the other RTO to consider the affected system impacts due to an interconnection request on the host system. Please include the steps in the process and any timelines and other

procedural matters, and reference any tariff, JOA, BPM, and/or other provisions that describe the process for such coordination.

4. Should there be a *pro forma* affected system study agreement that provides for firm timelines for the affected system to provide the relevant studies? If so, what terms and conditions should it contain, and what entities should be parties to the affected system study agreement (e.g., host transmission provider, host transmission owner, affected system, interconnection customer)? What modifications would need to be made to such a study agreement to accommodate a non-public utility affected system?

5. Regardless of whether the Commission proceeds with development of a *pro forma* affected systems study agreement, should MISO, SPP, and PJM develop a common affected systems study agreement? If so, what terms and conditions should this agreement contain, and what entities should be parties to the agreement (e.g., host transmission provider, host transmission owner, affected system, interconnection customer)? If possible, please provide a sample of a commonly used affected systems study agreement.

6. As part of the affected systems study agreement, if affected systems were allowed to charge interconnection customers an administrative fee for conducting affected system studies, in addition to receiving reimbursement for the actual costs of conducting affected system studies, would such a fee motivate affected systems that lack resources, such as full-time employees, to conduct affected system studies in a more timely manner? If so, how should the fee be determined and what milestones of the affected system should be tied to the fee? Should such an administrative fee be tied to the affected system providing its study results by a certain date?

7. Describe any planned or in-process affected system coordination improvement efforts taking place in your market or balancing authority area (through a stakeholder process, etc.). Please provide links or directions to any publicly available materials related to these improvement efforts.

Modeling and Study Procedures Used for Affected Systems Information

1. Please explain how Network Resource Interconnection Service (NRIS) and Energy Resource Interconnection Service (ERIS) are modeled both when conducting studies on your system and when conducting studies as an affected system, and provide a reference to where that

information is located in your tariff. Are the standards (e.g. shift factors, contingency lists) for modeling NRIS and ERIS available to customers, and if so, where is this information located?

2. Explain the reasons an affected system would study an interconnection request made in a host system using NRIS criteria when the interconnection customer is only requesting NRIS in the *host* system. What are the benefits and drawbacks to studying and also requiring an interconnection customer seeking NRIS in the host system to be responsible for network upgrade costs in an affected system in the same manner as an interconnection customer who requests NRIS in the affected system?

3. Explain the reasons an affected system could or should study an interconnection request using ERIS criteria when the interconnection customer is requesting NRIS in the host system. If you believe affected system transmission providers should study NRIS requests as ERIS, please include an explanation of how ERIS criteria address reliability concerns associated with an NRIS interconnection request in both the host and affected systems.

4. Should there be a standard approach to determine if an interconnection customer requesting NRIS in the host system is studied as NRIS or ERIS on an affected system? If so, what should the standard be and why?

5. If there is no generic reform that dictates how affected systems study interconnection customers who request NRIS on the host system, should MISO, SPP, and PJM develop a standard approach to determining whether such an interconnection customer should be studied as NRIS or ERIS on the affected system(s) during the modeling process? If so, what should the standard be and why?

6. Please explain the process used to calculate generation shift factors, including how and where the reference bus is selected, when conducting an affected system study for interconnection requests made in a host system.

7. What are the dispatch assumptions used in affected systems studies? Are the dispatch assumptions the same for already interconnected resources on the host system that affect flows on the affected system and resources already interconnected in the affected system? Are these dispatch assumptions consistent with the assumptions an affected system uses when it performs an interconnection request within its footprint? Are the dispatch assumptions an affected system uses in affected system studies provided to

interconnection customers? To the extent already interconnected resources on the host system are assumed to be dispatched at full output, what is the rationale for that assumption?

8. What criteria do transmission providers use to determine whether an interconnection request on the host system requires an affected system study on an affected system? Please provide references to tariff, JOA, BPM, and any other provisions that include this criteria. If the determination is based on “engineering judgment,” is this judgment adequately explained to the interconnection customer? If so, in what form does the interconnection customer receive that information? If there is a disagreement regarding this determination, is there a process for the customer to challenge it? If so, please provide a detailed description of that process.

9. Should MISO, SPP, and PJM be required to use the same criteria to determine whether an interconnection request on the host system requires an affected system study on an affected system?

10. Please comment on the possibility of implementing jointly developed interconnection-wide transmission models between transmission providers in affected system studies to detect topology changes to a transmission provider’s region that might not be visible by the affected systems until the next interconnection-wide model update.

11. When an affected system studies an interconnection request, should it model its entire footprint or a sub-region(s) of its system? If a sub-region(s) would be sufficient, please explain what criteria would be used to determine the sub-region(s) in an affected system that are impacted by an interconnection request in a host system.

12. What are the benefits and drawbacks for the interconnection customer, the host transmission provider and the affected system to an affected system studying all interconnection requests in a host system study cluster or queue to determine affected system impacts? Is there a way the host system could employ some type of pre-screening process to limit affected systems analysis to only those requests that may impact an affected system? What criteria should be used in such a pre-screening process?

13. At what point in the interconnection process should interconnection customers be required to provide relevant modeling data to best avoid delays in both the host

interconnection and affected system study processes?

Timing of Affected System Coordination

1. Does the host system’s interconnection process include an opportunity for the host system and interconnection customer to review an affected system study and discuss the results with the host system or affected system, as necessary, before the interconnection process either requires a financial milestone payment or execution of an interconnection agreement? If so, please provide references to the relevant tariff or manual descriptions of this opportunity. Is this opportunity to review included in the host system’s interconnection queue timeline? If so, how much time is allowed?

2. Should all host system transmission providers be required to align their interconnection study process schedules with any relevant affected systems in order to allow for both host system and affected system studies to occur on the same timeline? Would such alignment improve the timing at which an interconnection customer receives affected system study results? What actions could the host system, affected system, and interconnection customer take to better align the completion of affected system study results? Should the Commission require that an interconnection customer receive affected system study results at the same time it receives a host system’s system impact study results? If so, would there be any concerns with that approach?

3. Should MISO, SPP, and PJM be required to adopt a common timeline for conducting affected systems studies and providing results to interconnection customers and/or the host transmission provider? If not, why not? If so, please explain how this common timeline could be implemented. For example, would each RTO begin affected system studies at certain set dates throughout the year and commit to providing results by certain set dates, or are there other ways of implementing a common timeline? Please also provide an example of how this common timeline could be developed—that is, by providing sample tariff, JOA, BPM, or other language.

4. Should affected systems be required to adhere to a time limit or point in the host system’s interconnection process (such as when a generator interconnection agreement (GIA) is tendered or system impact study data is provided by the host system to the interconnection customer)

by which the affected system should notify the interconnection customer and/or host transmission provider of network upgrade costs?

5. Should affected system study results be aligned with the host system’s system impact study results to allow interconnection customers to have an estimate of all of their potential network upgrade costs prior to proceeding in the queue with an at-risk financial payment? Alternatively, if an interconnection customer is required to proceed with an at-risk financial payment or move forward with an interconnection agreement without having the affected system study results, should the affected system or host system be required to provide the interconnection customer with an option for a refund of its payment if it withdraws due to late-received affected system study results?

6. Please comment on the potential for an alternative affected system study process in which the host system obtains the model from the affected system and performs the impact analysis on the affected system for interconnection customers itself, with the host system following up with the affected system to verify results. Would such an approach be beneficial or practicable? Would the additional analysis and verification add time to the interconnection process? Should the host system be compensated for performing the impact analysis?

7. Should the Commission require that time be allowed to potentially identify and consider either alternatives to the dispatch assumptions or adjustments to the interconnection request that could mitigate the cost of a network upgrade on an affected system? If so, what duration of time would be sufficient?

8. With respect to MISO, SPP, and PJM specifically, should the Commission require that time be allowed to potentially identify and consider either alternatives to the dispatch assumptions or adjustments to the interconnection request that could mitigate the cost of a network upgrade on an affected system? If so, what duration of time would be sufficient? Even if a common timeline is not required by the Commission, should MISO, SPP, and PJM nevertheless be required to build time into their own interconnection processes to allow for further consideration of affected system study results and potential mitigation measures as an alternative to the network upgrades included in an affected system study? For example, should interconnection customers in MISO be allowed more than 15 days

after receipt of affected system study results to decide to proceed to the next phase of the definitive planning phase (DPP)?

9. Should MISO perform fewer affected systems studies than the three studies currently required as part of the three-phase DPP process? If so, which phase(s) in the DPP is most important to the analysis of potential impacts on affected systems? Should an interconnection customer in MISO be permitted to proceed to the next DPP phase even if an affected system study is not ready and therefore not included in the system impact study of the prior phase?

Allocation of Affected System Costs

1. Are there improvements that could be made to transmission planning processes to better identify transmission projects that benefit host systems and/or affected systems but that are currently identified only in interconnection studies and affected system studies? If so, please explain how such improvements should be made? What are the benefits and drawbacks of such an approach?

2. If study results from affected systems are significantly delayed, and the interconnection customer is required to proceed in the process without affected system study results, should the customer still be responsible for the full cost of an affected system upgrade? Should there be a time after which the affected system has “lost its chance” to have the interconnection customer be responsible for the network upgrade? If so, how would the affected system then address the need for the network upgrade?

3. How should costs be allocated among affected system and host system interconnection customers in instances where a major network upgrade on a transmission provider’s system is only identified through an affected system study and not identified in the host system studies? Should host system interconnection customers be responsible for any portion of those network upgrade costs? Should an interconnection customer needing such an affected system upgrade have the ability to challenge the assignment of network upgrade costs? Please also discuss this issue specifically in the context of the Cooper South constraint in SPP.

4. Should the host system and affected system be required to conduct a “least-cost alternative” analysis for identified affected system upgrades? If so, please explain how that will improve the issues with affected systems.

5. If the same network upgrade is required by interconnection requests on both a host system and an affected system, is there cost sharing among the interconnection customers? Does this cost sharing extend to lower-queued customers, whether they are host system customers or affected system customers?

6. How are interconnection requests made on an affected system aligned with host system interconnection requests for the purpose of determining queue order and cost responsibility? For instance, where the affected system uses a cluster study approach, are interconnection requests external to the affected system integrated into the affected system’s current cluster study with queue priority and cost responsibility equivalent to the other interconnection requests in the cluster?

7. Should MISO, SPP, and PJM be required to develop a network upgrade construct that avoids a “higher-queued” penalty, whereby network upgrade costs are assigned to higher-queued projects (earlier in time) rather than to lower-queued projects (later in time)? How do MISO, SPP, and PJM determine whether affected system interconnection customers or host system interconnection customers are responsible for the cost of a specific network upgrade? Please list the tariff, JOA, or BPM provisions that may govern this process.

8. With respect to MISO, SPP, and PJM specifically, should they be required to develop a unified approach to determine queue priority in affected systems analysis to determine cost responsibility for network upgrade costs?

9. Please describe whether interconnection customers that fund network upgrades on an affected system and pursuant to an affected system study receive transmission credits, transmission rights, or any other consideration for funding those network upgrades on the affected system. Please provide any tariff or other provisions that govern this issue.

10. Please describe whether interconnection customers that fund network upgrades on an affected system and pursuant to an affected system study in MISO, SPP, or PJM receive transmission credits, transmission rights, or any other consideration for funding those network upgrades on the affected system. Please provide any tariff, JOA, BPM or other provisions that govern this issue. Does any disparity in approaches between MISO, SPP, and PJM impact the interconnection

customers and/or affected system study process? If so, how?

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FEDERAL COMMUNICATIONS COMMISSION

[AU Docket No. 17–143; DA 18–260]

Auction of Cross-Service FM Translator Construction Permits Scheduled for May 15, 2018; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 99

AGENCY: Federal Communications Commission.

ACTION: Final action; requirements and procedures.

SUMMARY: This document summarizes the procedures and announces upfront payment amounts and minimum opening bids for the auction of cross-service FM translator construction permits (Auction 99). The Public Notice summarized here is intended to familiarize applicants with the procedures and other requirements for participation in the auction.

DATES: A sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159) must be submitted before 6:00 p.m. Eastern Time (ET) on April 19, 2018. Bidding in Auction 99 is scheduled to start on May 15, 2018.

FOR FURTHER INFORMATION CONTACT: For auction legal questions, Lynne Milne in the Wireless Telecommunications Bureau’s Auctions and Spectrum Access Division at (202) 418–0660. For auction process and procedures, the FCC Auction Hotline at (717) 338–2868. For FM translator service questions, James Bradshaw, Lisa Scanlan or Tom Nessinger in the Media Bureau’s Audio Division at (202) 418–2700. To request materials in accessible formats (Braille, large print, electronic files, or audio format) for people with disabilities, send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 or (202) 418–0432 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of *Auction of Cross-Service FM Translator Construction Permits Scheduled for May 15, 2018; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 99*, (Auction 99 *Procedures Public Notice*) released on March 23, 2018. The complete text of the *Auction 99 Procedures Public Notice*, including attachments and any

related document, is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. ET Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY-A257, Washington, DC 20554. The *Auction 99 Procedures Public Notice* and related documents also are available on the internet at the Commission's website: <http://wireless.fcc.gov/auctions/99>, or by using the search function for AU Docket No. 17-143 on the Commission's Electronic Comment Filing System (ECFS) web page at <http://www.fcc.gov/cgb/ecfs>.

I. General Information

A. Background

1. On June 1, 2017, the Wireless Telecommunications and Media Bureaus announced an auction filing window for AM broadcasters seeking new cross-service FM translator station construction permits. Each applicant listed in Attachment A of the *Auction 99 Procedures Public Notice* previously filed a short-form application (FCC Form 175) during the initial filing window announced in the *Auction 99 Filing Instructions Public Notice*, a summary of which was published at 82 FR 33825 (July 21, 2017). Applicants were previously given the opportunity to eliminate their mutual exclusivity with other applicants' engineering proposals by settlement or technical modification to their proposals.

B. Construction Permits and Entities Eligible to Participate in Auction 99

2. Auction 99 will resolve mutually exclusive engineering proposals for up to 12 new cross-service FM translator stations. A list of the locations and channels of these proposed stations is included as Attachment A. Attachment A also sets forth the names of applicants in each MX group, along with a minimum opening bid and an upfront payment amount for each construction permit in Auction 99.

3. An applicant listed in Attachment A may become qualified to bid only if it meets the additional filing, qualification, payment and other applicable rules, policies and procedures as described in the *Auction 99 Procedures Public Notice*. Each applicant may become a qualified bidder only for those construction permits specified for that applicant in Attachment A. Each of the engineering proposals within each MX group are directly mutually exclusive with one another; therefore, no more than one construction permit will be awarded for each MX group identified in Attachment

A. Once mutually exclusive applications are accepted and thus mutual exclusivity exists for auction purposes, an applicant for a particular construction permit cannot obtain it without placing a bid, even if no other applicant for that construction permit becomes qualified to bid or in fact places a bid.

C. Rules and Disclaimers

1. Relevant Authority

4. Auction 99 applicants must familiarize themselves thoroughly with the Commission's general competitive bidding rules, including Commission decisions in proceedings regarding competitive bidding procedures (47 CFR part 1, subpart Q), application requirements, and obligations of Commission licensees. Broadcasters should also familiarize themselves with the Commission's cross-service FM translator service and competitive bidding requirements contained in 47 CFR parts 73 and 74, as well as Commission orders concerning competitive bidding for broadcast construction permits. Applicants must also be thoroughly familiar with the procedures, terms and conditions contained in the *Auction 99 Procedures Public Notice* and any future public notices that may be released in this proceeding.

5. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in their public notices at any time, and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of each applicant to remain current with all Commission rules and with all public notices pertaining to Auction 99.

2. Prohibited Communications and Compliance with Antitrust Laws

6. Starting at the deadline for filing a Form 175 on August 2, 2017, the rules prohibiting certain communications set forth in 47 CFR 1.2105(c) and 73.5002(d), (e) apply to each applicant that filed a Form 175 in Auction 99. Subject to specified exceptions, 47 CFR 1.2105(c)(1) provides that all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other in any manner the substance of their own, or each other's, or any other applicants' bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline.

7. Applicants are hereby placed on notice that public disclosure of information relating to bids, bidding strategies, or to post-auction market structures may violate 47 CFR 1.2105(c). In accordance with 47 CFR 73.5002(e), the Bureaus suspended for Auction 99 application of the prohibitions of 47 CFR 1.2105(c) and 73.5002(d) during a specified period for the limited purpose of allowing settlement discussions. Discussion of information covered by these rules outside of the settlement period would violate the rules.

a. Entities Subject to Section 1.2105

8. An applicant for purposes of this rule includes the officers and directors of the applicant, all controlling interests in the entity submitting the FCC Form 175, as well as all holders of interests amounting to 10 percent or more of that entity. A party that submits an application becomes an applicant under the rule at the application deadline and that status does not change based on subsequent developments. Thus, an Auction 99 applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become qualified, remains an applicant for purposes of 47 CFR 1.2105(c) and remains subject to the prohibition on certain communications until the applicable down payment deadline.

b. Scope of Prohibition on Communications; Prohibition on Joint Bidding Agreements

9. The Commission in 2015 amended 47 CFR 1.2105(c) to extend the prohibition on communications to cover all applicants for an auction regardless of whether the applicants seek permits or licenses in the same geographic area or market. Therefore, the Commission now prohibits a joint bidding arrangement, including an arrangement relating to the permits or licenses being auctioned that address or communicate, directly or indirectly, bids, bidding, bidding strategies, including any arrangement regarding price or the specific permits or licenses on which to bid, and any such arrangement relating to the post-auction market structure. The revised rule provides limited exceptions for a communication within the scope of any arrangement consistent with the exclusions from the Commission's rule prohibiting joint bidding, provided such arrangement is disclosed on the applicant's auction application. An applicant may continue to communicate pursuant to any pre-existing agreement, arrangement, or understanding that is solely operational or that provides for a transfer or

assignment of licenses, provided that such agreement, arrangement or understanding do not involve the communication or coordination of bids (including amounts), bidding strategies, or the particular licenses on which to bid and provided that such agreement, arrangement or understanding is disclosed on its application.

10. The Bureaus sought comment in the *Auction 99 Comment Public Notice* on whether it would be appropriate to waive or modify the application of 47 CFR 1.2105 provisions, such as the prohibition against certain communications or the prohibition against joint bidding arrangements, so that Auction 99 applicants with overlapping controlling interests relying on the waiver of 47 CFR 1.2105(a)(3) will not thereby violate such other provisions. A summary of this public notice was published at 83 FR 6141 (Feb. 13, 2018). The Bureaus received no comment on this issue. Accordingly, no commenter has suggested that there is a need for a waiver to accommodate any commonly-controlled Auction 99 applicants that filed separate Forms 175 pursuant to the Bureaus' previously-granted waiver of 47 CFR 1.2105(a)(3). Therefore, for Auction 99 the Bureaus have no basis for further waiving or modifying the application of 47 CFR 1.2105 provisions.

c. Section 1.2105(c) Certification

11. By electronically submitting its Form 175, each applicant in Auction 99 certified its compliance with 47 CFR 1.2105(c) and 73.5002(d). However, the mere filing of a certifying statement as part of an application will not outweigh specific evidence that a prohibited communication has occurred, nor will it preclude the initiation of an investigation when warranted. Any applicant found to have violated these communication prohibitions may be subject to sanctions.

d. Reporting Requirements

12. Any applicant that makes or receives a communication that appears to violate 47 CFR 1.2105(c) must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Each applicant's obligation under 47 CFR 1.2105(c)(4) to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.

e. Procedures for Reporting Prohibited Communications

A party must file only a single report concerning a prohibited communication and to file that report with Commission personnel expressly charged with administering the Commission's auctions. Any report required by 47 CFR 1.2105(c) must be filed consistent with the instructions set forth in the *Auction 99 Procedures Public Notice*. For Auction 99, such reports must be filed with the Chief of the Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, by the most expeditious means available. Any such report should be submitted by email to Margaret W. Wiener at the following email address: auction99@fcc.gov. If you choose instead to submit a report in hard copy, any such report must be delivered only to: Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW, Room 6C217, Washington, DC 20554.

14. 15. This rule is designed to minimize the risk of inadvertent dissemination of information in such reports. A party reporting any communication pursuant to 47 CFR 1.65, 1.2105(a)(2), or 1.2105(c)(4) must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of 47 CFR 1.2105(c). For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection, such as, a submission to the Commission's Office of the Secretary or ECFS. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in 47 CFR 0.459. Such parties also are encouraged to coordinate with the Auctions and Spectrum Access Division staff about the procedures for submitting such reports.

f. Winning Bidders Must Disclose Terms of Agreements

16. Each applicant that is a winning bidder will be required to disclose in its long-form application the specific terms, conditions, and parties involved in any agreement it has entered into. This applies to any bidding consortia, joint venture, partnership, or agreement,

understanding, or other arrangement entered into relating to the competitive bidding process, including any agreement relating to the post-auction market structure. Failure to comply with the Commission's rules can result in enforcement action.

g. Antitrust Laws

17. Regardless of compliance with the Commission's rules, applicants remain subject to the antitrust laws. Compliance with the disclosure requirements of 47 CFR 1.2105(c) will not insulate a party from enforcement of the antitrust laws. For instance, a violation of the antitrust laws could arise out of actions taking place well before any party submitted a Form 175.

18. To the extent the Commission becomes aware of specific allegations that suggest that violations of the federal antitrust laws may have occurred, the Commission may refer such allegations to the U.S. Department of Justice for investigation. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount and may be prohibited from participating in future auctions, among other sanctions.

3. Due Diligence

19. The Bureaus remind each potential bidder that it is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permits for cross-service FM translators that it is seeking in Auction 99. The FCC makes no representations or warranties about the use of this spectrum or these construction permits for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC permittee in a broadcast service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC construction permit or license constitute a guarantee of business success.

20. An applicant should perform its due diligence research and analysis before proceeding, as it would with any new business venture. In particular, the Bureaus strongly encourage each potential bidder to perform technical analyses and/or refresh its previous analyses to assure itself that, should it become a winning bidder for any Auction 99 construction permit, it will be able to build and operate facilities

that will fully comply with all applicable technical and legal requirements. The Bureaus strongly encourage each applicant to inspect any prospective transmitter sites located in, or near, the service area for which it plans to bid, confirm the availability of such sites, and to familiarize itself with the Commission's rules regarding the National Environmental Policy Act, 47 CFR part 1, subpart I.

21. The Bureaus strongly encourage each applicant to continue to conduct its own research throughout Auction 99 in order to determine the existence of pending or future administrative or judicial proceedings that might affect its decision on continued participation in Auction 99. Each Auction 99 applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on construction permits available in Auction 99. These due diligence considerations do not comprise an exhaustive list of steps that should be undertaken prior to participating in Auction 99. As always, the burden is on the potential bidder to determine how much research to undertake, depending upon specific facts and circumstances related to its interests.

22. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of the construction permits available in Auction 99. Each potential bidder is responsible for undertaking research to ensure that any permits won in Auction 99 will be suitable for its business plans and needs. Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

23. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, it must obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

4. Use of Auction Systems

24. The Commission makes no warranty whatsoever with respect to the FCC auction systems. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning, or use of the FCC auction systems that are accessible to qualified bidders in connection with Auction 99. Moreover, no obligation or liability will arise out of the Commission's technical, programming, or other advice or service provided in connection with the FCC auction systems.

D. Auction Specifics

1. Bidding Methodology and Options

25. The Commission will conduct Auction 99 over the internet using the FCC auction bidding system. Qualified bidders are permitted to bid electronically via the internet or by telephone using the telephonic bidding option. All telephone calls are recorded.

26. The initial schedule for bidding rounds will be announced by public notice at least one week before bidding in the auction starts. Moreover, unless otherwise announced, bidding on all construction permits will be conducted on each business day until bidding has stopped on all construction permits.

2. Pre-Auction Dates and Deadlines

27. The following dates and deadlines apply:

Upfront Payments (via wire transfer)
April 19, 2018; 6:00 p.m. ET
Auction Tutorial Available (via internet)
May 4, 2018
Mock Auction May 11, 2018
Auction Begins May 15, 2018

II. Short-Form Application (FCC Form 175) Requirements

A. Maintaining Current Information in Forms 175

28. The Bureaus remind each Auction 99 applicant of its duty pursuant to 47 CFR 1.65 and 1.2105(b) to maintain the accuracy and completeness of all information furnished in its pending application and in competitive bidding proceedings to furnish additional or corrected information to the Commission within five days of a significant occurrence, or to amend a Form 175 no more than five days after the applicant becomes aware of the need for the amendment. For example, if ownership changes result in the

attribution of new interest holders that affect the applicant's qualifications for a new entrant bidding credit, such information must be clearly stated in the application amendment. Events occurring after the initial application filing deadline, such as the acquisition of attributable interests in media of mass communications, may cause a loss of or reduction in the percentage of bidding credit specified in the application and must be reported immediately, and no later than five business days after the change occurs.

B. Submission of Updates to Forms 175

29. Updates to Forms 175 should be made electronically using the FCC auction application system whenever possible. For the change to be submitted and considered by the Commission, be sure to click on the SUBMIT button.

30. An applicant should not use the auction application system outside of the initial and resubmission filing windows to make changes to its Form 175 for other than administrative changes (e.g., changing contact information or the name of an authorized bidder). After the filing window has closed, the system will not permit applicants to modify information in most of the application's data fields.

31. If changes need to be made outside of the initial and resubmission filing windows, for other than the minor administrative changes as described, the applicant must submit a letter briefly summarizing the changes and subsequently update its Form 175 in the auction application system once it is available. Any letter describing changes to an applicant's Form 175 must be addressed to Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, and submitted by email to auction99@fcc.gov. The email summarizing the changes must include a subject or caption referring to Auction 99 and the name of the applicant, for example, "Re: Changes to Auction 99 Short-Form Application of ABC Corp." The Bureaus request that parties format any attachments to email as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Questions about Form 175 amendments should be directed to the Auctions and Spectrum Access Division at (202) 418-0660.

32. Applicants must not submit application-specific material through the Commission's Electronic Comment Filing System, which was used for submitting comments regarding procedures for conducting Auction 99.

33. Applicants should note that submission of a Form 175 (and any amendments thereto) constitutes a

representation by the person certifying the application that he or she is an authorized representative of the applicant with authority to bind the applicant, that he or she has read the form's instructions and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Applicants are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

C. Provisions Regarding Former and Current Defaulters

34. Current defaulters or delinquents are not eligible to participate in Auction 99, but former defaulter or delinquents can participate so long as they are otherwise qualified and make upfront payments that are 50 percent more than would otherwise be necessary. An applicant is considered a current defaulter or a current delinquent when it, any of its affiliates (as defined in 47 CFR 1.2110), any of its controlling interests (as defined in 47 CFR 1.2105(a)(4)(i)), or any of the affiliates of its controlling interests, is in default on any payment for any Commission construction permit or license (including a down payment) or is delinquent on any non-tax debt owed to any Federal agency as of the filing deadline for FCC Forms 175 in that auction.

35. Thus, an Auction 99 applicant was required to certify under penalty of perjury that, as of the initial application filing deadline on August 2, 2017, it, its affiliates, any of its controlling interests, and any of the affiliates of its controlling interests, as defined by 47 CFR 1.2110, were not in default on any payment for a Commission construction permit or license (including a down payment) and not delinquent on any non-tax debt owed to any Federal agency. Accordingly, if an applicant has an outstanding non-tax debt to the Commission or any other Federal agency, including any debt that results in a listing of the applicant on the Commission's Red Light Display System, the applicant will be unable to make the required certification that it is not currently in default; if so, such applicant will not be eligible to participate in the bidding for Auction 99.

36. An applicant is considered a former defaulter or a former delinquent when the applicant or any of its controlling interests has defaulted on any Commission construction permit or

license or has been delinquent on any non-tax debt owed to any Federal agency, but has since remedied all such defaults and cured all of the outstanding non-tax delinquencies prior to the Form 175 filing deadline in Auction 99. Each applicant was required to certify under penalty of perjury whether it, along with any of its controlling interests (as defined in 47 CFR 1.2105(a)(4)(i)), has ever been in default on any payment for a Commission construction permit or license (including a down payment) or has ever been delinquent on any non-tax debt owed to any Federal agency. If an applicant or any controlling interest is a former defaulter or former delinquent the applicant may participate further in Auction 99 so long as it is otherwise qualified, and that applicant makes an upfront payment that is 50 percent more than would otherwise be required.

37. In 2015, the Commission narrowed the scope of the individuals and entities to be considered a former defaulter or a former delinquent. For purposes of the certification under 47 CFR 1.2105(a)(2)(xii), the applicant may exclude from consideration any cured default on a Commission construction permit or license or cured delinquency on a non-tax debt owed to a Federal agency for which any of the following criteria are met: (1) the notice of the final payment deadline or delinquency was received more than seven years before the Form 175 filing deadline; (2) the default or delinquency amounted to less than \$100,000; (3) the default or delinquency was paid within six months after receiving the notice of the final payment deadline or delinquency; or (4) the default or delinquency was the subject of a legal or arbitration proceeding and was cured upon resolution of the proceeding.

38. Applicants are encouraged to review previous guidance provided by the Wireless Telecommunications Bureau on default and delinquency disclosure requirements in the context of the auction Form 175 process. For example, it has been determined that, to the extent that Commission rules permit late payment of regulatory or application fees accompanied by late fees, such debts will become delinquent for purposes of 47 CFR 1.2105(a) and 1.2106(a) only after the expiration of a final payment deadline. Therefore, with respect to regulatory or application fees, the provisions of 47 CFR 1.2105(a) and 1.2106(a) regarding default and delinquency in connection with competitive bidding are limited to circumstances in which the relevant party has not complied with a final payment deadline. Parties are also encouraged to consult with the Wireless

Telecommunications Bureau's Auctions and Spectrum Access Division staff if they have any questions about default and delinquency disclosure requirements.

39. The Commission considers outstanding debts owed to the U.S. Government, in any amount, to be a serious matter. The Commission adopted rules that implement its obligations under the Debt Collection Improvement Act of 1996, including a provision referred to as the red light rule. The Commission's adoption of the red light rule, however, does not alter the applicability of any of its competitive bidding rules, including the provisions and certifications of 47 CFR 1.2105 and 1.2106, with regard to current and former defaults or delinquencies.

40. The Bureaus remind each applicant, however, that the Commission's Red Light Display System, which provides information regarding debts currently owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and delinquency disclosure requirements of 47 CFR 1.2105. Thus, while the red light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's lack of current red light status is not necessarily determinative of its eligibility to participate in an auction (or of its upfront payment obligation).

41. Moreover, applicants in Auction 99 should note that any long-form applications filed after the close of bidding will be reviewed for compliance with the Commission's red light rule, and such review may result in the dismissal of a winning bidder's long-form application. The Bureaus strongly encourage each applicant to carefully review all records and other available federal agency databases and information sources to determine whether the applicant, or any of its affiliates, or any of its controlling interests, or any of the affiliates of its controlling interests, owes or was ever delinquent in the payment of non-tax debt owed to any federal agency.

III. Pre-Auction Procedures

A. Online Tutorial on Bidding Process—Available May 4, 2018

42. An educational auction tutorial will be available on the Auction 99 web page by May 4, 2018. Once posted, this tutorial will remain available and accessible anytime for reference in connection with this auction.

B. Application Processing and Corrections of Deficiencies

43. An applicant whose application contains deficiencies and is designated as incomplete will have a limited opportunity to bring its application into compliance with the Commission's competitive rules during a resubmission window, the dates for which will be announced in a future public notice.

44. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the Form 175, unless the applicant's certifying official or contact person notifies the Commission in writing that applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by email to auction99@fcc.gov.

C. Upfront Payments—Due April 19, 2018

45. In order to become eligible to bid in Auction 99, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159) must be submitted before 6:00 p.m. ET on April 19, 2018, following the procedures outlined below and the instructions in Attachment B to the *Auction 99 Procedures Public Notice*. After completing its Form 175, an applicant will have access to an electronic version of the FCC Form 159. This Form 159 can be printed and the completed form must be sent by fax to FCC at (202) 418–2843.

1. Making Upfront Payments by Wire Transfer

46. Wire transfer payments must be received before 6:00 p.m. ET on April 19, 2018. No other payment method is acceptable. Specifically, the Commission will not accept checks, credit cards, or automated clearing house (ACH) payments. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their bankers several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. The BNF Account Number is specific to the upfront payments for Auction 99. Do not use a BNF Account Number from a previous auction.

The following information will be needed:

ABA Routing Number: 081000210

Receiving Bank: U.S. Bank, 1005 Convention Plaza, St. Louis, MO 63101

Beneficiary: FCC/Account # 152321044637

Originating Bank Information (OBI Field): (Skip one space between each information item) "AUCTIONPAY"

Applicant FCC Registration Number (FRN): (same as FCC Form 159, block 21)

Payment Type Code: (same as FCC Form 159, block 24A: "U099")

FCC Code 1: (same as FCC Form 159, block 28A: "99")

Payer Name: (same as FCC Form 159, block 2)

Payer FCC Registration Number (FRN): (If different from applicant FRN)

47. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must fax a completed FCC Remittance Advice Form, FCC Form 159 (Revised 2/03) to the FCC at (202) 418–2843. On the fax cover sheet, write "Wire Transfer—Auction Payment for Auction 99." In order to meet the upfront payment deadline, an applicant's payment must be credited to the Commission's account for Auction 99 before the deadline.

48. Each applicant is responsible for ensuring timely submission of its upfront payment and for timely filing of an accurate and complete Form 159. An applicant should coordinate with its financial institution well ahead of the due date regarding its wire transfer and allow sufficient time for the transfer to be initiated and completed prior to the deadline. It is important that auction participants plan ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer. Each applicant also is responsible for obtaining confirmation from its financial institution that its wire transfer to U.S. Bank was successful and from Commission staff that its upfront payment was timely received and that it was deposited into the proper account. To receive confirmation from Commission staff, contact Gail Glasser of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418–0578, or alternatively, Theresa Meeks at (202) 418–2945.

49. All upfront payments must be made in U.S. dollars. All upfront payments must be made by wire transfer. Upfront payments for Auction 99 go to an account number different from the accounts used in previous auctions. Failure to deliver a sufficient upfront payment as instructed in the *Auction 99 Procedures Public Notice* by the deadline on April 19, 2018 will result in dismissal of the Form 175 and disqualification from participation in Auction 99.

2. FCC Form 159

50. An accurate and complete Form 159 must be faxed to the FCC at (202) 418–2843 to accompany each upfront payment. Proper completion of this form is critical to ensuring correct crediting of upfront payments. Detailed instructions for completion of Form 159 are included in Attachment B of the *Auction 99 Procedures Public Notice*. An electronic pre-filled version of the Form 159 is available after submitting the Form 175. Payers using the pre-filled Form 159 are responsible for ensuring that all of the information on the form, including payment amounts, is accurate.

3. Upfront Payments and Bidding Eligibility

51. Applicants must make upfront payments sufficient to obtain bidding eligibility on the construction permits on which they will bid. The amount of the upfront payment determines a bidder's initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids in any single round. In order to bid on a particular construction permit, otherwise qualified bidders that are designated in Attachment A of the *Auction 99 Procedures Public Notice* for that construction permit must have a current eligibility level that meets or exceeds the number of bidding units assigned to that construction permit. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits designated for that applicant in Attachment A of the *Auction 99 Procedures Public Notice*, or else the applicant will not be eligible to participate in the auction. An applicant does not have to make an upfront payment to cover all construction permits designated for that applicant in Attachment A, but only enough to cover the maximum number of bidding units that are associated with construction permits on which they wish to place bids and hold provisionally winning bids in any given round. (A provisionally winning bid is a bid that would become a final winning bid if the auction were to close after the given round.) The total upfront payment does not affect the total dollar amount the bidder may bid on any given construction permit. The specific upfront payment amount and bidding units for each construction permit are set forth in Attachment A.

52. In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units

on which it may wish to be active (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that number of bidding units. In order to make this calculation, an applicant should add together the bidding units for all construction permits on which it seeks to be active in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline. A qualified bidder's maximum eligibility will not exceed the sum of the bidding units associated with the total number of construction permits identified for that applicant in Attachment A.

53. Applicants that are former defaulters must pay upfront payments 50 percent greater than non-former defaulters. For this classification as a former defaulter or a former delinquent, defaults and delinquencies of the applicant itself and its controlling interests are included. For this purpose, the term controlling interest is defined in 47 CFR 1.2105(a)(4)(i).

54. If an applicant is a former defaulter, it must calculate its upfront payment for all of its identified construction permits by multiplying the number of bidding units on which it wishes to be active by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit. If a former defaulter fails to submit a sufficient upfront payment to establish eligibility to bid on at least one of the construction permits designated for that applicant in Attachment A, the applicant will not be eligible to participate further in the auction. This applicant will retain its status as an applicant in Auction 99 and will remain subject to 47 CFR 1.2105(c) and 73.5002(d).

D. Auction Registration

55. At least one week before the beginning of bidding in the auction, the Bureaus will issue a public notice announcing all qualified bidders for Auction 99. A qualified bidder is an applicant listed in Attachment A with a submitted Form 175 that is found to be timely filed, accurate, and substantially complies with the Commission's applicable rules and all provisions, including procedures and deadlines, set forth in the *Auction 99 Procedures Public Notice*, provided that such applicant has timely submitted an upfront payment that is sufficient to qualify that applicant to bid.

56. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight mail. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids, the web address and instructions for accessing and logging in to the auction bidding system, an FCC assigned username (User ID) for each authorized bidder, and the Auction Bidder Line phone number.

57. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, if this mailing is not received by noon on Wednesday, May 9, 2018, the contact, certifier or authorized bidder listed on that applicant's Form 175 must call the Auctions Hotline at (717) 338-2868. Receipt of this registration mailing is critical to participating in the auction, and each applicant is responsible for ensuring it has received all of the registration material.

58. In the event that SecurID® tokens are lost or damaged, only a person who has been designated as an authorized bidder, contact, or certifying official on the applicant's Form 175 may request replacements. To request replacement of these items, call Technical Support at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY).

E. Remote Electronic Bidding

59. The Commission will conduct Auction 99 over the internet, and telephonic bidding will be available as well. Only qualified bidders are permitted to bid. Each applicant should indicate its bidding preference, electronic or telephonic, on its FCC Form 175. In either case, each authorized bidder must have its own SecurID® token, which the Commission will provide at no charge. Each applicant with one authorized bidder will be issued two SecurID® tokens, while applicants with two or three authorized bidders will be issued three tokens. For security purposes, the SecurID® tokens, bidding system web address, FCC assigned username, and the telephonic bidding telephone number are only mailed to the contact person at the contact address listed on the FCC Form 175. Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 99.

F. Mock Auction—May 11, 2018

60. All qualified bidders will be eligible to participate in a mock auction on May 11, 2018. The mock auction will enable bidders to become familiar with the FCC auction bidding system prior to the auction. The Bureaus strongly recommend that all bidders participate in the mock auction. Details will be announced by public notice.

IV. Auction

61. The first round of bidding for Auction 99 will begin on May 15, 2018. The bidding schedule will be announced in a public notice listing the qualified bidders, which is released at least one week before the start of bidding in Auction 99.

A. Auction Structure

1. Simultaneous Multiple Round Auction

62. The Commission's standard simultaneous multiple-round auction format will be used for Auction 99. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which qualified bidders may place bids on individual construction permits. Unless otherwise announced, bids will be accepted on all construction permits in each round of the auction until bidding stops on every construction permit.

2. Eligibility and Activity Rules

63. The Bureaus will use upfront payments to determine initial (maximum) bidding eligibility (as measured in bidding units) for Auction 99. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, the maximum number of bidding units on which a bidder may be active. Each construction permit is assigned a specific number of bidding units as listed in Attachment A of the Auction 99 Procedures Public Notice. Bidding units assigned to each construction permit do not change as prices rise during the auction. Upfront payments are not attributed to specific construction permits. Rather, a bidder may place bids on any of the construction permits for which it is designated an applicant in Attachment A as long as the total number of bidding units associated with those construction permits does not exceed its current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount and therefore its initial bidding eligibility, an applicant must determine the maximum number of bidding units

on which it may wish to bid or hold provisionally winning bids in any single round, and submit an upfront payment amount covering that total number of bidding units. At a minimum, an applicant's upfront payment must cover the bidding units for at least one of the construction permits for which it is designated an applicant in Attachment A. The total upfront payment does not affect the total dollar amount a bidder may bid on any given construction permit.

64. In order to ensure that an auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction.

65. A bidder's activity level in a round is the sum of the bidding units associated with construction permits covered by the bidder's new bids in the current round and provisionally winning bids from the previous round. A provisionally winning bid is a bid that would become a final winning bid if the auction were to close after the given round.

66. In order to ensure that Auction 99 closes within a reasonable period of time, a bidder is required to be active on 100 percent of its current eligibility during each round of the auction. That is, a bidder must either place a bid or be a provisionally winning bidder during each round of the auction. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

3. Activity Rule Waivers

67. In Auction 99, each bidder is provided with three activity rule waivers. Bidders may use an activity rule waiver in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's eligibility despite its activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding, not to a particular construction permit. Activity rule waivers can be either proactive or automatic. Activity rule waivers are principally a mechanism for a bidder to avoid the loss of bidding eligibility in the event that exigent circumstances prevent it from bidding in a particular round.

68. The FCC auction bidding system will assume that a bidder that does not meet the activity requirement would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round in which a bidder's activity level is below the minimum required unless (1) the bidder has no activity rule waivers remaining or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the activity requirement. If a bidder has no waivers remaining and does not satisfy the required activity level, the bidder's current eligibility will be permanently reduced, possibly curtailing or eliminating the ability to place additional bids in the auction.

69. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the REDUCE ELIGIBILITY function in the FCC auction bidding system. In this case, the bidder's eligibility would be permanently reduced to bring it into compliance with the Auction 99 activity rule. Reducing eligibility is an irreversible action; once eligibility has been reduced, a bidder cannot regain its lost bidding eligibility.

70. Also, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively were to apply an activity rule waiver (using the PROACTIVE WAIVER function in the FCC auction bidding system) during a bidding round in which no bid is placed, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC auction bidding system in a round in which there is no new bid or a proactive waiver will not keep the auction open.

4. Auction Stopping Rule

71. For Auction 99, the Bureaus will employ a simultaneous stopping rule approach, which means all construction permits remain available for bidding until bidding stops on every construction permit. Specifically, bidding will close on all construction permits after the first round in which no bidder submits any new bid or applies a proactive waiver.

72. The Bureaus also sought comment on alternative versions of the simultaneous stopping procedure for Auction 99. (1) The auction would close for all construction permits after the

first round in which no bidder applies a waiver or places any new bid on a construction permit for which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. (2) The auction would close for all construction permits after the first round in which no bidder applies a proactive waiver or places any new bid on a construction permit that already has a provisionally winning bid. Thus, absent any other bidding activity, a bidder placing a new bid on an FCC-held construction permit (a construction permit that does not have a provisionally winning bid) would not keep the auction open under this modified stopping rule. (3) The auction would close using a modified version of the simultaneous stopping rule that combines options (1) and (2). (4) The auction would close after a specified number of additional rounds (special stopping rule) to be announced by the Bureaus. If the Bureaus invoke this special stopping rule, they will accept bids in the specified final round(s), after which the auction will close. (5) The auction would remain open even if no bidder places any new bids or applies a waiver. In this event, the effect will be the same as if a bidder had applied a waiver. The activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

73. The Bureaus propose to exercise these options only in certain circumstances, for example, where the auction is proceeding unusually slowly or quickly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time or will close prematurely. Before exercising these options, the Bureaus are likely to attempt to change the pace of the auction. For example, the Bureaus may adjust the pace of bidding by changing the number of bidding rounds per day and/or the minimum acceptable bids. The Bureaus retain the discretion to exercise any of these options with or without prior announcement during the auction.

5. Auction Delay, Suspension, or Cancellation

74. By public notice and/or by announcement through the FCC auction bidding system, the Bureaus may delay, suspend, or cancel bidding in the auction in the event of natural disaster, technical obstacle, administrative or weather necessity, evidence of an

auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureaus, in their sole discretion, may elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureaus to delay or suspend the auction. The Bureaus emphasize that they will exercise this authority solely at their discretion, and not as a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

1. Round Structure

75. The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders, which is released at least one week before the start of bidding in the auction. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted each day.

76. The Bureaus retain the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureaus may change the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors.

2. Reserve Price and Minimum Opening Bids

77. Normally, a reserve price is an absolute minimum price below which a construction permit or license will not be sold in a specific auction. There are no reserve prices for construction permits in Auction 99.

78. A minimum opening bid is the minimum bid price set at the beginning of the auction below which no bids are accepted. The Bureaus adopt the specific minimum opening amount for each construction permit as listed in Attachment A to the *Auction 99 Procedures Public Notice*.

3. Bid Amounts

79. If the bidder has sufficient eligibility to place a bid on a particular construction permit, an eligible bidder will be able to place a bid on a given construction permit in any of up to nine different amounts in each round. The FCC auction bidding system interface will list the nine acceptable bid amounts for each construction permit.

80. For calculation of the nine acceptable bid amounts for each

construction permit, the Bureaus will begin the auction with a minimum acceptable bid percentage of 10 percent and an additional bid increment percentage of 5 percent.

81. In Auction 99, the minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount by one plus the minimum acceptable bid percentage—i.e., provisionally winning bid amount * 1.10, rounded using the Commission's standard rounding procedures for auctions as described in the *Auction 99 Procedures Public Notice*.

82. In Auction 99, the FCC auction bidding system will calculate the eight additional bid amounts by multiplying the minimum acceptable bid amount by the additional bid increment percentage of 5 percent, and that result (rounded) is the additional increment amount. The first additional acceptable bid amount equals the minimum acceptable bid amount plus the additional increment amount. The second additional acceptable bid amount equals the minimum acceptable bid amount plus two times the additional increment amount; the third additional acceptable bid amount is the minimum acceptable bid amount plus three times the additional increment amount; etc. Because the additional bid increment percentage is 5 percent, the calculation of the additional increment amount is (minimum acceptable bid amount) * (0.05), rounded. The first additional acceptable bid amount equals (minimum acceptable bid amount) + (additional increment amount); the second additional acceptable bid amount equals (minimum acceptable bid amount) + (2*(additional increment amount)); the third additional acceptable bid amount equals (minimum acceptable bid amount) + (3*(additional increment amount)); etc.

83. The Bureaus retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, the additional bid increment percentage, and the number of acceptable bid amounts if the Bureaus determine that circumstances so dictate. Further, the Bureaus retain the discretion to do so on a construction permit-by-construction permit basis. The Bureaus also retain the discretion to limit (a) the amount by which a minimum acceptable bid for a

construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, the Bureaus could set a \$1,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid percentage results in a minimum acceptable bid amount that is \$1,200 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at \$1,000 above the provisionally winning bid. If the Bureaus exercise this discretion to change bid amounts, they will alert bidders by announcement in the FCC auction bidding system during the auction.

4. Provisionally Winning Bids

84. The FCC auction bidding system at the end of each bidding round will determine a provisionally winning bid for each construction permit based on the highest bid amount received for that permit. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round. Provisionally winning bids at the end of the auction become the winning bids.

85. The FCC auction bidding system using a pseudo-random number generator will assign a pseudo-random number to each bid upon submission. In the event of identical high bid amounts being submitted on a construction permit in a given round (i.e., tied bids), the tied bid with the highest random number wins the tiebreaker, and becomes the provisionally winning bid. The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to close with no other bids being placed, the winning bidder would be the one that placed the provisionally winning bid. If the construction permit receives any bids in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit.

86. A provisionally winning bid will be retained until there is a higher bid on the construction permit at the close of a subsequent round. As a reminder, provisionally winning bids count toward activity for purposes of the activity rule.

5. Bidding

87. All bidding will take place remotely either through the FCC auction bidding system or by telephonic bidding. There will be no on-site bidding during Auction 99. Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary; please allow a minimum of ten minutes.

88. An Auction 99 bidder's ability to bid on specific construction permits is determined by two factors: (1) The construction permits designated for that applicant in Attachment A of the *Auction 99 Procedures Public Notice* and (2) the bidder's eligibility in that a bidder must have sufficient eligibility to place a bid on a particular construction permit. The bid submission screens will allow bidders to submit bids on only those construction permits designated for that applicant in Attachment A.

89. In order to access the bidding function of the FCC auction bidding system, bidders must be logged in during the bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a round summary for each round after they have completed all of their activity for that round.

90. In each round, eligible bidders will be able to place bids on a given construction permit in any of up to nine pre-defined bid amounts. For each construction permit, the FCC auction bidding system will list the acceptable bid amounts in a drop-down box. Bidders use the drop-down box to select from among the acceptable bid amounts. The FCC auction bidding system also includes an upload function that allows text files containing bid information to be uploaded.

91. Until a bid has been placed on a construction permit, the minimum acceptable bid amount for that permit will be equal to its minimum opening bid amount. Once there are bids on a permit, minimum acceptable bids for the following round will be determined as described in the *Auction 99 Procedures Public Notice*.

92. During a round, an eligible bidder may submit bids for as many construction permits as it wishes (providing that it is eligible to bid on the specific permits), remove bids placed in the current bidding round, or permanently reduce eligibility. If multiple bids are submitted for the same

construction permit in the same round, the system takes the last bid entered as that bidder's bid for the round. Bidding units associated with construction permits for which the bidder has removed bids do not count towards current activity.

6. Bid Removal and Bid Withdrawal

93. In the FCC auction bidding system, each qualified bidder has the option of removing any bids placed in a round provided that such bids are removed before the close of that bidding round. By removing a bid within a round, a bidder effectively unsubmits the bid. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity because a removed bid no longer counts toward bidding activity for the round. Once a round closes, a bidder may no longer remove a bid.

94. The Bureaus received no comment on the issue of prohibiting Auction 99 bidders from withdrawing any bid after close of the round in which that bid was placed. Accordingly, the Bureaus will prohibit bid withdrawals in Auction 99. Bidders are cautioned to select bid amounts carefully because no bid withdrawals will be allowed, even if a bid was mistakenly or erroneously made.

7. Round Results

95. Reports reflecting bidders' identities for Auction 99 will be available before and during the auction. Thus, bidders will know in advance of Auction 99 the identities of the bidders against which they are bidding.

96. Bids placed during a round will not be made public until the conclusion of that round. After a round closes, the Bureaus will compile reports of all bids placed, current provisionally winning bids, new minimum acceptable bid amounts for the following round, whether the construction permit is FCC-held, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

8. Auction Announcements

97. The Commission will use auction announcements to report necessary information such as schedule changes. All auction announcements will be available by clicking a link in the FCC auction bidding system.

V. Post-Auction Procedures

98. Shortly after bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and

establishing the deadlines for submitting down payments, final payments, and the long-form applications (FCC Forms 349).

A. Down Payments

99. Within ten business days after release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 99 to twenty percent of the net amount of its winning bids (gross bids less any applicable new entrant bidding credits).

B. Final Payments

100. Each winning bidder will be required to submit the balance of the net amount for each of its winning bids within ten business days after the applicable deadline for submitting down payments.

C. Long-Form Applications (FCC Form 349)

101. The Commission's rules currently provide that within thirty days following the close of bidding and notification to the winning bidders, unless a longer period is specified by public notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 349, Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station) and required exhibits for each construction permit won through Auction 99. Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the bidding credit. As required by 47 CFR 1.1104, a winning bidder in a commercial broadcast spectrum auction must submit an application filing fee with its post-auction long-form application. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice. An Auction 99 applicant that has its long-form application dismissed will be deemed to have defaulted and will be subject to default payments under 47 CFR 1.2104(g) and 1.2109(c).

D. Default and Disqualification

102. Any winning bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment by the specified deadline, fails to submit a timely long-form application, fails to make a full and timely final payment, or is otherwise disqualified) is liable for default payments as described in 47 CFR 1.2104(g)(2). This payment consists

of a deficiency payment, equal to the difference between the amount of the Auction 99 bidder's winning bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less. The percentage of the applicable bid to be assessed as an additional payment for a default in Auction 99 is 20 percent of the applicable bid.

103. In the event of a default, the Commission has the discretion to re-auction the construction permit or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations held by the applicant.

E. Refund of Remaining Upfront Payment Balance

104. All refunds of upfront payment balances will be returned to the payer of record as identified on the Form 159 unless the payer submits written authorization instructing otherwise. To access the refund form, bidders are encouraged to use the Refund Information icon found on the Auction Application Manager page or through the Refund Form link available on the Auction Application Submit Confirmation page in the FCC auction application system. After the required information is completed on the blank form, the form should be printed, signed, and submitted to the Commission by mail or fax as instructed below.

105. If an applicant has elected not to complete the refund form through the Auction Application Manager page, the Commission is requesting that all information listed below be supplied in writing.

Name, address, contact and phone number of Bank
ABA Number
Account Number to Credit
Name of Account Holder
FCC Registration Number (FRN)

The refund request must be submitted by fax to the Revenue & Receivables Operations Group/Auctions at (202) 418-2843 or by mail to: Federal Communications Commission, Financial Operations, Revenue &

Receivables Operations Group/Auctions, Gail Glasser, 445 12th Street SW, Room 1-C864, Washington, DC 20554.

Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Gail Glasser at (202) 418-0578 or Theresa Meeks at (202) 418-2945.

VI. Supplemental Final Regulatory Flexibility Analysis

106. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), 47 U.S.C. 601-612, the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with *Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, Notice of Proposed Rulemaking*, and other Commission orders (collectively, Broadcast Competitive Bidding NPRMs) pursuant to which Auction 99 will be conducted. Final Regulatory Flexibility Analyses (FRFAs) were likewise prepared in the Broadcast First Report and Order and other Commission orders (collectively, Broadcast Competitive Bidding Orders) pursuant to which Auction 99 will be conducted. In this proceeding, a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) was incorporated in the *Auction 99 Comment Public Notice*. The Commission sought written public comment on the proposals in the *Auction 99 Comment Public Notice*, including comments on the Supplemental IRFA. This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFAs in the Broadcast Competitive Bidding Orders to reflect the actions taken in the *Auction 99 Procedures Public Notice* and conforms to the RFA.

107. *Need for, and Objectives of, the Public Notice*. The *Auction 99 Procedures Public Notice* implements competitive bidding rules adopted by the Commission in multiple notice-and-comment rulemaking proceedings, as well as establishes additional procedures to be used by the Bureaus, on delegated authority, for competitive bidding in AM Revitalization—FM Translator Auction 99 for up to 12 specified cross-service FM translator construction permits. More specifically, the *Auction 99 Procedures Public Notice* provides an overview of the procedures, terms and conditions governing Auction 99 and the post-auction application and payment processes, as well as setting the minimum opening bid amount for

each of the Auction 99 construction permits.

108. To promote the efficient and fair administration of the competitive bidding process for all Auction 99 participants, the Bureaus in the *Auction 99 Procedures Public Notice* announced the following policies: (1) Application of the current rules prohibiting certain communications between auction applicants and the related prohibition on joint bidding arrangements to implement the Bureaus' prior decision to allow eligible AM licensees having any of the same controlling interests in common to file separate Forms 175, rather than restricting those licensees to a single Form 175; (2) Use of a simultaneous multiple-round auction format, consisting of sequential bidding rounds with a simultaneous stopping procedure (with discretion by the Bureaus to exercise alternative stopping rules under certain circumstances); (3) A specific minimum opening bid amount for each construction permit available in Auction 99; (4) A specific upfront payment amount for each construction permit; (5) Use of a bidder's initial bidding eligibility in bidding units based on that bidder's upfront payment through assignment of a specific number of bidding units for each construction permit; (6) Use of an activity requirement so that bidders must bid actively during the auction rather than waiting until late in the auction before participating; (7) A single stage auction in which a bidder is required to be active on 100 percent of its bidding eligibility in each round of the auction; (8) Provision of three activity waivers for each qualified bidder to allow it to preserve bidding eligibility during the course of the auction; (9) Use of minimum acceptable bid amounts and additional acceptable increments, along with a proposed methodology for calculating such amounts, with the Bureaus retaining discretion to change their methodology if circumstances dictate; (10) A procedure for breaking ties if identical high bid amounts are submitted on one permit in a given round; (11) Bid removal procedures; (12) A prohibition on bid withdrawals in Auction 99; and (13) Establishment of an additional default payment of 20 percent under 47 CFR 1.2104(g)(2) in the event that a winning bidder defaults or is disqualified after the auction.

109. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA*. There were no comments filed that addressed the procedures and policies proposed in the Supplemental IRFA.

110. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comment filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed procedures as a result of those comments, 5 U.S.C. 604(a)(3). The Chief Counsel did not file any comments in response to the proposed procedures in the *Auction 99 Comment Public Notice*.

111. *Description and Estimate of the Number of Small Entities to Which the Proposed Procedures Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. In addition, the term small business has the same meaning as the term small business concern under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA, 15 U.S.C. 632.

112. Auction 99 is a closed auction; therefore the specific competitive bidding procedures and minimum opening bid amounts described in the *Auction 99 Procedures Public Notice* will affect only the 26 individuals or entities listed in Attachment A to that public notice and who are the only parties eligible to complete the remaining steps to become qualified to bid in Auction 99. The 26 eligible individuals or entities for Auction 99 include firms of all sizes.

113. *Radio Stations.* This Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has established a small business size standard for this category as firms having \$38.5 million or less in annual receipts. Economic Census data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than \$25 million per year, 17 with annual receipts between \$25 million and \$49,999,999 and 26 with annual receipts of \$50 million or more. Therefore, based on the

SBA's size standard the majority of such entities are small entities.

114. According to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database as of January 30, 2018, about 11,261 (or about 99.92 percent) of 11,270 commercial radio stations had revenues of \$38.5 million or less and thus qualify as small entities under the SBA definition. The Bureaus note, however, that the SBA size standard data does not enable the Bureaus to make a meaningful estimate of the number of small entities who may participate in Auction 99. There are a maximum of 26 entities that may become qualified bidders in Auction 99, in which applicant eligibility is closed. The specific procedures and minimum opening bid amounts announced in the *Auction 99 Procedures Public Notice* will affect directly all applicants participating in Auction 99.

115. The Bureaus also note that they are unable to accurately develop an estimate of how many of these 26 entities are small businesses based on the number of small entities that applied to participate in prior broadcast auctions, because that information is not collected from applicants for broadcast auctions in which bidding credits are not based on an applicant's size (as is the case in auctions of licenses for wireless services). Potential eligible bidders in Auction 99 may include existing holders of broadcast station construction permits or licenses. In 2013, the Commission estimated that 97 percent of radio broadcasters met the SBA's prior definition of small business concern, based on annual revenues of \$7 million. The SBA has since increased that revenue threshold to \$38.5 million, which suggests that an even greater percentage of radio broadcasters would fall within the SBA's definition. Based on Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database, 4,635 (99.94%) of 4,638 a.m. radio stations have revenue of \$38.5 million or less. Accordingly, based on this data, the Bureaus conclude that the majority of Auction 99 eligible bidders will likely meet the SBA's definition of a small business concern.

116. In assessing whether a business entity qualifies as small under the definition, business control affiliations must be included. The Bureaus' estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. Moreover, the definition of small business also requires that an entity not be dominant in its field of operation and that the

entity be independently owned and operated. The estimate of small businesses to which rules may apply does not exclude any radio station from the definition of a small business on these bases and is therefore over-inclusive to that extent. Furthermore, the Bureaus are unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. In addition, the Bureaus note that it is difficult at times to assess these criteria in the context of media entities and therefore estimates of small businesses to which they apply may be over-inclusive to this extent.

117. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* In the *Auction 99 Procedures Public Notice*, the Bureaus adopted no new reporting, recordkeeping or other compliance requirements for small entities or other auction applicants. The Commission has designed the auction application process itself to minimize reporting and compliance requirements for applicants, including small business applicants. In the first part of the Commission's two-phased auction application process, parties desiring to participate in an auction file streamlined, Forms 175 in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on an applicant's Form 175 and certifications, as well as its upfront payment. The Public Notice provides instructions for each Auction 99 applicant to maintain the accuracy of their previously filed Form 175 electronically using the FCC auction application system and/or by direct communication with the Auctions and Spectrum Access Division. More specifically as mentioned above, small entities and other Auction 99 applicants will be qualified to bid in the auction only if they comply with the following: (1) Submission of a Form 175 that is timely and is found to be substantially complete, and (2) timely submission of a sufficient upfront payment for at least one of the permits for which it is designated as an applicant on Attachment A to the *Auction 99 Procedures Public Notice*. The timely submitted payment must be accompanied by a complete and accurate FCC Remittance Advice Form (FCC Form 159), and made by 6:00 p.m. ET on April 19, 2018, following the procedures and instructions set forth in Attachment B to the *Auction 99 Procedures Public Notice*. An applicant whose application is found to contain

deficiencies will have a limited opportunity to bring their application into compliance with the Commission's competitive bidding rules during a resubmission window. All qualified bidders will automatically be registered for the auction and mailed the necessary registration materials.

118. In the second phase of the process, there are additional compliance requirements for winning bidders. As with other winning bidders, any small entity that is a winning bidder will be required to comply with the following: (1) Within 10 business days of release of the auction closing public notice submit as a down payment sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 99 to twenty percent of the net amount of its winning bids; (2) within 10 business days after the down payment deadline submit the balance of the net amount for each of its winning bids; and (3) within thirty days following the close of bidding and notification to the winning bidders, unless a longer period is specified by public notice, electronically submit a properly completed long-form application (FCC Form 349, Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station) and required exhibits for each construction permit won through Auction 99. Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the bidding credit, 5 U.S.C. 603(c)(1)–(4).

119. *Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

120. The Bureaus believe that the steps described below to facilitate participation in Auction 99 will result in both operational and administrative cost savings for small entities and other auction participants. In light of the numerous resources that will be available from the Commission at no

cost, the processes and procedures adopted for Auction 99 should result in minimal economic impact on small entities. For example, prior to the auction, the Commission will hold a mock auction to allow eligible bidders the opportunity to familiarize themselves with both the processes and systems that will be utilized in Auction 99. During the auction, participants will be able to access and participate in the auction via the internet using a web-based system, or telephonically, providing two cost effective methods of participation and avoiding the cost of travel for in-person participation. Further, small entities as well as other auction participants will be able to avail themselves of hotlines for assistance with auction processes and procedures as well as technical support hotlines to assist with issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC's auction system. In addition, all auction participants will have access to various other sources of information and databases through the Commission that will aid in both their understanding and participation in the process. These steps coupled with the advance communication of the bidding procedures rules of the road in Auction 99 should ensure that the auction will be administered efficiently and fairly, with certainty for small entities as well as other auction participants.

121. *Report to Congress.* The Commission will send a copy of the *Auctions 99 Procedures Public Notice*, including this Supplemental FRFA, in a report to Congress pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the *Auctions 99 Procedures Public Notice*, including and this Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA, pursuant to 5 U.S.C. 604(b).

Federal Communications Commission.

Gary Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 2018–08788 Filed 4–25–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve

days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (www.fmc.gov) or by contacting the Office of Agreements at (202)–523–5793 or tradeanalysis@fmc.gov.

Agreement No.: 012297–004.

Title: ECNA/ECSA Vessel Sharing Agreement.

Parties: Maersk Line A/S and Hapag-Lloyd AG.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW; Washington, DC 20036.

Synopsis: The amendment deletes Hamburg Sudamerikanische Dampschiffahrts-Gesellschaft KG and Alianca Navegacao e Logistica Ltda e CIA as parties to the Agreement and replaces them with Maersk Line A/S. It also deletes Companhia Libra de Navegacao as a party.

Agreement No.: 011463–013.

Title: East Coast North America to West Coast South America and Caribbean Cooperative Working Agreement.

Parties: Maersk Line A/S and Hapag-Lloyd AG.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW; Washington, DC 20036.

Synopsis: The amendment removes Hamburg Sud as a party and replaces it with Maersk Line. It also removes obsolete language from Article 5.9 and restates the Agreement.

Agreement No.: 012448–001.

Title: ECUS/ECSA Slot Exchange Agreement.

Parties: Maersk Line A/S; Hapag-Lloyd AG; and Mediterranean Shipping Company S.A.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW; Washington, DC 20036.

Synopsis: The amendment deletes Hamburg Südamerikanische Dampschiffahrts-Gesellschaft KG as a party and replaces it with Maersk Line A/S. It also deletes Aliança Navegação e Logística Ltda. e CIA and Companhia Libra de Navegação as parties to the Agreement.

Agreement No.: 012146–002.

Title: HLAG/Maersk USWC-Mediterranean Vessel Sharing Agreement.

Parties: Maersk Line A/S and Hapag-Lloyd AG.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW; Washington, DC 20036.

Synopsis: The amendment deletes Hamburg Sudamerikanische Dampschiffahrts-Gesellschaft KG as a party and replaces it with Maersk Line A/S. It also restates the Agreement.

Agreement No.: 201229–001.

Title: Marine Terminal Services Agreement Port of Houston Authority and Maersk Line A/S.

Parties: Maersk Line A/S and Port of Houston Authority.

Filing Party: Chasless Yancy; Port of Houston Authority; 111 East Loop North; Houston, TX 77029.

Synopsis: The amendment clarifies the name of the Carrier party to the agreement and adds newly acquired common carrier steamship lines, Hamburg Südamerikanische Dampfschiffahrts-Gesellschaft KG and Aliança Navegação e Logística Ltda., to the Agreement. All other terms of the Agreement remain unchanged.

Dated: April 23, 2018.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–08799 Filed 4–25–18; 8:45 am]

BILLING CODE 6731-AA-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 23, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of

Applications) 1000 Peachtree Street, NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *PBD Holdings, LLC, Chattanooga, Tennessee*; to become a bank holding company by acquiring the outstanding shares of Millennium Bancshares, Inc., and thereby acquire shares of Millennium Bank, both of Ooltewah, Tennessee.

Board of Governors of the Federal Reserve System, April 23, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08801 Filed 4–25–18; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

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

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

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 18, 2018.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Kevin Scott Perry, Edmond, Oklahoma*; to acquire voting shares of FSB Bancshares, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire First Security Bank and Trust Company, Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, April 23, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08800 Filed 4–25–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1677–N]

RIN 0938–ZB47

Medicare Program; Extension of the Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital (MDH) Program Under the Hospital Inpatient Prospective Payment Systems (IPPS) for Acute Care Hospitals for Fiscal Year 2018

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Extension of a payment adjustment and a program.

SUMMARY: This document announces changes to the payment adjustment for low-volume hospitals and to the Medicare-dependent Hospital (MDH) Program under the hospital inpatient prospective payment systems (IPPS) for FY 2018 in accordance with sections 50204 and 50205, respectively, of the Bipartisan Budget Act of 2018.

DATES:

Effective Date: The extensions are effective April 24, 2018.

Applicability Date: The provisions described in this document are applicable for discharges on or after October 1, 2017 and on or before September 30, 2018.

FOR FURTHER INFORMATION CONTACT:

Michele Hudson, (410) 786–5490.

Mark Luxton, (410) 786–4530.

Shevi Marciano, (410) 786–2874.

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 2018 the Bipartisan Budget Act of 2018 (Pub. L. 115–123) was enacted. Section 50204 of the Bipartisan Budget Act of 2018 extends certain temporary changes to the payment adjustment for low-volume hospitals for an additional year, through fiscal year (FY) 2018. Section 50205 of the Bipartisan Budget Act of 2018 extends the Medicare-dependent hospital (MDH) program through FY 2022 and revises the definition of an MDH.

II. Provisions of the Document

A. Extension of the Payment Adjustment for Low-Volume Hospitals

1. Background

Section 1886(d)(12) of the Act provides for an additional payment to each qualifying low-volume hospital under the IPPS beginning in FY 2005.

The additional payment adjustment to a low-volume hospital provided for under section 1886(d)(12) of the Act is “[i]n addition to any payment calculated under this section.” Therefore, the additional payment adjustment is based on the per discharge amount paid to the qualifying hospital under section 1886 of the Act. In other words, the low-volume hospital payment adjustment is based on total per discharge payments made under section 1886 of the Act, including capital, DSH, IME, and outlier payments. For SCHs and MDHs, the low-volume hospital payment adjustment is based in part on either the Federal rate or the hospital-specific rate, whichever results in a greater operating IPPS payment.

The Affordable Care Act amended section 1886(d)(12) of the Act by modifying the definition of a low-volume hospital and the methodology for calculating the payment adjustment for low-volume hospitals, effective only for discharges occurring during FYs 2011 and 2012 while subsequent legislation extended these modifications through FY 2017. (We refer readers to the FY 2017 IPPS/LTCH PPS final rule (81 FR 56941 through 59943) for a detailed summary of the applicable legislation.)

Prior to the enactment of the Bipartisan Budget Act of 2018 (Pub. L. 115–123) on February 9, 2018, beginning with FY 2018, the low-volume hospital qualifying criteria and payment adjustment methodology returned to the statutory requirements that were in effect prior to FY 2011. However, section 50204 of the Bipartisan Budget Act of 2018 extended for an additional year, through FY 2018, the temporary changes in the low-volume hospital definition and methodology for determining the payment adjustment originally made by the Affordable Care Act for FYs 2011 and 2012. (We note that section 50204 of the Bipartisan Budget Act of 2018 also further modified the definition of a low-volume hospital and the methodology for calculating the payment adjustment for low volume hospitals for FYs 2019 through 2022, as addressed in separate rulemaking.) For additional information on the expiration of these provisions, we refer readers to the FY 2018 IPPS/LTCH PPS final rule (82 FR 38184 through 38188). The regulations describing the payment adjustment for low-volume hospitals are at 42 CFR 412.101.

2. Low-Volume Hospital Payment Adjustment for FYs 2011 Through 2017

As discussed previously, for FYs 2011 through 2017, the Affordable Care Act

and subsequent legislation expanded the definition of low-volume hospital and modified the methodology for determining the payment adjustment for hospitals meeting that definition. Specifically, those provisions amended the qualifying criteria for low-volume hospitals under section 1886(d)(12)(C)(i) of the Act to specify that, for FYs 2011 through 2017, a subsection (d) hospital qualifies as a low-volume hospital if it is more than 15 road miles from another subsection (d) hospital and has less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under Part A during the fiscal year. In addition, these provisions amended section 1886(d)(12)(D) of the Act, to provide that for FYs 2011 through 2017, the low-volume hospital payment adjustment (that is, the percentage increase) is to be determined using a continuous linear sliding scale ranging from 25 percent for low-volume hospitals with 200 or fewer discharges of individuals entitled to, or enrolled for, benefits under Part A in the fiscal year to zero percent for low-volume hospitals with greater than 1,600 discharges of such individuals in the fiscal year. (We note that under § 412.101(b)(2)(ii), for FYs 2011 through 2017, a hospital’s Medicare discharges from the most recently available MedPAR data, as determined by CMS, are used to determine if the hospital meets the discharge criterion to receive the low-volume hospital payment adjustment in the applicable year.)

3. Implementation of the Extension of the Temporary Changes to the Low-Volume Hospital Definition and Payment Adjustment Methodology for FY 2018

Section 50204 of the Bipartisan Budget Act of 2018 extended, for FY 2018, the temporary changes in the low-volume hospital payment policy originally provided for in the Affordable Care Act. As noted previously, prior to the enactment of section 50204 of the Bipartisan Budget Act of 2018, beginning with FY 2018, the low-volume hospital definition and payment adjustment methodology returned to the policy established under statutory requirements that were in effect prior to the amendments made by the Affordable Care Act. Specifically, section 50204 of the Bipartisan Budget Act of 2018 amended section 1886(d)(12)(C) of the Act to extend the changes to the qualification criteria to FY 2018 (as reflected by new clause (i)(II)) and amended section 1886(d)(12)(D) of the Act to extend the applicable percentage increase to FY 2018 (as reflected by new clause (i)), and made other conforming

changes to section 1886(d)(12)(C) and (D) of the Act.

Prior to the enactment of the Bipartisan Budget Act of 2018, in the FY 2018 IPPS/LTCH PPS final rule (82 FR 38184 through 38188), we discussed the low-volume hospital payment adjustment for FY 2018 and subsequent fiscal years. Specifically, we discussed that in accordance with section 1886(d)(12) of the Act, beginning with FY 2018, the low-volume hospital definition and payment adjustment methodology reverted back to the statutory requirements that were in effect prior to the amendments made by the Affordable Care Act. Therefore, we explained, as specified under the existing regulations at § 412.101, effective for FY 2018 and subsequent years, in order to qualify as a low-volume hospital, a subsection (d) hospital must be more than 25 road miles from another subsection (d) hospital and have less than 200 discharges (that is, less than 200 total discharges, including both Medicare and non-Medicare discharges) during the fiscal year. We also discussed the procedure for hospitals to request low-volume hospital status for FY 2018 (which was consistent with our previously established procedures for FYs 2011 through 2017).

To implement the extension of the temporary changes in the low-volume hospital payment policy for FY 2018 provided for by the Bipartisan Budget Act of 2018, in accordance with the existing regulations at § 412.101(b)(2)(ii) and consistent with our implementation of the changes in FYs 2011 through 2017, we are updating the discharge data source used to identify qualifying low-volume hospitals and calculate the payment adjustment (percentage increase) for FY 2018. As noted previously, under § 412.101(b)(2)(ii), for FYs 2011 through 2017, a hospital’s Medicare discharges from the most recently available MedPAR data, as determined by CMS, are used to determine if the hospital meets the discharge criterion to receive the low-volume payment adjustment in the current year. The applicable low-volume percentage increase provided for by the provisions of the Affordable Care Act and subsequent legislation is determined using a continuous linear sliding scale equation that results in a low-volume adjustment ranging from an additional 25 percent for hospitals with 200 or fewer Medicare discharges to a zero percent additional payment adjustment for hospitals with 1,600 or more Medicare discharges.

For FY 2018, consistent with our historical policy, qualifying low-volume

hospitals and their payment adjustment will be determined using Medicare discharge data from the March 2017 update of the FY 2016 MedPAR file, as these data were the most recent data available at the time of the development of the FY 2018 payment rates and factors established in the FY 2018 IPPS/LTCH PPS final rule. Table 1 of this document (which is available only through the internet on the CMS website at http://www.cms.hhs.gov/AcuteInpatientPPS/01_overview.asp) lists the "subsection (d)" hospitals with fewer than 1,600 Medicare discharges based on the March 2017 update of the FY 2016 MedPAR files and their FY 2018 low-volume payment adjustment (if eligible). Eligibility for the low-volume hospital payment adjustment for FY 2018 is also dependent upon meeting (in the case of a hospital that did not qualify for the low-volume hospital payment adjustment in FY 2017) or continuing to meet (in the case of a hospital that did qualify for the low-volume hospital payment adjustment in FY 2017) the mileage criterion specified at § 412.101(b)(2)(ii). We note that the list of hospitals with fewer than 1,600 Medicare discharges in Table 1 does not reflect whether or not the hospital meets the mileage criterion, and a hospital also must be located more than 15 road miles from any other IPPS hospital in order to qualify for a low-volume hospital payment adjustment in FY 2018.

In order to receive a low-volume hospital payment adjustment under § 412.101, in accordance with our previously established procedure, a hospital must notify and provide documentation to its Medicare Administrative Contractor (MAC) that it meets the mileage criterion. The use of a Web-based mapping tool as part of documenting that the hospital meets the mileage criterion for low-volume hospitals, is acceptable. The MAC will determine if the information submitted by the hospital, such as the name and street address of the nearest hospitals, location on a map, and distance (in road miles, as defined in the regulations at § 412.101(a)) from the hospital requesting low-volume hospital status, is sufficient to document that it meets the mileage criterion. The MAC may follow up with the hospital to obtain additional necessary information to determine whether or not the hospital meets the low-volume mileage criterion. In addition, the MAC will refer to the hospital's Medicare discharge data determined by CMS to determine whether or not the hospital meets the discharge criterion, and the amount of the FY 2018 payment adjustment, once

it is determined that the mileage criterion has been met. The Medicare discharge data shown in Table 1, as well as the Medicare discharge data for all "subsection (d)" hospitals with claims in the March 2017 update of the FY 2016 MedPAR file, is also available on the CMS website for hospitals to view their Medicare discharges to help hospitals to decide whether or not to apply for low-volume hospital status for FY 2018.

Consistent with our previously established procedure, we are applying the following procedure for a hospital to request low-volume hospital status for FY 2018. In order for the applicable low-volume percentage increase to be applied to payments for its discharges beginning on or after October 1, 2017 (that is, the beginning of FY 2018), a hospital must send a written request for low-volume hospital status that is received by its MAC no later than May 29, 2018. A hospital that qualified for the low-volume payment adjustment in FY 2017 may continue to receive a low-volume payment adjustment in FY 2018 without reapplying, if it continues to meet the Medicare discharge criterion, based on the March 2017 update of the FY 2016 MedPAR data (shown in Table 1), and the distance criterion; however, the hospital must send written verification that is received by its MAC no later than May 29, 2018, that it continues to be more than 15 miles from any other "subsection (d)" hospital. In this case, the written verification could be a brief letter to the MAC stating that the hospital continues to meet the low-volume hospital distance criterion as documented in a prior low-volume hospital status request. For hospitals that newly qualify for the low-volume adjustment (that is, hospitals that did not receive the low-volume adjustment in FY 2017), the written request for low-volume hospital status should include the documentation described above. Furthermore, for written requests or written verification for low-volume hospital status for FY 2018 received after May 29, 2018, if the hospital meets the criteria to qualify as a low-volume hospital, the MAC will apply the applicable low-volume hospital adjustment in determining payments for the hospital's FY 2018 discharges prospectively effective within 30 days of the date of the MAC's low-volume hospital status determination. (As noted previously, this procedure is similar to our previously established procedure for requesting low volume hospital status, as well as the procedures we used to implement prior extensions of the

Affordable Care Act amendments to the low-volume hospital payment policy.)

Program guidance on the systems implementation of these provisions, including changes to PRICER software used to make payments, will be announced in an upcoming transmittal. We intend to make conforming changes to the regulations text at 42 CFR 412.101 to reflect the changes to the qualifying criteria and the payment adjustment for low-volume hospitals according to the amendments made by section 50204 of the Bipartisan Budget Act of 2018, including the implementation of the provisions specifying the low-volume hospital discharge criterion and payment adjustment methodology for FYs 2019 through 2022, in future rulemaking.

B. Extension of the Medicare-Dependent, Small Rural Hospital (MDH) Program

Section 1886(d)(5)(G) of the Act provides special payment protections, under the IPPS, to a MDH. (For additional information on the MDH program and the payment methodology, we refer readers to the FY 2012 IPPS/LTCH PPS final rule (76 FR 51683 through 51684).) Prior to the Bipartisan Budget Act of 2018, the MDH program had been extended by the Affordable Care Act and subsequent legislation through FY 2017 (that is, for discharges occurring before October 1, 2017).

Section 50205 of the Bipartisan Budget Act of 2018 provides for an extension of the MDH program for discharges occurring on or after October 1, 2017, through FY 2022 (that is, for discharges occurring on or before September 30, 2022). Specifically, section 50205 of the Bipartisan Budget Act of 2018 amended sections 1886(d)(5)(G)(i) and 1886(d)(5)(G)(ii)(II) of the Act by striking "October 1, 2017" and inserting "October 1, 2022". It also amended the definition of an MDH at section 1886(d)(5)(G)(iv) by striking subclause (I) and inserting a new subclause that reads, "(I) that is located in—(aa) a rural area; or (bb) a State with no rural area (as defined in paragraph (2)(D)) and satisfies any of the criteria in subclause (I), (II), or (III) of paragraph (8)(E)(ii)." It also amended section 1886(d)(5)(G)(iv) by inserting a provision after subclause (IV) to specify that new subclause (I)(bb) applies for purposes of MDH payment under section 1886(d)(5)(G)(ii) of the Act (that is, 75 percent of the amount by which the Federal rate is exceeded by the updated hospital-specific rate from certain specified base years) only for discharges of a hospital occurring on or after the effective date of a

determination of MDH status made with respect to the hospital after the date of the enactment of this provision.

Furthermore, this same new provision also states “For purposes of applying subclause (II) of paragraph (8)(E)(ii) under subclause (I)(bb), such subclause (II) shall be applied by inserting ‘as of January 1, 2018,’ after ‘such State’ each place it appears.” That is, this provision specifies that for a hospital in a State with no rural area, the criteria in paragraph (8)(E)(ii)(II) must have been satisfied as of January 1, 2018. Section 50205 of the Bipartisan Budget Act also made conforming amendments to sections 1886(b)(3)(D) of the Act (in the language proceeding clause (i)) and 1886(b)(3)(D)(iv) of the Act).

a. Extension of the MDH Program

Generally, as a result of the section 50205 of the Bipartisan Budget Act of 2018 extension, a provider that was classified as an MDH prior to the September 30, 2017 expiration of the MDH program will be reinstated as an MDH effective October 1, 2017, with no need to reapply for MDH classification.

Prior to the enactment of section 50205 of the Bipartisan Budget Act of 2018, under section 205 of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA), the MDH program authorized by section 1886(d)(5)(G) of the Act was set to expire at the end of FY 2017.

In the FY 2016 interim final rule with comment period (80 FR 49596 through 49597), we amended the regulations at § 412.108(a)(1) and (c)(2)(iii) to reflect the MACRA extension of the MDH program through FY 2017. We intend to amend the regulations at § 412.108(a)(1) and (c)(2)(iii) to reflect the statutory extension of the MDH program through FY 2022 provided for by the provisions of the Bipartisan Budget Act of 2018 in future rulemaking.

Since MDH status is now extended by statute through the end of FY 2022, generally, hospitals that previously qualified for MDH status will be reinstated as an MDH retroactively to October 1, 2017. However, in the following two situations, the effective date of MDH status may not be retroactive to October 1, 2017.

1. MDHs That Classified as Sole Community Hospitals (SCHs) on or After October 1, 2017

Under the regulations at § 412.92(b)(2)(v), an MDH could apply for reclassification as a sole community hospital (SCH) by August 31, 2017, in anticipation of the September 30, 2017 expiration of the MDH provision, and have such status be effective on October

1, 2017. Hospitals that applied by the August 31, 2017 deadline and were approved for SCH classification received SCH status effective October 1, 2017. Additionally, some hospitals that had MDH status as of the September 30, 2017 expiration of the MDH program may have missed the August 31, 2017 application deadline. These hospitals applied for SCH status in the usual manner instead and were approved for SCH status effective 30 days from the date of approval, resulting in an effective date later than October 1, 2017. These hospitals must reapply for MDH status under § 412.108(b).

2. MDHs That Requested a Cancellation of Their Rural Classification Under § 412.103(b)

One of the criteria to be classified as an MDH is that the hospital is located in a rural area. To qualify for MDH status, some MDHs reclassified from an urban to a rural hospital designation, under the regulations at § 412.103(b). With the expiration of the MDH provision, some of these providers may have requested a cancellation of their rural classification. Therefore, in order to qualify for MDH status, these hospitals must request to be reclassified as rural under § 412.103(b) and must reapply for MDH status under § 412.108(b).

Any provider that falls within either of the two exceptions listed above may not have its MDH status automatically reinstated effective October 1, 2017. That is, if a provider reclassified to SCH status or cancelled its rural status effective October 1, 2017, its MDH status will not be retroactive to October 1, 2017, but will instead be applied prospectively based on the date the hospital is notified that it again meets the requirements for MDH status in accordance with § 412.108(b)(4) after reapplying for MDH status. However, if a provider reclassified to SCH status or cancelled its rural status effective on a date later than October 1, 2017, MDH status will be reinstated effective from October 1, 2017 but will end on the date on which the provider changed its status to an SCH or cancelled its rural status. Those hospitals may also reapply for MDH status to be effective again 30 days from the date the hospital is notified of the determination, in accordance with § 412.108(b)(4). Providers that fall within either of the two exceptions will have to reapply for MDH status according to the classification procedures in 42 CFR 412.108(b). Specifically, the regulations at § 412.108(b) require the following:

- The hospital submit a written request along with qualifying

documentation to its contractor to be considered for MDH status.

- The contractor make its determination and notify the hospital within 90 days from the date that it receives the request for MDH classification and all required documentation.

- The determination of MDH status be effective 30 days after the date of the contractor's written notification to the hospital.

The following are examples of various scenarios that illustrate how and when MDH status will be determined for hospitals that were MDHs as of the September 30, 2017 expiration of the MDH program:

Example 1: Hospital A was classified as an MDH prior to the September 30, 2017 expiration of the MDH program. Hospital A retained its rural classification and did not reclassify as an SCH. Hospital A's MDH status will be automatically reinstated to October 1, 2017.

Example 2: Hospital B was classified as an MDH prior to the September 30, 2017 expiration of the MDH program. Per the regulations at § 412.92(b)(2)(v) and in anticipation of the expiration of the MDH program, Hospital B applied for reclassification as an SCH by August 31, 2017, and was approved for SCH status effective on October 1, 2017. Hospital B's MDH status will not be automatically reinstated. In order to reclassify as an MDH, Hospital B must cancel its SCH status, in accordance with § 412.92(b)(4), and reapply for MDH status under the regulations at § 412.108(b).

Example 3: Hospital C was classified as an MDH prior to the September 30, 2017 expiration of the MDH program. Hospital C missed the application deadline of August 31, 2017 for reclassification as an SCH under the regulations at § 412.92(b)(2)(v) and was not eligible for its SCH status to be effective as of October 1, 2017. Hospitals C's Medicare contractor approved its request for SCH status effective November 16, 2017. Hospital C's MDH status will be reinstated effective October 1, 2017 through November 15, 2017 and will subsequently be cancelled effective November 16, 2017. In order to reclassify as an MDH, Hospital C must cancel its SCH status, in accordance with § 412.92(b)(4), and reapply for MDH status under the regulations at § 412.108(b).

Example 4: Hospital D was classified as an MDH prior to the September 30, 2017 expiration of the MDH program. In anticipation of the expiration of the MDH program, Hospital D requested that its rural classification be cancelled

per the regulations at § 412.103(g). Hospital D's rural classification was cancelled effective October 1, 2017. Hospital D's MDH status will not be automatically reinstated. In order to reclassify as an MDH, Hospital D must request to be reclassified as rural under § 412.103(b) and must reapply for MDH status under § 412.108(b).

Example 5: Hospital E was classified as an MDH prior to the September 30, 2017 expiration of the MDH program. In anticipation of the expiration of the MDH program, Hospital E requested that its rural classification be cancelled per the regulations at § 412.103(g). Hospital E's rural classification was cancelled effective January 1, 2018. Hospital E's MDH status will be reinstated but only for the period of time during which it met the criteria for MDH status. Since Hospital E cancelled its rural status and was classified as urban effective January 1, 2018, MDH status will only be reinstated effective October 1, 2017 through December 31, 2017 and will be cancelled effective January 1, 2018. In order to reclassify as an MDH, Hospital E must request to be reclassified as rural under § 412.103(b) and must reapply for MDH status under § 412.108(b).

We note that hospitals that were MDHs as of the September 30, 2017 expiration of the MDH program that have returned to urban status will first need to apply for rural status under § 412.103(b), and hospitals that became SCHs will first need to request cancellation of SCH status under § 412.92(b)(4).

Finally, we note that hospitals continue to be bound by § 412.108(b)(4)(i) through (iii) to report a change in the circumstances under which the status was approved. Thus, if a hospital's MDH status has been extended and it no longer meets the requirements for MDH status, it is required under § 412.108(b)(4)(i) through (iii) to make such a report to its MAC. Additionally, under the regulations at § 412.108(b)(5), Medicare contractors are required to evaluate on an ongoing basis whether or not a hospital continues to qualify for MDH status.

A provider affected by the MDH program extension will receive a notice from its Medicare contractor detailing its status in light of the MDH program extension.

Program guidance on the systems implementation of these provisions, including changes to PRICER software used to make payments, will be announced in an upcoming transmittal. As noted previously, we intend to make the conforming changes to the regulations text at 42 CFR 412.108 to

reflect the changes made by section 50205 of the Bipartisan Budget Act of 2018 in future rulemaking.

b. Additional Provisions to the MDH Program

In addition to extending the MDH program, section 50205 of the Bipartisan Budget Act also provides for a hospital that is located in a state without a rural area to be eligible to qualify for MDH status if it otherwise satisfies any of the statutory criteria to be reclassified as rural under sections 1886(d)(8)(E)(ii)(I), (II), or (III) of the Act while further specifying that the criteria at sections 1886(d)(8)(E)(ii)(II) of the Act must have been satisfied as of January 1, 2018.

Section 1886(d)(8)(E) of the Act provides for an IPPS hospital that is located in an urban area to be reclassified as a rural hospital if it submits an application in accordance with CMS' established process and meets certain criteria at sections 1886(d)(8)(E)(ii)(I), (II), or (III) of the Act (these statutory criteria are implemented in the regulations at §§ 412.103(a)(1) through (3)). A subsection (d) hospital that is located in an urban area and meets one of the three criteria under § 412.103(a) can reclassify as rural and is treated as being located in the rural area of the State in which it is located. However, a hospital that is located in an all-urban State is ineligible to reclassify as rural in accordance with the provisions of § 412.103 because its State does not have a rural area into which it can reclassify. Prior to the amendments made by the Bipartisan Budget Act, a hospital could only qualify for MDH status if it was either geographically located in a rural area or if it reclassified as rural under the regulations at § 412.103. This precluded hospitals in all-urban states from being classified as MDHs. The newly added provision in the Bipartisan Budget Act of 2018 allows a hospital in an all-urban state to be eligible for MDH classification if, in addition to meeting the other criteria for MDH eligibility, it satisfies one of the criteria for rural reclassification under section 1886(d)(8)(E)(ii)(I), (II), or (III) of the Act (as of January 1, 2018 where applicable) notwithstanding its location in an all-urban state.

Under this provision of the Bipartisan Budget Act, a hospital in an all-urban State can apply and be approved for MDH classification if it can demonstrate that: (1) It meets the criteria at § 412.103(a)(1) or (3) or the criteria at § 412.103(a)(2) as of January 1, 2018 for the sole purposes of qualifying for MDH classification and; (2) it meets the MDH classification criteria at

§§ 412.108(a)(1)(i) through (iii). We note the following:

- For a hospital in an all-urban State to demonstrate that it would have qualified for rural reclassification notwithstanding its location in an all-urban state (as of January 1, 2018 where applicable), it must follow the applicable procedures for rural reclassification and MDH classification at § 412.103(b) and § 412.108(b), respectively.

- As noted previously, under existing regulations at § 412.108(b)(4), the determination of MDH status is effective 30 days after the date the MAC provides written notification to the hospital.

- A hospital in an all-urban state that qualifies as an MDH under the newly-added statutory provision will not be considered as having reclassified as rural but only as having satisfied one of the criteria at section 1886(d)(8)(E)(ii)(I), (II), or (III) (as of January 1, 2018 as applicable) for purposes of MDH classification, in accordance with amended section 1886(d)(5)(G)(iv) of the Act.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

IV. Regulatory Impact Analysis

A. Statement of Need

This document is necessary to update the IPPS final FY 2018 payment policies to reflect changes required by the implementation of two provisions of the Bipartisan Budget Act of 2018. Section 50204 of the Bipartisan Budget Act of 2018 extends certain temporary changes to the payment adjustment for low-volume hospitals through FY 2018. Section 50205 of the Bipartisan Budget Act of 2018 extends the MDH program through FY 2022. As noted previously, program guidance on the systems implementation of these provisions, including changes to PRICER software used to make payments, will be announced in an upcoming transmittal.

B. Overall Impact

We have examined the impacts of this document as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory

Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action that is likely to result in a rule: (1) Having an annual effect on the economy of \$100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as “economically significant”); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for regulatory actions with economically significant effects (\$100 million or more in any 1 year). Although we do not consider this document to constitute a substantive rule or regulatory action, the changes announced in this document are “economically” significant, under section 3(f)(1) of Executive Order 12866, and therefore we have prepared a RIA, that to the best of our ability, presents the costs and benefits of the provisions announced in this document.

The FY 2018 IPPS/LTCH PPS final rule in conjunction with the FY 2018 IPPS/LTCH PPS correcting document included an impact analysis for the changes to the IPPS included in that final rule. This document updates those impacts to the IPPS to reflect the changes made by sections 50204 and 50205 of the Bipartisan Budget Act of 2018. Since these sections were not budget neutral, the overall estimates for

hospitals have changed from our estimates that were published in the FY 2018 IPPS/LTCH PPS final rule (82 FR 38585) in conjunction with the FY 2018 IPPS/LTCH PPS correcting document (82 FR 46163). We estimate that the changes in the FY 2018 IPPS/LTCH PPS final rule, in conjunction with the changes included in this document, will result in an approximate \$2.97 billion increase in total payments to IPPS hospitals in FY 2018 relative to FY 2017, as described later in this section. In the FY 2018 IPPS/LTCH PPS final rule (82 FR 38585) in conjunction with the FY 2018 IPPS/LTCH PPS correcting document (82 FR 46163), we had projected that total payments to IPPS hospitals would increase by \$2.5 billion relative to FY 2017. However, since the changes in this document are expected to increase payments by approximately \$470 million (\$349 million for the extension of certain temporary changes to the low-volume hospital adjustment policy and \$119 million for the extension of the MDH program) relative to what was projected in the FY 2018 IPPS/LTCH PPS final rule in conjunction with the FY 2018 IPPS/LTCH PPS correcting document, these changes will result in a net increase of \$2.97 billion (\$2.5 billion currently, plus the additional estimated increase of approximately \$0.35 billion for the extension of certain temporary changes to the low-volume hospital adjustment policy and approximately \$0.12 billion for the extension of the MDH program) in total payments to IPPS hospitals relative to FY 2017.

C. Anticipated Effects

1. Effects on IPPS Hospitals

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. We estimate that most hospitals and most other providers and suppliers are small entities as that term is used in the RFA. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than \$7.5 to \$34.5 million in any 1 year). (For details on the latest standard for health care providers, we refer readers to page 33 of the Table of Small Business Size Standards for NAIC 622 at the Small Business Administration’s website at [\[files/Size_Standards_Table.pdf\]\(#\).\) For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. Individuals and States are not included in the definition of a small entity. We believe that the changes announced in this document will have a significant impact on small entities. Because we acknowledge that many of the affected entities are small entities, the analysis discussed in this section would fulfill any requirement for a final regulatory flexibility analysis.](https://www.sba.gov/sites/default/files/</p>
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In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we now define a small rural hospital as a hospital that is located outside of an urban area and has fewer than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban area. Thus, for purposes of the IPPS, we continue to classify these hospitals as urban hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2017, that threshold is approximately \$148 million. This document will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This document will not have a substantial effect on State and local governments.

Although this document merely reflects the implementation of two provisions of the Bipartisan Budget Act of 2018 and does not constitute a substantive rule, we nevertheless prepared this impact analysis in the interest of ensuring that the impacts of these changes are fully understood. The following analysis, in conjunction with the remainder of this document,

demonstrates that this document is consistent with the regulatory philosophy and principles identified in Executive Order 12866 and 13563, the RFA, and section 1102(b) of the Act. The changes announced in this document will positively affect payments to a substantial number of small rural hospitals and providers, as well as other classes of hospitals and providers, and the effects on some hospitals and providers may be significant. The impact analysis, which discusses the effect on total payments to IPPS hospitals, is presented in this section.

The impact analysis reflects the change in estimated payments to IPPS hospitals in FY 2018 due to sections 50204 and 50205 of the Bipartisan Budget Act of 2018 relative to estimated FY 2018 payments to IPPS hospitals published in the FY 2018 IPPS/LTCH PPS final rule (82 FR 38585) and in conjunction with the FY 2018 IPPS/LTCH PPS correction notice (82 FR 46163). As described later in this section in the regulatory impact analysis, FY 2018 IPPS payments to hospitals affected by sections 50204 and 50205 of the Bipartisan Budget Act of 2018 are projected to increase by \$468 million (\$349 million for the extension of certain temporary changes to the low-volume hospital adjustment policy and \$119 million for the extension of the MDH program) (relative to the FY 2018 payments estimated for these hospitals for the FY 2018 IPPS/LTCH PPS final rule and in conjunction with the FY 2018 IPPS/LTCH PPS correcting document). Furthermore, we project that, on the average, overall IPPS payments in FY 2018 for all hospitals will increase by 0.4 percent due to these provisions in the Bipartisan Budget Act of 2018 compared to the previous estimate of FY 2018 payments to all IPPS hospitals published in the FY 2018 IPPS/LTCH PPS final rule in conjunction with the FY 2018 IPPS/LTCH PPS correcting document.

2. Effects of the Extension of the Temporary Changes to the Payment Adjustment for Low-Volume Hospitals

The extension, for FY 2018, of the temporary changes to the payment adjustment for low-volume hospitals (originally provided for by the Affordable Care Act for FYs 2011 and 2012 and extended by subsequent legislation) as provided for under Section 50204 of the Bipartisan Budget Act of 2018 is a non-budget neutral payment provision. The provisions of the Affordable Care Act and subsequent legislation expanded the definition of low-volume hospital and modified the

methodology for determining the payment adjustment for hospitals meeting that definition for FYs 2011 through 2017. Prior to the enactment of the Bipartisan Budget Act of 2018, beginning with FY 2018, the low-volume hospital definition and payment adjustment methodology was to return to the statutory requirements that were in effect prior to the amendments made by the Affordable Care Act. With the extension for FY 2018 provided for by the Bipartisan Budget Act of 2018, based on FY 2016 claims data (March 2017 update of the MedPAR file), we estimate that approximately 600 hospitals will now qualify as a low-volume hospital for FY 2018. We project that these hospitals will experience an increase in payments of approximately \$349 million as compared to our previous estimates of payments to these hospitals for FY 2018 published in the FY 2018 IPPS/LTCH PPS final rule in conjunction with the FY 2018 IPPS/LTCH PPS correcting document.

3. Effects of the Extension of the MDH Program

The extension of the MDH program in FY 2018 as provided for under section 50205 of the Bipartisan Budget Act of 2018 is a non-budget neutral payment provision. Hospitals that qualify to be MDHs receive the higher of operating IPPS payments made under the Federal standardized amount or the payments made under the Federal standardized amount plus 75 percent of the difference between the Federal standardized amount and the hospital-specific rate (a hospital-specific cost-based rate). Because this provision is not budget neutral, we estimate that the extension of this payment provision will result in a 0.2 percent increase in payments overall. Prior to the extension of the MDH program, there were 159 MDHs, of which 96 were estimated to be paid under the blended payment of the Federal standardized amount and hospital-specific rate in FY 2017. Because those 96 MDHs will now receive the blended payment (that is, the Federal standardized amount plus 75 percent of the difference between the Federal standardized amount and the hospital-specific rate) in FY 2018, we estimate that those hospitals will experience an overall increase in payments of approximately \$119 million as compared to our previous estimates of payments to these hospitals for FY 2018 published in the FY 2018 IPPS/LTCH PPS final rule in conjunction with the FY 2018 IPPS/LTCH PPS correcting document.

D. Alternatives Considered

This document provides descriptions of the statutory provisions that are addressed and identifies policies for implementing these provisions. Due to the prescriptive nature of the statutory provisions, no alternatives were considered.

E. Accounting Statement and Table

As required by OMB Circular A-4 (available at <http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf>), in Table I, we have prepared an accounting statement showing the classification of expenditures associated with the provisions of this notice as they relate to acute care hospitals. This table provides our best estimate of the change in Medicare payments to providers as a result of the changes to the IPPS presented in this document. All expenditures are classified as transfers from the Federal government to Medicare providers. As previously discussed, relative to what was projected in the FY 2018 IPPS/LTCH PPS final rule in conjunction with the FY 2018 IPPS/LTCH PPS correcting document, the changes made by sections 50204 and 50205 of the Bipartisan Budget Act of 2018 presented in this document are projected to increase FY 2018 payments to IPPS hospitals by \$468 million.

TABLE I—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES UNDER THE IPPS FROM PUBLISHED FY 2018 TO REVISED FY 2018

| Category | Transfers |
|---------------------------------|--|
| Annualized Monetized Transfers. | \$468 million. |
| From Whom to Whom | Federal Government to IPPS Medicare Providers. |
| Total | \$468 million. |

F. Regulatory Reform Analysis Under E.O. 13771

Executive Order 13771, entitled “Reducing Regulation and Controlling Regulatory Costs,” was issued on January 30, 2017, and requires that the costs associated with significant new regulations “shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.” It has been determined that the provisions of this document are actions that primarily result in transfers and do not impose more than de minimis cost as described previously. Thus, this

document is not a regulatory or deregulatory action for the purposes of Executive Order 13771.

G. Conclusion

Overall, IPPS hospitals are projected to experience an increase in estimated payments of \$468 million as a result of the changes made by sections 50204 and 50205 of the Bipartisan Budget Act of 2018 presented in this document. The analysis above, together with the preamble, provides a Regulatory Flexibility Analysis. Furthermore, the previous analysis, together with the preamble, provides a Regulatory Impact Analysis. In accordance with the provisions of Executive Order 12866, this document was reviewed by the Office of Management and Budget.

V. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 553(b) of the Administrative Procedure Act (APA) and section 1871 of the Act. In addition, in accordance with section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act, we ordinarily provide a 30 day delay to a substantive rule's effective date. For substantive rules that constitute major rules, in accordance with 5 U.S.C. 801, we ordinarily provide a 60-day delay in the effective date.

None of the processes or effective date requirements apply, however, when the rule in question is interpretive, a general statement of policy, or a rule of agency organization, procedure or practice. They also do not apply when the statute establishes rules that are to be applied, leaving no discretion or gaps for an agency to fill in through rulemaking.

In addition, an agency may waive notice and comment rulemaking, as well as any delay in effective date, when the agency for good cause finds that notice and public comment on the rule as well as the effective date delay are impracticable, unnecessary, or contrary to the public interest. In cases where an agency finds good cause, the agency must incorporate a statement of this finding and its reasons in the rule issued.

The policies being publicized in this document do not constitute agency rulemaking. Rather, the statute, as amended by the Bipartisan Budget Act of 2018, has already required that the agency make these changes, and we are simply notifying the public of the extension of certain temporary changes to the payment adjustment for low-volume hospitals and the MDH program

for FY 2018, that is effective October 1, 2017. As this document merely informs the public of these extensions, it is not a rule and does not require any notice and comment rulemaking. To the extent any of the policies articulated in this document constitute interpretations of the statute's requirements or procedures that will be used to implement the statute's directive; they are interpretive rules, general statements of policy, and rules of agency procedure or practice, which are not subject to notice and comment rulemaking or a delayed effective date.

However, to the extent that notice and comment rulemaking or a delay in effective date or both would otherwise apply, we find good cause to waive such requirements. Specifically, we find it unnecessary to undertake notice and comment rulemaking in this instance as this document does not propose to make any substantive changes to the policies or methodologies already in effect as a matter of law, but simply applies payment adjustments under the Bipartisan Budget Act of 2018 to these existing policies and methodologies. As the changes outlined in this document have already taken effect, it would also be impracticable to undertake notice and comment rulemaking. For these reasons, we also find that a waiver of any delay in effective date, if it were otherwise applicable, is necessary to comply with the requirements of the Bipartisan Budget Act of 2018. Therefore, we find good cause to waive notice and comment procedures as well as any delay in effective date, if such procedures or delays are required at all.

Dated: March 29, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018-08704 Filed 4-24-18; 4:15 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-2540-10]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect

information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 25, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-2540-10 Skilled Nursing Facility and Skilled Nursing Facility Cost Report

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. Type of Information Collection

Request: Extension of a currently approved collection; *Title of Information Collection:* Skilled Nursing Facility and Skilled Nursing Facility Cost Report; *Use:* Providers of services participating in the Medicare program are required under sections 1815(a), 1833(e) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The Form CMS-2540-10 cost report is needed to determine a provider's reasonable cost incurred in furnishing medical services to Medicare beneficiaries and reimbursement due to or from a provider. Reimbursement outside of the PPS may be for payment of Medicare reimbursable bad debt. *Form Number:* CMS-2540-10 (OMB control number: 0938-0463); *Frequency:* Yearly; *Affected Public:* Private Sector; Not-for-profit institutions, Businesses or other for-profits; *Number of Respondents:* 14,486; *Total Annual Responses:* 14,486; *Total Annual Hours:* 2,926,172. (For policy

questions regarding this collection contact Julie Stankivic at 410-786-5725.)

Dated: April 20, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018-08723 Filed 4-25-18; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Announcing the Intent To Award a Single-Source Supplement for the Advancing Person-Centered, Trauma-Informed Supportive Services for Holocaust Survivors Program

The Administration for Community Living (ACL) announces the intent to award a single-source supplement to the current cooperative agreement held by the Jewish Federations of North America for the project *Advancing Person-Centered, Trauma-Informed Supportive Services for Holocaust Survivors*. The purpose of this project is to, (1) advance the development and expansion of person-centered, trauma-informed (PCTI) supportive services for Holocaust survivors living in the U.S. and, (2) improve the nation's overall capacity to deliver PCTI health and human services for this population and to any older adult with a history of trauma. The administrative supplement for FY 2018 will be in the amount of \$2,467,000, bringing the total award for FY 2018 to \$4,935,000.

The additional funding will not be used to begin new projects, but to serve more Holocaust survivors with vital supports such as legal assistance, case management, transportation, medication management, social engagement activities designed to reduce isolation, loneliness and depression, and supports for family caregivers, all of which will employ PCTI approaches. The additional funds will also be used to expand existing technical assistance activities, under the second objective, in a variety of ways, including replicating and translating proven models of PCTI developed under this grant; developing new training materials, curricula and partnerships to aid in the replication of PCTI practices; enhance and expand the evaluation activities currently under way; and enhance website capacities for improved information dissemination.

Program Name: Advancing Person-Centered, Trauma-Informed (PCTI)

Supportive Services for Holocaust Survivors.

Recipient: The Jewish Federations of North America.

Period of Performance: The supplement award will be issued for the fourth year of the five-year project period of September 30, 2015 through September 29, 2020.

Total Award Amount: \$4,935,000 in FY 2018.

Award Type: Cooperative Agreement Supplement.

Statutory Authority: The Older Americans Act (OAA) of 1965, as amended, Public Law 109-365—Title 4, Section 411.

Basis for Award: The Jewish Federations of North America (JFNA) is currently funded to carry out the objectives of this project, entitled *Advancing PCTI Supportive Services for Holocaust Survivors* for the period of September 30, 2015 through September 29, 2020. Since project implementation began in late 2015, the grantee has accomplished a great deal. The supplement will enable the grantee to carry their work even further, serving more Holocaust survivors and providing even more comprehensive training and technical assistance in the development of PCTI supportive services. The additional funding will not be used to begin new projects or activities.

The JFNA is uniquely positioned to complete the work called for under this project. JFNA and its project partners, including the Network of Jewish Human Services Agencies (NJHSA), and the Conference on Material Claims Against Germany (Claims Conference), have the cultural competence and long history of serving and advocating for Holocaust survivors. Additionally, JFNA is already working in collaboration with numerous partners representing a broad cross section of the Jewish human services network (e.g., Selfhelp Community Services, Bet Tzedek, The Blue Card, and the Orthodox Union of America) and the "mainstream aging services network," (e.g., Meals on Wheels of America (MoWA), the National Association of Area Agencies on Aging (n4a), the National Council on Aging (NCOA), Leading Age and other members of the Leadership Council of Aging Organizations [LCAO]).

Establishing an entirely new grant project at this time would be potentially disruptive to the current work already well under way. More importantly, the Holocaust survivors currently being served by this project could be negatively impacted by a service disruption, thus posing the risk of re-traumatization and further negative impacts on health and wellbeing. If this

supplement were not provided, the project would be less able to address the significant unmet needs of additional Holocaust survivors. Similarly, the project would be unable to expand its current technical assistance and training efforts in PCTI concepts and approaches, let alone reach beyond traditional providers of services to this population to train more "mainstream" providers of aging services.

For More Information Contact: For further information or comments regarding this program supplement, contact Greg Link, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Office of Supportive and Caregiver Services: telephone (202)–795–7386; email greg.link@acl.hhs.gov.

Dated: April 18, 2018.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2018–08708 Filed 4–25–18; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1489]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. At least one portion of the meeting will be closed to the public.

DATES: The meeting will be held on May 17, 2018, from 8 a.m. to 4:45 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

For those unable to attend in person, the meeting will also be webcast and will be available at the following link: <https://collaboration.fda.gov/vrbpac2018/>.

FOR FURTHER INFORMATION CONTACT:

Serina Hunter-Thomas or Rosanna Harvey, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6338, Silver Spring, MD 20993–0002, 240–402–5771, serina.hunter-thomas@fda.hhs.gov and 240–402–8072, rosanna.harvey@fda.hhs.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On May 17, 2018, under Topic I, the Center for Biologics Evaluation and Research's (CBER) VRBPAC will meet in open session to discuss approaches for demonstrating effectiveness of group B streptococcus (GBS) vaccines intended for use in pregnant women to protect the newborn infant. Also on May 17, 2018, under Topic II, the committee will meet in open session to hear an overview of the research program in the Laboratory of Respiratory Viral Diseases (LRVD), Division of Viral Products, Office of Vaccines Research and Review, CBER, FDA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: On May 17, 2018, from 8 a.m. to 4:10 p.m., the meeting is open to the public. Interested persons may

present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 10, 2018. Oral presentations from the public will be scheduled between approximately 12:35 p.m. to 1:20 p.m. for the GBS vaccine portion of the meeting, and 3:50 p.m. to 4:05 p.m. for the overview portion of the LRVD Site Visit. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 2, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 3, 2018.

Closed Committee Deliberations: On May 17, 2018, from 4:10 p.m. to 4:45 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The recommendations of the advisory committee regarding the progress of the investigator's research will, along with other information, be used in making personnel and staffing decisions regarding individual scientists.

We believe that public discussion of these recommendations on individual scientists would constitute an unwarranted invasion of personal privacy.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Serina Hunter-Thomas at least 7 days in advance of the meeting (see, **FOR FURTHER INFORMATION CONTACT**).

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for

procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-08711 Filed 4-25-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-N-1439]

Pediatric Advisory Committee and the Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Pediatric Advisory Committee (PAC) and the Endocrinologic and Metabolic Drugs Advisory Committee (EMDAC). At least one portion of the meeting will be closed to the public. The general function of the committees is to provide advice and recommendations to FDA on regulatory issues. FDA is establishing a docket for public comments on this document.

DATES: The meeting will be held on May 11, 2018, from 8 a.m. to 6 p.m. This is a reschedule of a postponed meeting announced in the **Federal Register** of January 23, 2018 (83 FR 3156), originally scheduled for March 22, 2018. An amendment to the **Federal Register** notice was published on March 16, 2018 (83 FR 11755).

ADDRESSES: Tommy Douglas Conference Center, 10000 New Hampshire Ave., Silver Spring, MD 20903. Answers to commonly asked questions about FDA Advisory Committee meetings may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>. Information about the Tommy Douglas Conference Center can be accessed at <https://www.tommydouglascenter.com>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2018-N-1439. The docket will close on May 10, 2018.

Submit either electronic or written comments on this public meeting by that date. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 10, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of May 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before May 4, 2018, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments 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 Docket No. FDA-2018-N-1439 for "Pediatric Advisory Committee and the Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." FDA 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 the information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

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

FOR FURTHER INFORMATION CONTACT: Marieann Brill, Office of the Commissioner, Food and Drug

Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993, 240-402-3838, email: marieann.brill@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On Friday, May 11, 2018, the PAC and EMDAC will meet to discuss drug development for the treatment of children with achondroplasia. The following topics should be considered for discussion: Evidence required to establish dose-response, study design, study duration, intended population, and endpoints. In the open session, the committee does not intend to discuss any individual research programs.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: On May 11, 2018, from 12 p.m. to 6 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 4, 2018. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make

their presentation on or before May 4, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 7, 2018.

Closed Committee Deliberations: On May 11, 2018, from 8 a.m. to 11 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)). During this session, the committees will discuss the premarketing drug development program of an investigational product.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Marieann Brill (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-08766 Filed 4-25-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the

National Vaccine Injury Compensation Program (the program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions and the program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357-6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443-6593, or visit our website at: <http://www.hrsa.gov/vaccinecompensation/index.html>.

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the table) set forth at 42 CFR 100.3. This table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that "[w]ithin 30 days after the Secretary

receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.” Set forth below is a list of petitions received by HRSA on March 1, 2018, through March 31, 2018. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master “shall afford all interested persons an opportunity to submit relevant, written information” relating to the following:

1. The existence of evidence “that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,” and
2. Any allegation in a petition that the petitioner either:
 - a. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by” one of the vaccines referred to in the Table, or
 - b. “[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine” referred to in the table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court’s caption (Petitioner’s Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the program.

Dated: April 20, 2018.

George Sigounas,
Administrator.

List of Petitions Filed

1. Gerald Kiel, Farmington Hills, Michigan, Court of Federal Claims No: 18–0314V
2. Jill Silver, Brighton, Michigan, Court of Federal Claims No: 18–0315V
3. Mark Kelner, Salisbury, North Carolina, Court of Federal Claims No: 18–0316V
4. Amy Morris, Drumright, Oklahoma, Court of Federal Claims No: 18–0317V
5. Marcie Unrue, Crown Point, Indiana, Court of Federal Claims No: 18–0323V
6. Lesa Myers, Philadelphia, Pennsylvania, Court of Federal Claims No: 18–0324V
7. Janie Miller, Upper Arlington, Ohio, Court of Federal Claims No: 18–0327V
8. Matthew Rhodes, Alexandria, Virginia, Court of Federal Claims No: 18–0329V
9. Debra L. Bevel on behalf of Michael S. Bevel, Tulsa, Oklahoma, Court of Federal Claims No: 18–0331V
10. Derek Clark, Lakewood, Ohio, Court of Federal Claims No: 18–0332V
11. John Morgan, Phoenix, Arizona, Court of Federal Claims No: 18–0336V
12. Ronni Cook, Chambersburg, Pennsylvania, Court of Federal Claims No: 18–0337V
13. Kim Duguay, Lewiston, Maine, Court of Federal Claims No: 18–0340V
14. Kathleen Gullo, Scotts Valley, Arizona, Court of Federal Claims No: 18–0350V
15. Tamara Kuypers, Burlington, Vermont, Court of Federal Claims No: 18–0351V
16. Clayton T. Coleman, Novi, Michigan, Court of Federal Claims No: 18–0352V
17. Brianna Rich and Jeffrey Rich on behalf of S.G.R., Albuquerque, New Mexico, Court of Federal Claims No: 18–0353V
18. Cheryl Doster-Anderson, Orlando, Florida, Court of Federal Claims No: 18–0354V
19. Desirea Tyler, Fort Wayne, Indiana, Court of Federal Claims No: 18–0355V
20. Alicea Armstrong on behalf of Kenneth Armstrong, Deceased, Baltimore, Maryland, Court of Federal Claims No: 18–0356V
21. Youhong Lu, Santa Clara, California, Court of Federal Claims No: 18–0358V
22. Michael Bull, Kansas City, Kansas, Court of Federal Claims No: 18–0361V
23. Steven Fletcher, Boston, Massachusetts, Court of Federal Claims No: 18–0362V
24. Laura Johnson, Grand Rapids, Michigan, Court of Federal Claims No: 18–0363V
25. Karen Cain, Madill, Oklahoma, Court of Federal Claims No: 18–0364V
26. Elmia Walker, Carteret, New Jersey, Court of Federal Claims No: 18–0366V
27. Yeshi Fesaha Mengistu, North Bend, Washington, Court of Federal Claims No: 18–0368V
28. Karen Booth on behalf of J.B., Towson, Maryland, Court of Federal Claims No: 18–0372V
29. Kari Smith, Junction City, Oregon, Court of Federal Claims No: 18–0374V
30. Christa Jean Bingham, Des Moines, Washington, Court of Federal Claims No: 18–0376V
31. Jayne Purdom, El Dorado Springs, Missouri, Court of Federal Claims No: 18–0377V
32. Clemey Robinson, Chicago, Illinois, Court of Federal Claims No: 18–0378V
33. Robert Folino, Saugus, Massachusetts, Court of Federal Claims No: 18–0380V
34. Julia Wells, Deltona, Florida, Court of Federal Claims No: 18–0381V
35. Clifton E. Carlton, Sr., Mankato, Minnesota, Court of Federal Claims No: 18–0384V
36. Patricia Garcia, Phoenix, Arizona, Court of Federal Claims No: 18–0385V
37. William Morrison, Sarasota, Florida, Court of Federal Claims No: 18–0386V
38. Ronnie A Newcomer, Clarksville, Tennessee, Court of Federal Claims No: 18–0388V
39. Gerald Gordon, Phoenix, Arizona, Court of Federal Claims No: 18–0390V
40. Beverly Blad, Penn Yan, New York, Court of Federal Claims No: 18–0391V
41. Irene Russano, Waldwick, New Jersey, Court of Federal Claims No: 18–0392V
42. Jay LaMont, Logan, Utah, Court of Federal Claims No: 18–0394V
43. Sabrina Chappell-Strickland, Morrisville, North Carolina, Court of Federal Claims No: 18–0396V
44. Raymond Markarian, Santa Clarita, California, Court of Federal Claims No: 18–0397V
45. Nancy Brock, Sicklerville, New Jersey, Court of Federal Claims No: 18–0399V

46. Argelio Garcia, North Bend, Washington, Court of Federal Claims No: 18-0401V
47. Jo Ann Gilbert, Pennsville, New Jersey, Court of Federal Claims No: 18-0402V
48. Travis Eason, Montgomery, Alabama, Court of Federal Claims No: 18-0406V
49. Sean Kaplan, Chicago, Illinois, Court of Federal Claims No: 18-0407V
50. Amarachi Grace Otuokere, Austin, Texas, Court of Federal Claims No: 18-0409V
51. Shelle Johnson, Chatfield, Minnesota, Court of Federal Claims No: 18-0410V
52. Amber Etheridge, Tuscaloosa, Alabama, Court of Federal Claims No: 18-0411V
53. Mary E. Lyons, Seattle, Washington, Court of Federal Claims No: 18-0414V
54. Christian Park, Dothan, Alabama, Court of Federal Claims No: 18-0415V
55. Jennifer Talbot, South Weymouth, Massachusetts, Court of Federal Claims No: 18-0416V
56. Joy Houston, New Orleans, Louisiana, Court of Federal Claims No: 18-0420V
57. Kristian M. Ellingsen, Sterling, Virginia, Court of Federal Claims No: 18-0421V
58. Harry D. Tanner, Jr., Monroe, North Carolina, Court of Federal Claims No: 18-0422V
59. Philip Arcadipane, Brockton, Massachusetts, Court of Federal Claims No: 18-0423V
60. Keith McCarville, Newton, Iowa, Court of Federal Claims No: 18-0424V
61. Sharon Rons, Sioux Falls, South Dakota, Court of Federal Claims No: 18-0425V
62. Mary George, Boston, Massachusetts, Court of Federal Claims No: 18-0426V
63. Sandra Posh-Denzler, Stratford, Connecticut, Court of Federal Claims No: 18-0427V
64. Richard Chester, Minocqua, Wisconsin, Court of Federal Claims No: 18-0428V
65. Rebekah Morgan, Henderson, Nevada, Court of Federal Claims No: 18-0429V
66. Ruby Katherine Gordon on behalf of C.C., Kings Mountain, North Carolina, Court of Federal Claims No: 18-0431V
67. Dawn Eberhardt, Madison, Wisconsin, Court of Federal Claims No: 18-0432V
68. Rufus D. Parker, Shelby, North Carolina, Court of Federal Claims No: 18-0434V
69. Miranda Sellers, Washington, District of Columbia, Court of Federal Claims No: 18-0435V
70. John Bayles, Washington, District of Columbia, Court of Federal Claims No: 18-0436V
71. Louie Garcia, Washington, District of Columbia, Court of Federal Claims No: 18-0438V
72. Gail Linville, Washington, District of Columbia, Court of Federal Claims No: 18-0439V
73. A L V and M V on behalf of AA—VV, Park Ridge, Illinois, Court of Federal Claims No: 18-0440V
74. Tiffany Dagen, Middletown, Pennsylvania, Court of Federal Claims No: 18-0442V
75. Sharon Gregory, Durham, North Carolina, Court of Federal Claims No: 18-0444V
76. Denise Bigda, Boston, Massachusetts, Court of Federal Claims No: 18-0445V
77. Virginia Wilt, Norristown, Pennsylvania, Court of Federal Claims No: 18-0446V
78. Spencer Vick, Fayetteville, Georgia, Court of Federal Claims No: 18-0447V
79. Kevin Randall, Haddonfield, New Jersey, Court of Federal Claims No: 18-0448V
80. Karen Owens, Gainesville, Florida, Court of Federal Claims No: 18-0449V
81. Noah E. Musick, Greensboro, North Carolina, Court of Federal Claims No: 18-0451V
82. Zina Sanders, Tampa, Florida, Court of Federal Claims No: 18-0452V
83. Linda D. Kooker, Erie, Pennsylvania, Court of Federal Claims No: 18-0453V
84. Vincent Ricciardi, Deer Park, New York, Court of Federal Claims No: 18-0455V
85. Raine Learn, Corning, New York, Court of Federal Claims No: 18-0456V
86. Laura Russell, Dresher, Pennsylvania, Court of Federal Claims No: 18-0457V
87. Jodi Mickelson, Clarion, Iowa, Court of Federal Claims No: 18-0459V
88. Chelsea Engel on behalf of A.E., Dresher, Pennsylvania, Court of Federal Claims No: 18-0461V
89. Leonard E Smith, Greensboro, North Carolina, Court of Federal Claims No: 18-0462V
90. Charla Thornton, Washington, District of Columbia, Court of Federal Claims No: 18-0464V
91. Patricia Kelley, Washington, District of Columbia, Court of Federal Claims No: 18-0466V
92. Richard Proctor, Washington, District of Columbia, Court of Federal Claims No: 18-0468V
93. Barbara Plowman, Knoxville, Tennessee, Court of Federal Claims No: 18-0469V
94. Kelly Dean, Lancaster, Ohio, Court of Federal Claims No: 18-0470V
95. Rita Czyzewski, Berlin, New Jersey, Court of Federal Claims No: 18-0471V
96. Philip Yeakel, Washington, District of Columbia, Court of Federal Claims No: 18-0472V
97. Benjamin Taylor, Dresher, Pennsylvania, Court of Federal Claims No: 18-0473V

[FR Doc. 2018-08715 Filed 4-25-18; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Establishment of the National Clinical Care Commission and Solicitation of Nominations for Commission Members

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, U.S. Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The U.S. Department of Health and Human Services (HHS) hereby announces the establishment of the National Clinical Care Commission (the Commission) pursuant to the National Clinical Care Commission Act. The Commission will consist of representatives of specific federal agencies and non-federal individuals and entities who represent diverse disciplines and views. The Commission will evaluate and make recommendations to the HHS Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to awareness and clinical care for complex metabolic or autoimmune diseases that result from issues related to insulin that represent a significant disease burden in the United States, which may include complications due to such diseases.

Through this notice, HHS is also requesting nominations of individuals who are interested in being considered for appointment to the Commission. Resumes or curricula vitae from qualified individuals who wish to be considered for appointment as a member of the Commission are currently being accepted.

DATES: Nominations must be received no later than close of business May 29, 2018.

ADDRESSES: Qualified persons and interested organizations are invited to

submit nominations by any of the following methods:

- *Email:* OHQ@hhs.gov (please indicate in the subject line: National Clinical Care Commission)
- *Mail/Courier:* Office of Disease Prevention and Health Promotion, Attn: Division of Health Care Quality, Department of Health and Human Services, 1101 Wootton Parkway, Suite LL100, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Clydette Powell, MD, MPH, FAAP, Director, Division of Health Care Quality, Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health; U.S. Department of Health and Human Services; Telephone: 240-453-8239; Email address: OHQ@hhs.gov (please indicate in the subject line: National Clinical Care Commission). The Commission charter may be accessed online at <https://health.gov/hcq/national-clinical-care-commission.asp>. The charter includes detailed information about the purpose, function, and structure of the Commission.

SUPPLEMENTARY INFORMATION: The National Clinical Care Commission Act (Pub. L. 115-80) requires the HHS Secretary to establish the National Clinical Care Commission. The Commission will consist of representatives of specific federal agencies and non-federal individuals and entities who represent diverse disciplines and views. The Commission will evaluate and make recommendations to the HHS Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to awareness and clinical care for complex metabolic or autoimmune diseases that result from issues related to insulin that represent a significant disease burden in the United States, which may include complications due to such diseases.

Objectives and Scope of Activities. The Commission shall evaluate and make recommendations, as appropriate, to the Secretary and Congress regarding:

(1) Federal programs of the Department of Health and Human Services that focus on preventing and reducing the incidence of complex metabolic or autoimmune diseases resulting from issues related to insulin that represent a significant disease burden in the United States, which may include complications due to such diseases;

(2) Current activities and gaps in federal efforts to support clinicians in providing integrated, high-quality care

to individuals with the diseases and complications;

(3) The improvement in, and improved coordination of, federal education and awareness activities related to the prevention and treatment of the diseases and complications, which may include the utilization of new and existing technologies;

(4) Methods for outreach and dissemination of education and awareness materials that—

(a) address the diseases and complications;

(b) are funded by the federal government; and

(c) are intended for health care professionals and the public; and

(5) Whether there are opportunities for consolidation of inappropriately overlapping or duplicative federal programs related to the diseases and complications.

Membership and Designation. The Commission shall consist of 23 voting members. The composition shall include eleven ex-officio members and twelve non-federal members. The ex-officio members shall consist of the heads of, or subordinate officials designated by the heads of, the following federal departments, agencies, or components: The Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Indian Health Service, the National Institutes of Health, the Food and Drug Administration, the Health Resources and Services Administration, the Office of Minority Health, the Department of Defense, the Department of Veterans Affairs, and the Department of Agriculture.

The twelve non-federal members shall be appointed as special government employees (SGEs) by the Secretary and shall have expertise in prevention, care, and epidemiology of any of the diseases and complications described in Section 2(a) of the National Clinical Care Commission Act. The non-federal members shall include one or more members from each of the following categories: Physician specialties, including clinical endocrinologists, that play a role in the prevention or treatment of diseases and complications; primary care physicians; non-physician health care professionals; patient advocates; national experts, including public health experts; and health care providers furnishing services to a patient population that consists of a high percentage (as specified by the Secretary) of individuals who are enrolled in a state plan under title XIX of the Social Security Act or who are not

covered under a health plan or health insurance coverage. One of the non-federal members shall be selected by the members to serve as the Chair.

The ex-officio members and non-federal members shall be appointed to serve for the duration of the time that the Commission is authorized to operate. Any vacancy of a non-federal member shall be filled in the same manner as the original appointments. Any non-federal member who is appointed to fill the vacancy of an unexpired term shall be appointed to serve for the remainder of that term.

Pursuant to advance written agreement, each non-federal member of the Commission will waive his or her right to compensation for performing services as a member of the Commission. However, non-federal members shall receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Commission, as authorized by FACA and 5 U.S.C. 5703 for persons who are employed intermittently to perform services for the Federal government and in accordance with federal travel regulations. Ex-officio members of the Commission remain covered under their current compensation system.

Estimated Number and Frequency of Meetings. The Commission shall meet at least twice and not more than four times a year. These meetings may be in person or conducted by teleconference or videoconference at the discretion of the Designated Federal Official (DFO). The meetings shall be open to the public, except as determined otherwise by the Secretary, or other official to whom authority has been delegated, in accordance with the guidelines under Government in the Sunshine Act, 5 U.S.C. 552b(c). Notice of all meetings shall be provided to the public in accordance with the FACA. Meetings shall be conducted and records of the proceedings shall be kept, as required by applicable laws and departmental policies. A quorum is required for the Commission to meet to conduct business. A quorum shall consist of a majority of the Commission's voting members.

When the Secretary or designee determines that a meeting shall be closed or partially closed to the public, in accordance with stipulations of Government in the Sunshine Act, 5 U.S.C. 552b(c), then a report shall be prepared by the DFO that includes, at a minimum, a list of members and their business addresses, the Commission's functions, date and place of the meeting, and a summary of the Commission's activities and recommendations made

during the fiscal year. A copy of the report will be provided to the Department's Committee Management Officer.

Nominations. Nominations, including self-nominations, of individuals who have the specified expertise and knowledge will be considered for appointment as members of the Commission. A nomination should include, at a minimum, the following for each nominee: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination, and a statement from the nominee that indicates that the individual is willing to serve as a member of the Commission, if selected; (2) a one-page biography that describes the nominee's qualifications and, if applicable, highlights relevant experience on other federal advisory committees; (3) the nominator's name, address, and daytime telephone number; and the address, telephone number, and email address of the individual being nominated; and (4) a current copy of the nominee's curriculum vitae or resume, which should be limited to no more than 30 pages. Incomplete nomination packages will not be reviewed.

Every effort will be made to ensure that the composition of the Commission includes individuals from various geographic locations, including rural and underserved areas; racial and ethnic minorities; genders, and persons living with disabilities. Individuals other than officers or employees of the United States government being considered for appointment as members of the Commission will be required to complete and submit a report of their financial holdings. An ethics review must be conducted to ensure that individuals appointed as members of the Commission are not involved in any activity that may pose a potential conflict of interest for the official duties that are to be performed. This is a federal ethics requirement that must be satisfied upon entering the position and annually throughout the established term of appointment on the Commission.

Authority: The National Clinical Care Commission Act (Pub. L. 115–80) requires establishment of the National Clinical Care Commission. The Commission is governed by provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

Dated: April 19, 2018.

Don Wright,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion).

[FR Doc. 2018–08797 Filed 4–25–18; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that a meeting is scheduled to be held for the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (Advisory Council). The meeting will be open to the public; a public comment session will be held during the meeting. Pre-registration is required for members of the public who wish to attend the meeting and who wish to participate in the public comment session. Individuals who wish to attend the meeting and/or send in their public comment via email should send an email to CARB@hhs.gov. Registration information is available on the website <http://www.hhs.gov/ash/carb/> and must be completed by May 9, 2018; all in-person attendees must pre-register by this date. Additional information about registering for the meeting and providing public comment can be obtained at <http://www.hhs.gov/ash/carb/> on the Meetings page.

DATES: The meeting is scheduled to be held on May 16, 2018, from 9:00 a.m. to 4:45 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the Advisory Council at <http://www.hhs.gov/ash/carb/> when this information becomes available. Pre-registration for attending the meeting in person is required to be completed no later than May 9, 2018; public attendance at the meeting is limited to the available space.

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, Great Hall, 200 Independence Avenue SW, Washington, DC 20201.

The meeting can also be accessed through a live webcast on the day of the meeting. For more information,

FOR FURTHER INFORMATION CONTACT:

Jomana Musmar, Acting Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, Room 715H, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201. Phone: (202) 690–5566; email: CARB@hhs.gov.

SUPPLEMENTARY INFORMATION: Under Executive Order 13676, dated September 18, 2014, authority was given to the Secretary of HHS to establish the Advisory Council, in consultation with the Secretaries of Defense and Agriculture. Activities of the Advisory Council are governed by the provisions of Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

The Advisory Council will provide advice, information, and recommendations to the Secretary of HHS regarding programs and policies intended to support and evaluate the implementation of Executive Order 13676, including the National Strategy for Combating Antibiotic-Resistant Bacteria and the National Action Plan for Combating Antibiotic-Resistant Bacteria. The Advisory Council shall function solely for advisory purposes.

In carrying out its mission, the Advisory Council will provide advice, information, and recommendations to the Secretary regarding programs and policies intended to preserve the effectiveness of antibiotics by optimizing their use; advance research to develop improved methods for combating antibiotic resistance and conducting antibiotic stewardship; strengthen surveillance of antibiotic-resistant bacterial infections; prevent the transmission of antibiotic-resistant bacterial infections; advance the development of rapid point-of-care and agricultural diagnostics; further research on new treatments for bacterial infections; develop alternatives to antibiotics for agricultural purposes; maximize the dissemination of up-to-date information on the appropriate and proper use of antibiotics to the general public and human and animal healthcare providers; and improve international coordination of efforts to combat antibiotic resistance.

The May 16, 2018, public meeting will be focused on the topic of antibiotic stewardship for animal and plant health. The meeting agenda will be posted on the Advisory Council website at <http://www.hhs.gov/ash/carb/> when it

has been finalized. All agenda items are tentative and subject to change.

Public attendance at the meeting is limited to the available space. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Advisory Council at the address/telephone number listed above at least one week prior to the meeting. For those unable to attend in person, a live webcast will be available. More information on registration and accessing the webcast can be found at <http://www.hhs.gov/ash/carb/>.

Members of the public will have the opportunity to provide comments prior to the Advisory Council meeting by emailing CARB@hhs.gov. Public comments should be sent in by midnight May 9, 2018, and should be limited to no more than one page. All public comments received prior to May 9, 2018, will be provided to Advisory Council members; comments are limited to two minutes per speaker.

Dated: April 19, 2018.

Jomana F. Musmar,

*Acting Designated Federal Officer,
Presidential Advisory Council on Combating
Antibiotic-Resistant Bacteria Committee
Manager.*

[FR Doc. 2018-08803 Filed 4-25-18; 8:45 am]

BILLING CODE 4150-44-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) announces the fifth in-person meeting of the Tick-Borne Disease Working Group (Working Group) on May 15–16, 2018, from 9:00 a.m. to 7:45 p.m. Eastern Time on May 15 and from 9:00 a.m. to 5:30 p.m. Eastern Time on May 16. For this fifth meeting, the Working Group will provide an overview of the report to the HHS Secretary and Congress and discuss what should be included in the report from the work of the six Subcommittee Working Groups that were established on December 12, 2017. These subcommittees were established to assist the Working Group with the development of the report to Congress and the HHS Secretary as required by

the *21st Century Cures Act*. The subcommittees are:

1. Disease Vectors, Surveillance and Prevention (includes epidemiology of tick-borne diseases);
2. Pathogenesis, Transmission, and Treatment;
3. Testing and Diagnostics (including laboratory-based diagnoses and clinical-diagnoses);
4. Access to Care Services and Support to Patients;
5. Vaccine and Therapeutics; and
6. Other Tick-Borne Diseases and Co-infections.

DATES: May 15, 2018, from 9:00 a.m. to 7:45 p.m. Eastern Time and May 16, 2018, from 9:00 a.m. to 5:30 p.m. Eastern Time.

ADDRESSES: Hilton Crystal City Conference Center at Washington Reagan National Airport, 2399 Jefferson Davis Highway, Arlington, VA 22202. Members of the public may also attend the meeting via webcast. Instructions for attending the meeting via webcast will be posted one week prior to the meeting at: <https://www.hhs.gov/ash/advisory-committees/tickbornedisease/index.html>.

FOR FURTHER INFORMATION CONTACT:

James Berger, Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services; via email at tickbornedisease@hhs.gov or by phone at 202-795-7697.

SUPPLEMENTARY INFORMATION:

In-person attendance at the meeting is limited to space available; therefore, preregistration for public members is advisable and can be accomplished by registering at <http://events.r20.constantcontact.com/register/event?llr=zz7zptzab&oeidk=a07edrodffu088eae0cf> by Thursday, May 10, 2018. On the day of the meeting, seating will be provided first to persons who have preregistered. People who have not preregistered will be accommodated on a first come, first served basis if additional seats are still available 10 minutes before the meeting start. Non-U.S. citizens who plan to attend in person are required to provide additional information and must notify the Working Group support staff via email at tickbornedisease@hhs.gov before April 30, 2018.

The Working Group invites public comment on issues related to the Working Group's charge. It may be provided in-person at the meeting or in writing. In-person comments will occur from 9:05 a.m. to 10:05 a.m. on May 16, 2018. Persons who wish to provide public comment in person should review directions at <https://www.hhs.gov/ash/advisory-committees/>

[tickbornedisease/meetings/index.html](https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html) before submitting a request to do so via email at tickbornedisease@hhs.gov. Requests to provide in-person comment are due on or before May 10, 2018. In-person comments will be limited to three minutes each to accommodate as many speakers as possible. If more requests are received than can be accommodated, speakers will be randomly selected. The nature of the comments will not be considered in making this selection. Public comments may also be provided in writing. Individuals who would like to provide written comment should review directions at <https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html> before sending their comments to tickbornedisease@hhs.gov on or before May 10, 2018.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with section 2062 of the *21st Century Cures Act*, and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review all HHS efforts related to tick-borne diseases to help ensure interagency coordination and minimize overlap, examine research priorities, and identify and address unmet needs. In addition, the Working Group will report to the Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease prevention, treatment and research, and addressing gaps in those areas.

Dated: April 19, 2018.

James Berger,

*Alternate Designated Federal Officer, Office of HIV/AIDS and Infectious Disease Policy,
Tick-Borne Disease Working Group.*

[FR Doc. 2018-08786 Filed 4-25-18; 8:45 am]

BILLING CODE 4150-28-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty Global Brain Disorders 3.

Date: April 20–25, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, nadis@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty Global Brain Disorders 2.

Date: April 20–25, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, nadis@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 20, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08721 Filed 4–25–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: May 24, 2018.

Open: May 24, 2018, 8:00 a.m. to 2:30 p.m.

Agenda: Report by the Director, NINDS; Report by the Director, Division of Extramural Activities; Administrative and Program Developments; and Overview of the NINDS Intramural Program.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: May 24, 2018, 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Closed: May 24, 2018, 4:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate the Division of Intramural Research Board of Scientific Counselors' Reports.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Robert Finkelstein, Ph.D., Director, Division of Extramural Activities, National Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892, (301) 496–9248.

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 into Federal buildings. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.ninds.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: April 20, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08717 Filed 4–25–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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

Name of Committee: National Advisory Council for Complementary and Integrative Health.

Date: June 1, 2018.

Closed: 8:30 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Open: 10:15 a.m. to 3:30 p.m.

Agenda: A report from the Institute Acting Director and Other Staff.

Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Partap Singh Khalsa, Ph.D., DC, Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, NIH, National Institutes of Health, 6707

Democracy Blvd., Ste. 401, Bethesda, MD 20892-5475, (301) 594-3462, khsap@mail.nih.gov.

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

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

Information is also available on the Institute's/Center's home page: <https://nccih.nih.gov/about/naccih/>, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Integrative Health, National Institutes of Health, HHS)

Dated: April 20, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-08719 Filed 4-25-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

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

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

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Brain Initiative—Exploratory Research U01 Review.

Date: May 21–22, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Alexandrian, 480 King Street, Alexandria, VA 22314.

Contact Person: Ernest W Lyons, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529 (301) 496-4045 lyonse@ninds.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 20, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-08718 Filed 4-25-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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

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

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-18-413: Mechanistic Basis of Diffuse White Matter Disease and Small Vessel Pathology in Vascular Contributions to Cognitive Impairment and Dementia (VCID).

Date: May 22, 2018.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301-537-9986, macarthurlh@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-MH-18-600: Development and Validation of Technologies for Rapid Isolation and Characterization of Extracellular Vesicles of Central Nervous System Origin.

Date: May 23, 2018.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7850, Bethesda, MD 20892, 301-435-1203, laurent.taupenot@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 20, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-08720 Filed 4-25-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG-2018-0193]

Polar Icebreaker Program; Preparation of Environmental Impact Statement

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS); notice of public meeting; and request for comments.

SUMMARY: The U.S. Coast Guard, as lead agency, is providing notice of their intent to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for the Polar Icebreaker Program's design and build of up to six polar icebreakers (PIB). Notice is hereby given that the public scoping process has begun for the preparation of an EIS that will address the impacts and alternatives of the Proposed Action. The purpose of the scoping process is to solicit public comments regarding the range of issues, including potential environmental impacts and alternatives that should be addressed in the EIS. This notice also notifies the public that the U.S. Coast Guard intends to hold public meetings to discuss potential issues, concerns and reasonable alternatives that should be considered in the EIS. Following the scoping meetings and comment period, a Draft EIS will be prepared and ultimately circulated for public comment.

DATES: Comments and related material must be received by the U.S. Coast

Guard on or before June 25, 2018. The public meetings will be held in May 2018 in Anchorage, Utqiagvik (Barrow), Nome, and Kotzebue. The exact days and times of the public meetings will be announced through notice in the local papers (The Arctic Sounder, The Anchorage Daily News, and The Nome Nugget) and online at <http://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Acquisitions-CG-9/Programs/Surface-Programs/Polar-Icebreaker/>.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0193 using the Federal portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. Written comments and related material may also be submitted to U.S. Coast Guard personnel specified at the public meetings.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of intent, email Mr. Ahmed Majumder, Deputy Program Manager, Polar Icebreaker Program, U.S. Coast Guard; email PIBEnvironment@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
CGC Coast Guard Cutter
EIS Environmental Impact Statement
FR Federal Register
NEPA National Environmental Policy Act
PIBs Polar Icebreakers
U.S.C. United States Code

II. Background and Purpose

The U.S. Coast Guard’s current fleet of PIBs consists of two heavy icebreakers, Coast Guard Cutter (CGC) POLAR STAR and CGC POLAR SEA, and one medium icebreaker, CGC HEALY. The U.S. Coast Guard’s heavy icebreakers have both exceeded their designed 30 year service life. CGC POLAR STAR was commissioned in 1976 and CGC POLAR SEA in 1978. CGC POLAR STAR began reactivation in 2010 and completed a service life extension in 2013 to allow CGC POLAR STAR to operate for an additional seven to ten years. CGC POLAR SEA has remained out of service since 2010 and is not expected to be reactivated. The current PIB program acquisition strategy is approved to construct up to three heavy PIBs and may (at a future date) potentially expand to include up to three medium icebreakers, with planned service design lives of 30 years each. The first of these new PIBs is expected to be delivered in 2023. Because the first new PIB would not be operational in the Polar Regions

until at least 2023, new information may become available after the completion of this EIS. In that case, supplemental NEPA documentation may, as appropriate, be prepared in support of individual proposed actions. Examples of new information may include, but are not limited to, changes to a species listing status or any other applicable laws and directives, and information regarding mission, training, homeporting, maintenance, and eventual decommissioning of the new PIBs.

A new PIB would be designed to carry out the U.S. Coast Guard’s primary missions supported by the current polar icebreaker fleet. Expected missions include Ice Operations, Defense Readiness, Aids to Navigation, Living Marine Resources, Marine Safety, Marine Environmental Protection, Other Law Enforcement, Ports, Waterways, and Coastal Security, and Search and Rescue.

In executing its various missions, the U.S. Coast Guard protects the public, the environment, and U.S. economic and security interests in any maritime region, including international waters and the Nation’s coasts, ports, and inland waterways, as required to support national security. Legislation and Executive orders assign the U.S. Coast Guard a wide range of responsibilities applicable to Polar regions. The U.S. Coast Guard derives its authority for the use of icebreaking from several statutes governing execution of its missions. These include 14 U.S.C. 81 (Coast Guard establishment, maintenance, and operation of aids to navigation), 14 U.S.C. 88 (Coast Guard saving of life and property), 14 U.S.C. 89 (Coast Guard law enforcement), 14 U.S.C. 90 (Arctic maritime transportation), 14 U.S.C. 91 (controlling anchorage and movement of vessels), 14 U.S.C. 94 (conduct oceanographic research), and 14 U.S.C. 141 (cooperation with agencies, States, territories, and others). In addition, Executive Order 7521 (Use of Vessels for Icebreaking in Channels and Harbors), 1 FR 2184, Dec. 24, 1936, directs the U.S. Coast Guard to assist in keeping channels and harbors open to navigation by means of icebreaking operations.

The U.S. Coast Guard proposes to conduct polar icebreaker operations and training exercises to meet Coast Guard mission responsibilities in the U.S. Arctic and Antarctic regions of operation, in addition to vessel performance testing post-dry dock in the Pacific Northwest near the probable polar icebreaker homeport of Seattle, Washington (the exact location for homeporting has not been determined,

but the current fleet of polar icebreakers is homeported in Seattle, Washington).

Polar regions are becoming increasingly important to U.S. national interests. The changing environment in these regions could lead to a rise in human activity and increased commercial ship, cruise ship, and naval surface ship operations, as well as increased exploration for oil and other resources, particularly in the Arctic. One of the U.S. Coast Guard’s highest priorities is safety of life at sea. This entails the arctic responsibilities described above as well as assisting with McMurdo Station; Antarctica Logistics. Long term-projected increases in U.S. Coast Guard mission demand in the Polar Regions would require additional support from PIBs. A lack of infrastructure, polar environmental conditions, distance between operating areas and support bases, all influence the U.S. Coast Guard’s ability to provide comparable service and presence provided in other non-polar areas of operation with existing Coast Guard assets.

Although the total number of new PIBs is subject to change, no more than six are proposed or anticipated, and therefore, the EIS will analyze the potential impacts of the range of up to six new PIBs, as this will be the highest number projected to be operational in the Polar Regions. Fewer than six new PIBs is also possible, but the analysis will cover impacts of fewer vessels and it is expected that fewer icebreakers will result in either similar impacts or some combination that should result in fewer impacts than what will be discussed and evaluated in the EIS. Potential environmental stressors include acoustic (underwater acoustic transmissions, vessel noise, icebreaking noise, aircraft noise, and gunnery noise), and physical (vessel movement, aircraft or in-air device movement, in-water device movement, icebreaking, and marine expended materials).

III. Scoping Process

The U.S. Coast Guard intends to follow the Council on Environmental Quality (CEQ) regulations implementing the NEPA (40 CFR 1500 *et seq.*) by scoping through public comment and public meetings. Scoping, which is integral to the process for implementing NEPA, provides a process to ensure that (1) issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft EIS is thorough and balanced; and (4) delays caused by an inadequate EIS are avoided.

Public scoping is a process for determining the scope of issues to be addressed in this EIS and for identifying the issues related to the proposed action that may have a significant effect on the project environment. The scoping process begins with publication of this notice and ends after the U.S. Coast Guard has:

- Invited the participation of Federal, State, and local agencies, any affected Indian tribe, and other interested persons;

- Consulted with affected Federally Recognized Tribes on a government-to-government basis, and with affected Alaska Native corporations, in accordance with Executive Order 13175 and other policies. Native concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given appropriate consideration;

- Requested the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the United States Army Corps of Engineers to serve as cooperating agencies in the preparation of this EIS. With this Notice of Intent, we are asking Federal, State, and local agencies with jurisdiction or special expertise with respect to environmental issues in the project area, in addition to those we have already contacted, to formally cooperate with us in the preparation of this EIS;

- Determined the scope and the issues to be analyzed in depth in the EIS;

- Allocated responsibility for preparing the EIS components;

- Indicated any related environmental assessments or environmental impact statements that are not part of this EIS;

- Identified other relevant environmental review and consultation requirements, such as Coastal Zone Management Act consistency determinations, and threatened and endangered species and habitat impacts;

- Indicated the relationship between timing of the environmental review and other aspects of the application process; and

- Exercised our option under 40 CFR 1501.7(b) to hold the public scoping meeting announced in this notice.

Once the scoping process is complete, the U.S. Coast Guard will prepare a draft EIS, and will publish a **Federal Register** notice announcing its public availability. We will provide the public with an opportunity to review and comment on the draft EIS. Comments received during the draft EIS review period will be available in the public docket and made available in the final EIS. After the U.S. Coast Guard

considers those comments, we will prepare the final EIS and similarly announce its availability and solicit public review and comment.

IV. Information Requested

We are seeking comments on the potential environmental impacts that may result from the development, building, testing, and operation of up to three heavy polar icebreakers and potentially three medium icebreakers to help in the development of an EIS. NEPA requires Federal agencies to consider environmental impacts that may result from a proposed action, to inform the public of potential impacts and alternatives, and to facilitate public involvement in the assessment process. An EIS would include, among other matters, discussions of the purpose and need for the proposed action, a description of alternatives, a description of the affected environment, and an evaluation of the environmental impacts of the proposed action and alternatives.

As required by the NEPA, the U.S. Coast Guard also will analyze the No Action Alternative as a baseline for comparing the impacts of the proposed action. For the purposes of this proposed action, the No Action Alternative is defined as not approving the design and build of new polar icebreakers. The U.S. Coast Guard encourages public participation in the EIS process. The scoping period will begin upon publication of this notice in the **Federal Register** and continue for a period of sixty (60) days. As part of the scoping process, and as authorized by 40 CFR 1508.22(b)(4), the U.S. Coast Guard will hold a public scoping meeting and informational open house in Anchorage, Utqiagvik (Barrow), Nome, and Kotzebue, Alaska in May 2018. Public comments will be accepted at those meetings and can also be submitted to the docket, as previously described under **ADDRESSES**.

V. Public Participation and Request for Comments

Pursuant to the CEQ regulations, the U.S. Coast Guard invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

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

number for this notice of intent and provide a reason for each suggestion or recommendation.

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

Documents mentioned in this notice of intent as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions.

We plan to hold public meetings in Anchorage, Utqiagvik (Barrow), Nome, and Kotzebue to receive oral comments on this notice of intent. The dates, times, and locations of the public meetings will be announced in the local papers (The Arctic Sounder, The Anchorage Daily News, and The Nome Nugget) and online at <http://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Acquisitions-CG-9/Programs/Surface-Programs/Polar-Icebreaker/>. If special assistance is required to attend the meetings, such as sign language interpretation or other reasonable accommodations, contact the U.S. Coast Guard as indicated in **FOR FURTHER INFORMATION CONTACT**.

Dated: April 23, 2018.

Ahmedur Majumder,

Deputy Program Manager, Polar Icebreaker Program, United States Coast Guard.

[FR Doc. 2018-08795 Filed 4-25-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Axion Series Led Video Display Cabinets

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of Axion series LED video display cabinets. Based upon the facts presented, CBP has concluded in the final determination that Taiwan is the country of origin of the Axion series LED video display cabinets for purposes of U.S. Government procurement.

DATES: The final determination was issued on April 19, 2018. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Cynthia Reese, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202–325–0046).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 19, 2018, CBP issued a final determination concerning the country of origin of Axion series LED video display cabinets which may be offered to the United States Government under an undesignated government procurement contract. This final determination, HQ H292849, was issued at the request of Vanguard LED Displays, Inc., under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511–18). In the final determination, CBP has concluded that, based upon the facts presented, the assembly of imported components does not substantially transform the components into a product of the United States, and therefore, the assembled Axion series LED video display cabinets derive their origin from the imported components, nearly all of which originate in Taiwan. Therefore, Taiwan is the country of origin of the Axion series LED video display cabinets for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR § 177.29), provides that notice of final determinations shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: April 19, 2018.

Alice A. Kipel,

*Executive Director, Regulations and Rulings,
Office of Trade.*

HQ H292849

April 19, 2018

OT:RR:CTF:VS H292849 CMR

CATEGORY: Origin

Frank S. Murray, Esq.

Foley & Lardner LLP

Washington Harbour

3000 K Street, NW

Suite 600

Washington, DC 20007

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); subpart B, Part 177, CBP Regulations; Light Emitting Diode video display cabinets

Dear Mr. Murray:

This is in response to your request of December 15, 2017, on behalf of your client, Vanguard LED Displays, Inc. (hereinafter, Vanguard), requesting a final determination concerning Light Emitting Diode (LED) video display cabinets for purposes of government procurement under Title III of the Trade Agreements Act of 1979 (TAA), as amended (19 U.S.C. § 2511 *et seq.*). Vanguard is a party-at-interest within the meaning of 19 CFR § 177.22(d)(1) and (d)(2), and is entitled to request this final determination under 19 CFR § 177.23(a) and (b).

FACTS:

Vanguard seeks a country of origin determination regarding its Axion series LED video display cabinets, model numbers P1 through P2.5. The video display cabinets are of a uniform size, 640 mm by 360 mm. There are 11 different models offering different degrees of “pixel pitch.” This request is limited to the first nine models in the series, *i.e.*, P1, P1.2, P1.3, P1.4, P1.5, P1.6, P1.8, P2, P2.5.

You explain that:

The Axion series LED video display cabinets receive electronic signals and convert those signals into images that are displayed via the LEDs on the face of the cabinet. They are used by customers to display video images. The Axion series LED video cabinets can be used on a stand-alone basis, but are more commonly attached to other cabinets to create a much larger video screen, such as for the presentation of video images to large audiences.

Vanguard manufactures, sells and distributes LED video display cabinets for both indoor and outdoor use. With regard to the Axion series LED video display cabinets at issue, Vanguard imports the components of the video display cabinets and assembles the cabinets from the imported components at their facility in Lakeland, Florida. You indicate that the components of the Axion series LED video display cabinets (some of which are imported with pre-packaged screws for use in assembling the components to the display cabinet) are:

LED Modules—Manufactured in Taiwan. Each cabinet includes eight LED modules. Each LED module is composed of two subcomponents—LEDs and LED display drivers. These subcomponents are manufactured in

Taiwan. The quantity of LEDs and LED display drivers in each LED module depends upon the desired pixel pitch of the video display.

Receiving Card—Manufactured in China.

Printed Circuit Board (PCB)—Manufactured in Taiwan.

Hub Card—Manufactured in Taiwan.

Power Supply—Manufactured in Taiwan.

Cabinet—Manufactured in China.

You indicate that the LED modules are specifically designed to be used in a particular LED video display, based upon the desired pixel pitch and the size of the cabinet, as ordered by a customer. The PCB is custom-made to meet the criteria specifically requested. While a particular PCB board could theoretically be used in another LED video display, it could not be used in other types of LED goods. The hub card is designed to specifically handle the particular receiving card designed to be used in the specific LED video display as ordered by the customer. In theory, it could be used in a different LED video display, but it could not be used in other types of LED goods. Similarly, the receiving card, power supply, and cabinet can be used in other LED video displays, but cannot be used in other types of LED goods.

You state that the LEDs constitute the majority of the component costs of the video display cabinets. You describe the function of the LEDs as “a type of semiconductor that conveys electronic signals into infrared-rays or light.” The LED display driver is described as “an integrated circuit that provides the circuitry necessary to interface most common microprocessors or digital systems to an LED display. [It] is an electrical device that regulates the power to an LED or a string (or strings) of LEDs.” The receiving card “reads the program commands from the sending card or the computer transmitting the signals regulating the brightness/chromaticity of the LEDs.” The PCB “mechanically and electrically connects electronic components.” Vanguard receives the PCB with the hub card integrated onto the PCB. The hub card “sends power to the LED modules, as well as instructions/information from the receiving card. The LED modules and the receiving card are attached to the PCB by Vanguard. The power supply component receives electrical power from an external source and provides power to the electrical components of the LED video cabinet. Finally, the cabinet, a die-cast aluminum cabinet, provides the structure into which the other

components are installed to create a video display cabinet.

You describe the assembly process in the United States as follows:

1. Attaching and affixing (via screws) the power cable to the cabinet frame.

2. Affixing the power supply to its mount via screws and connecting the power cable to the power supply's adapter.

3. Placing the integrated PCB/hub card assembly on top of the previously attached components, centered in the cabinet, and affixing the PCB/hub card assembly (via screws) to the power supply.

4. Affixing the integrated PCB/hub assembly (via screws) to the cabinet.

5. Affixing the receiving card to the integrated PCB/hub card assembly via a notch in the hub card. (The hub card . . . has a notch into which the receiving card is to be installed.)

6. Installing each of the eight magnetized LED modules into the cabinet by attaching them to their respective data/power slots in the integrated PCB/hub card assembly.

After the video display cabinets are assembled, Vanguard tests them to ensure they function properly. Then, the video display cabinets are packaged for shipment to customers. You indicate that the processing in the United States, including the assembly, testing, and packaging generally requires no more than a day to complete, with the testing and packaging taking more time than the assembly.

You submit that the manufacturing processes which occur in Taiwan to create the Taiwanese components of the video display cabinet are more complex than the assembly process which occurs in the United States or the manufacturing processes which occur in China to create the two components of Chinese origin utilized in the assembly of the finished video display cabinets. In addition, you indicate that the collective value of the Taiwanese-manufactured components is overwhelmingly the majority of the component costs of the completed video display cabinets. Thus, you submit that the country of origin of the finished video display cabinets is Taiwan.

ISSUE:

What is the country of origin of the Axion series LED video display cabinets described herein for U.S. government procurement purposes?

LAW AND ANALYSIS:

U.S. Customs and Border Protection (CBP) issues country of origin advisory rulings and final determinations as to whether an article is or would be a

product of a designated country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III, Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–2518).

The rule of origin set forth in 19 U.S.C. 2518(4)(B) states:

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define "U.S.-made end product" as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

The regulations define a "designated country end product" as:

WTO GPA [World Trade Organization Government Procurement Agreement] country end product, an FTA [Free Trade Agreement] country end product, a least developed country end product, or a Caribbean Basin country end product.

A "WTO GPA country end product" is defined as an article that:

(1) Is wholly the growth, product, or manufacture of a WTO GPA country; or

(2) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in a WTO GPA country into a new and different article of commerce with a name, character, or use distinct from that of

the article or articles from which it was transformed. The term refers to a product offered for purchase under a supply contract, but for purposes of calculating the value of the end product includes services (except transportation services) incidental to the article, provided that the value of those incidental services does not exceed that of the article itself.

See 48 CFR 25.003.

Taiwan is a WTO GPA country; China is not.

In the Court of International Trade's decision in *Energizer Battery, Inc. v. United States*, 190 F. Supp. 3d 1308 (2016), the court interpreted the meaning of "substantial transformation" as used in the Trade Agreements Act of 1979 for purposes of government procurement. *Energizer* involved the determination of the country of origin of a flashlight, referred to as the Generation II flashlight, under the TAA. Other than a white LED and a hydrogen getter, all of the components of the Generation II flashlight were of Chinese origin. The components were imported into the United States where they were assembled into the finished Generation II flashlight.

The court reviewed the "name, character and use" test in determining whether a substantial transformation had occurred, and reviewed various court decisions involving substantial transformation determinations. The court noted, citing *Uniroyal, Inc. v. United States*, 3 CIT 220, 226, 542 F. Supp. 1026, 1031, *aff'd*, 702 F.2d 1022 (Fed. Cir. 1983), that when "the post-importation processing consists of assembly, courts have been reluctant to find a change in character, particularly when the imported articles do not undergo a physical change." *Energizer* at 1318. In addition, the court noted that "when the end-use was pre-determined at the time of importation, courts have generally not found a change in use." *Energizer* at 1319, citing as an example, *National Hand Tool Corp. v. United States*, 16 CIT 308, 310, *aff'd* 989 F.2d 1201 (Fed. Cir. 1993). Furthermore, courts have considered the nature of the assembly, *i.e.*, whether it is a simple assembly or more complex, such that individual parts lose their separate identities and become integral parts of a new article.

In reaching its decision in *Energizer*, the court expressed the question as one of whether the imported components retained their names after they were assembled into the finished Generation II flashlights. The court found "[t]he constitutive components of the Generation II flashlight do not lose their

individual names as a result [of] the post-importation assembly.” The court also found that the components had a pre-determined end-use as parts and components of a Generation II flashlight at the time of importation and did not undergo a change in use due to the post-importation assembly process. Finally, the court did not find the assembly process to be sufficiently complex as to constitute a substantial transformation. Thus, the court found that Energizer’s imported components did not undergo a change in name, character, or use as a result of the post-importation assembly of the components into a finished Generation II flashlight. The court determined that China, the source of all but two components, was the correct country of origin of the finished Generation II flashlights under the government procurement provisions of the TAA.

The production process of the Axion series LED video display cabinets is similar to that of the Generation II flashlight in *Energizer*. All but two components are sourced from Taiwan. The post-importation assembly process involves manual assembly of components that are dedicated for use as components of the LED video display cabinets. The individual components do not lose their separate identities as a result of the assembly process and do not undergo a change in their pre-determined uses. The assembly process, while more time consuming than that in *Energizer*, is not sufficiently complex as to amount to a substantial transformation of the imported components. Considering the totality of the information provided to CBP, and relying upon the court’s application of substantial transformation in *Energizer*, we find that the country of origin of the assembled Axion series LED video display cabinets, produced as described herein, is Taiwan.

HOLDING:

Based on the information provided, and the analysis set forth above, the imported components of the Axion series LED video display cabinets are not substantially transformed as a result of their assembly in the United States. Therefore, the country of origin of the assembled Axion series LED video display cabinets at issue, is Taiwan, the country where all of the components of the Axion series LED video display cabinets, except two, are made.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that

CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days after publication of the **Federal Register** notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel,

*Executive Director Regulations and Rulings
Office of Trade.*

[FR Doc. 2018-08811 Filed 4-25-18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA-2018-0014; OMB No. 1660-0073]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Urban Search and Rescue Response System

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Urban Search and Rescue Response System information collection.

DATES: Comments must be submitted on or before June 25, 2018.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at www.regulations.gov under Docket ID FEMA-2018-0014. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472-3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking

Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Wanda Casey, Chief, Program Management Section, US&R Branch, FEMA, Response Directorate, Operations Division, at (202) 646-4013. You may contact the Information Management Division for copies of the proposed collection of information at email address: FEMA-Information-Collections-Management@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: Section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5144, authorizes the President of the United States to form emergency support teams of Federal personnel to be deployed to an area affected by major disaster or emergency. Section 403(a)(3)(B) of the Stafford Act provides that the President may authorize Federal Agencies to perform work on public or private lands essential to save lives and protect property, including search and rescue and emergency medical care, and other essential needs. Section 327 of the Stafford Act further authorizes the National US&R Response System (“the System”) and outlines the Administrator’s authorization to designate teams as well as outlines specific protections for System members.

The information collection activity authorized under the OMB circular, 2 CFR part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements, for Federal Awards.” The collection contains information from the programmatic and administrative activities of the US&R Sponsoring Agencies relating to the readiness and response cooperative agreement awards.

Collection of Information

Title: National Urban Search and Rescue Response System.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660-0073.

FEMA Forms: FEMA Form 089-0-10, Urban Search Rescue Response System Narrative Statement Workbook; FEMA Form 089-0-11, Urban Search Rescue Response System Semi-Annual Performance Report; FEMA Form 089-0-12, Urban Search Rescue Response

System Amendment Form; FEMA Form 089–0–14, Urban Search Rescue Response System Task Force Self-Evaluation Scoresheet; FEMA Form 089–0–15, Urban Search Rescue Response System Task Force Deployment Data; FEMA Form 089–0–26, Vehicle Support Unit Purchase/Replacement/Disposal Justification.

Abstract: The information collection activity is the collection of financial, program and administrative information for US&R Sponsoring Agencies relating to readiness and response for Cooperative Agreement awards.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 28.

Estimated Number of Responses: 210.

Estimated Total Annual Burden Hours: 392.

Estimated Total Annual Respondent Cost: \$20,654.48.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$121,403.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Dated: April 12, 2018.

Rachel Frier,

Records Management Branch Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.
[FR Doc. 2018–08804 Filed 4–25–18; 8:45 am]

BILLING CODE 9111–54–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–15]

30-Day Notice of Proposed Information Collection: Use Restriction Agreement Monitoring and Compliance

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* May 29, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: OIRA.Submission@omb.eop.gov

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Inez.C.Downs@hud.gov, or telephone 202–402–8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 7, 2018 at 83 FR 5456.

A. Overview of Information Collection

Title of Information Collection: Use Restriction Agreement Monitoring and Compliance.

OMB Approved Number: 2502–0577.
Type of Request: Extension of currently approved collection.

Form Number: HUD–90075.

Description of the need for the information and proposed use: This information is necessary for HUD to

ensure that owners of certain multifamily housing projects comply with use restriction requirements after the mortgage agreement has terminated. This information is also used to monitor owner compliance with unique provisions of the Use Agreement contract.

Respondents: (i.e. affected public): Non-profit institutions; owners prepaying HUD insured loans.

Estimated Number of Respondents: 659.

Estimated Number of Responses: 200.

Frequency of Response: Annually.

Average Hours per Response: 2 hours.

Total Estimated Burdens: 400 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 13, 2018.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–08781 Filed 4–25–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–19]

30-Day Notice of Proposed Information Collection: 24 CFR Part 50—Protection and Enhancement of Environmental Quality

AGENCY: Office of the Chief Information Officer, 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 30 days of public comment.

DATES: *Comments Due Date:* May 29, 2018

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA.Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at Anna.P.Guido@hud.gov or telephone 202-402-5535. This is not a toll-free number. Person with hearing or speech impairments may access this

number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 28, 2018 at 83 FR 8693.

A. Overview of Information Collection

Title of Information Collection: 24 CFR part 50—Protection and Enhancement of Environmental Quality.

OMB Approval Number: 2506-0177.

Type of Request: Extension of currently approved collection.

Form Number: N/A.

Description of the Need for the Information and Proposed Use: HUD requests its applicants to supply environmental information that is not otherwise available to HUD staff for the environmental review on an applicant's proposal for HUD financial assistance to develop or improve housing or

community facilities. HUD itself must perform an environmental review for the purpose of compliance with its environmental regulations found at 24 CFR part 50, Protection and Enhancement of Environmental Quality. Part 50 implements the National Environmental Policy Act and implementing procedures of the Council on Environmental Quality, as well as the related federal environmental laws and executive orders. HUD's agency-wide provisions—24 CFR 50.3(h)(1) and 50.32—regulate how individual HUD program staffs are to utilize such collected data when HUD itself prepares the environmental review and compliance. Separately, individual HUD programs each have their own regulations and guidance implementing environmental and related collection responsibilities. For the next three years, this approved collection will continue unchanged under this OMB control number to assure adequate coverage for all HUD programs subject to Part 50.

Respondents (i.e. affected public): Businesses, not-for-profit institutions, and local governments receiving HUD funding.

ESTIMATED NUMBER OF RESPONDENTS/ESTIMATED NUMBER OF RESPONSES

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|------------------------|-----------------------|-----------------------|---------------------|--------------------------|---------------------|--------------------------|--------------|
| Total | 1,800.00 | 1.00 | 1,800.00 | 3.00 | 5,400.00 | \$ 40.74 | \$219,996.00 |

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 20, 2018.

Anna P. Guido,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2018-08780 Filed 4-25-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7001-N-16]

30-Day Notice of Proposed Information Collection: Multifamily Insurance Benefits Claims Package

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose

of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* May 29, 2018

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA.Submission@omb.eop.gov

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Inez.C.Downs@hud.gov, or telephone 202-402-8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 24, 2018 at 83 FR 3364.

A. Overview of Information Collection

Title of Information Collection: Multifamily Insurance Benefits Claims Package.

OMB Approved Number: 2502-0418.

Type of Request: Revision of currently approved collection.

Form Number: HUD-2741, HUD-2742, HUD-2744-A, HUD-2744-B, HUD-2744-C, HUD-2744-D, HUD-2744-E, HUD-434, HUD-1044-D.

Description of the Need for the Information and Proposed Use: A lender with an insured multifamily mortgage pays an annual insurance premium to the Department. When and if the mortgage goes into default; the lender may elect to file a claim for FHA multifamily insurance benefits with the Department. HUD needs this information to determine if FHA multifamily insurance claims submitted to HUD are accurate, valid and support payment of an FHA multifamily insurance claim.

Respondents (i.e. affected public): Business or other for-profit entities, nonprofit entities, and government agencies.

Estimated Number of Respondents: 110.

Estimated Number of Responses: 110.

Frequency of Response: 1.

Average Hours per Response: 4.25.

Total Estimated Burden: 467.50.

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 18, 2018.

Inez C. Downs,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2018-08778 Filed 4-25-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7001-N-18]

30-Day Notice of Proposed Information Collection: Evaluation of the HUD Youth Homelessness Demonstration Project Evaluation

AGENCY: Office of the Chief Information Officer, 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 30 days of public comment.

DATES: *Comments Due Date:* May 29, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: OIRA.Submission@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at Anna.P.Guido@hud.gov or telephone 202-402-5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 1, 2017 at 82 FR 41635.

A. Overview of Information Collection

Title of Information Collection:

Evaluation of the HUD Youth Homelessness Demonstration Project Evaluation.

OMB Approval Number: 2528—New.

Type of Request: New collection.

Form Number: N/A.

Description of the need for the information and proposed use: The purpose of the Youth Homelessness Demonstration Project Evaluation (YHDE), by the Office of Policy Development and Research, at the U.S. Department of Housing and Urban Development (HUD), is to assess the progress and results of the 2017 YHDP grantee communities in developing and executing a coordinated community approach to preventing and ending youth homelessness. YHDP grant funds help communities to work with youth advisory boards, child welfare agencies, and other community partners to create comprehensive community plans to end youth homelessness; these comprehensive plans are a major focus for the grantees in the first grant year. The grant funding is used for a variety of housing options, including rapid rehousing, permanent supportive housing, and transitional housing, as well as innovative programs. YHDP also will support youth-focused performance measurement and coordinated entry systems. In order to obtain a clear picture of YHDP grant activities, this longitudinal, multi-level evaluation will measure activities and progress of grantees essential to building and sustaining effective community change.

Data collection will occur during two evaluation components with each component including data collection activities and analyses. These components include two waves of a web-based survey of Continuums of Care, and site visits with each demonstration community and the three selected comparison sites.

Component one, a web-based survey of Continuums of Care (CoCs) in the U.S. will be administered twice, in Years 1 and 4 of the evaluation, to all CoC program directors across the country excluding the 10 YHDP grantees and three comparison communities, for a total of 400 survey participants each

wave. These data will provide an understanding of system developments occurring across the country and provide a comparative basis for understanding the demonstration communities. The survey will ask questions about the nature and capacity of the prevention and crisis approaches in place, the housing and service solutions, and the strategies for screening and assessing youth. It will focus on understanding the coordination and collaboration between the homeless assistance system and mainstream service systems, as well as whether and how the system prioritizes and coordinates referrals to the different programs.

The second data collection component is comprised of site visits which will be conducted with each demonstration community and the three comparison non-grantee CoCs. The site visits will include interviews with key informants, with project technical assistance (TA) providers, and youth, as well as focus groups with different subgroups of youth. The site visit guide will describe data collection procedures to be followed to ensure rigor and consistency across site visit teams. The first site visit will be conducted as soon as OMB approval is received to collect information while grantees are developing their coordinated community plans. The second site visit

will be conducted in early 2019 to explore how the plans are being implemented, as well as barriers to or facilitators of change. The third and final site visits will be scheduled after community plans have been in effect for at least one year (mid-2020).

Respondents: Continuum of Care Lead Agency contacts, key community partners, TA provider staff and youth with interaction with CoCs.

Estimated total number of hours needed to prepare the information collection including number of respondents, frequency of response, hours of response, and cost of response time:

EXHIBIT 2—ESTIMATED HOUR AND COST BURDEN OF INFORMATION COLLECTION

| Information collection | Number of respondents | Frequency of response (per annum) | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|--|-----------------------|-----------------------------------|---------------------|--------------------------|---------------------|--------------------------|-----------------|
| Continuum of Care (CoC) Web Survey (CoC Program Directors) | 400.00 | 0.50 | 200.00 | 0.50 | 100.00 | \$31.10 | \$3,110.00 |
| Lead Agencies Interview | 26.00 | 0.75 | 19.50 | 2.00 | 39.00 | 20.73 | 808.47 |
| Service Provider Interview | 78.00 | 0.75 | 58.50 | 1.00 | 58.50 | 20.73 | 1,212.71 |
| Local Government Agency Staff Interview | 26.00 | 0.75 | 19.50 | 0.80 | 15.60 | 23.39 | 364.88 |
| TA Providers Interview | 10.00 | 0.75 | 7.50 | 1.00 | 7.50 | 20.73 | 155.48 |
| Youth Board Member Interviews | 26.00 | 0.75 | 19.50 | 1.00 | 19.50 | 7.25 | 141.38 |
| Youth Focus Groups | 468.00 | 0.75 | 351.00 | 1.50 | 526.50 | 7.25 | 3,817.13 |
| Total | 1,034.00 | | 675.50 | | 766.60 | | 9,610.05 |

EXHIBIT 3—ESTIMATED HOUR BURDEN OF INFORMATION COLLECTION CALCULATION BASIS

| Information collection | Number of respondents | Frequency of response | Responses per annum |
|--|-------------------------------|-----------------------|---------------------|
| CoC Program Directors | 400 | 2 | (400 × 2)/4 = 200 |
| Lead Agencies | 2/site, 13 sites = 26 | 3 | (26 × 3)/4 = 20 |
| Service Providers | 6/site, 13 sites = 78 | 3 | (78 × 3)/4 = 59 |
| Local Government Agencies | 2/site, 13 sites = 26 | 3 | (26 × 3)/4 = 20 |
| TA Providers Interview | 10 | 3 | (10 × 3)/4 = 8 |
| Youth Board Members (Interviews) | 2/site, 13 sites = 26 | 3 | (26 × 3)/4 = 20 |
| Youth Focus Groups | 36/site, 13 sites = 468 | 3 | (468 × 3)/4 = 351 |
| Total | 1,034.00 | | 678.00 |

As summarized below, we estimated the hourly cost per response using the May 2016 Bureau of Labor Statistics, Occupational Employment Statistics median hourly wages for the labor categories, Social and Community Services Manager (11–9151, \$31.10) and

Social and Community Services Specialist, All Other (21–1099, \$20.73). We used the Social and Community Services Manager rate for the CoC Program Directors and Program Administrators. We used the Social and Community Services Specialist, All Other rate for

YHDP grantee staff, service providers, and TA providers. For the government workers, we used an average of state and local Social and Community Services Specialist, All Other (21–2099, \$23.39). The youth hourly wage is based on the federal minimum wage of \$7.25/hour.

| Respondent | Occupation | SOC code | Median hourly wage |
|---------------------------------|--|----------|--------------------------------------|
| CoC Program Directors | Social and Community Services Manager | 11–9151 | \$31.10. |
| Lead Agencies | Social and Community Services Specialist, All Others | 21–1099 | \$20.73. |
| Service Providers | Social and Community Services Specialist, All Others | 21–1099 | \$20.73. |
| Local Government Agencies | Social and Community Services Specialist, All Others | 21–1099 | Average of state and local, \$23.39. |
| TA Providers | Social and Community Services Specialist, All Others | 21–1099 | \$20.73. |
| Youth | Federal minimum wage | | \$7.25. |

Source: Bureau of Labor Statistics, Occupational Employment Statistics (May 2016), <https://www.bls.gov/oes/current/oesrci.htm>.

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 19, 2018.

Anna P. Guido,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2018-08779 Filed 4-25-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R7-ES-2017-N181; FF07CMM00-FX-ES111607MRG01]

Marine Mammals; Letters of Authorization To Take Pacific Walrus and Polar Bears in the Beaufort and Chukchi Seas, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972, as amended, the U.S. Fish and Wildlife Service has issued Letters of Authorization for the nonlethal take of polar bears and Pacific walruses incidental to oil and gas industry exploration, development, and production activities in the Beaufort Sea and the adjacent northern coast of Alaska and incidental to oil and gas industry exploration activities in the Chukchi Sea and the adjacent western coast of Alaska. These Letters of Authorization stipulate conditions and methods that minimize impacts to polar bears and Pacific walruses from these activities.

ADDRESSES: These letters of authorization are available electronically at the following location: <http://www.fws.gov/alaska/fisheries/mmm/itr.htm>.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Putnam at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, MS 341, Anchorage, Alaska 99503; (800) 362-5148 or (907) 786-3844.

SUPPLEMENTARY INFORMATION: On August 5, 2016, the U.S. Fish and Wildlife Service published in the **Federal Register** a final rule (81 FR 52276) establishing regulations that allow us to authorize the nonlethal, incidental, unintentional take of small numbers of polar bears (*Ursus maritimus*) and Pacific walruses (*Odobenus rosmarus divergens*) during year-round oil and gas industry exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska. The rule established subpart J in part 18 of title 50 of the Code of Federal Regulations (CFR) and is effective through August 5, 2021. The rule prescribed a process under which we issue Letters of Authorization (LOAs) to applicants conducting activities as described under the provisions of the regulations. This rule replaced a similar rule, published on August 3, 2011 (76 FR 47010), which expired on August 3, 2016, and likewise prescribed a process under which we issued such LOAs.

Each LOA stipulates conditions or methods that are specific to the activity and location. Holders of LOAs must use methods and conduct activities in a manner that minimizes to the greatest extent practicable adverse impacts on Pacific walruses and polar bears and their habitat, and on the availability of these marine mammals for subsistence purposes. Intentional take and lethal incidental take are prohibited.

In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) and our regulations at 50 CFR part 18, subpart J, we issued LOAs to each of the following companies in the Beaufort Sea and adjacent northern coast of Alaska:

BEAUFORT SEA LETTERS OF AUTHORIZATION

| Company | Activity | Project | LOA No. |
|--|------------------------|---|----------------------------|
| Shell Exploration and Production Company, Inc. | Support services | Ice surveys and helicopter search and rescue training. | 15-01 |
| Brooks Range Petroleum Corporation .. | Development | 2015 Mustang Development Program .. | 15-02 |
| Global Geophysical Services, Inc | Exploration | Winter seismic work | 15-03 |
| Geokinetics, Inc | Exploration | Winter seismic work | 15-04 |
| Repsol E and P USA, Inc | Exploration | Exploration drilling in the Colville River Delta. | 15-05 |
| BP Exploration (Alaska), Inc | Exploration | Winter seismic work | 15-06 |
| ExxonMobil Development Company | Development | Point Thomson Project | 15-07, 16-06, 16-17 |
| Hilcorp Alaska, LLC | Exploration | Liberty Geotech and Shallow Hazard Survey. | 15-08 |
| Caelus Energy Alaska, LLC | Development | Nuna Project | 15-09, 16-01, 16-12, 17-06 |
| Olgoonik Specialty Contractors, LLC | Remediation | Point Lonely, Oliktok Point, and Bullen Point DEW line sites. | 15-10 |
| North Slope Borough | Production | Barrow pipeline upgrades | 15-12, 17-08 |
| ConocoPhillips Alaska, Inc | Exploration | Greater Moose's Tooth | 15-15 |
| ARSC Exploration, LLC | Exploration | Placer Unit exploratory drilling | 15-16 |
| Peak Oilfield Service Company, LLC ... | Support services | Transportation activities on the North Slope. | 15-17, 17-01 |
| SAExploration, Inc | Exploration | Aklag seismic surveys on Canning and Sag River. | 15-18, 16-03 |

BEAUFORT SEA LETTERS OF AUTHORIZATION—Continued

| Company | Activity | Project | LOA No. |
|---|-------------------|---|----------------|
| Caelus Energy Alaska, LLC | Exploration | Tulimaniq Exploration Program in Smith Bay. | 15–19, 16–09_a |
| Geokinetics, Inc | Exploration | “Great Bear” 3d seismic on North Slope. | 15–20 |
| Alaska Frontier Constructors, Inc | Development | Gravel removal in the Sag River | 15–21 |
| ExxonMobil Alaska, LNG, LLC | Exploration | Alaska LNG Project surveys | 16–02, 16–18 |
| Marsh Creek, LLC | Remediation | Legacy wells—Cape Simpson, Iko Bay, Barrow, and Avak. | 16–04, 16–21 |
| ENI U.S. Operating Company, Inc | Development | Nakaitchuq North at Spy Island | 16–05 |
| ConocoPhillips Alaska, Inc | Exploration | NPRA seismic exploration | 16–08 |
| ConocoPhillips Alaska, Inc | Exploration | Exploration drilling | 16–09_b, 17–10 |
| Fairweather, LLC | Exploration | Retrieval of mooring anchors in the Beaufort Sea. | 16–10 |
| Caelus Energy Alaska, LLC | Production | Oooguruk Project | 16–11 |
| ConocoPhillips Alaska, Inc | Production | CPAI North Slope Alpine and Kuparuk | 16–13 |
| BP Exploration (Alaska), Inc | Production | Prudhoe Bay | 16–14 |
| Savant Alaska, LLC | Production | Badami Project | 16–15 |
| Hilcorp Alaska, LLC | Production | Milne Point, Endicott, and Northstar Units. | 16–16 |
| Olgoonik Construction Services, LLC ... | Remediation | Barrow legacy wells | 16–19 |
| ConocoPhillips Alaska, Inc | Development | GMT–1 Construction | 16–20, 17–09 |
| Alyeska Pipeline Service Company | Production | TAPS activities | 16–22 |
| Armstrong Energy, LLC | Exploration | Colville River Delta drilling and geotech | 16–23 |
| BEM Systems, Incorporated | Remediation | Oliktok radar site | 17–03 |
| BEM Systems, Incorporated | Remediation | Bullen Pt. radar site | 17–04 |
| ConocoPhillips Alaska, Inc | Exploration | “Bear” Winter Seismic East of Colville River. | 17–05 |
| BP Exploration (Alaska), Inc | Exploration | 2017 Liberty Bathymetry Survey | 17–07 |

On June 12, 2013, we published in the **Federal Register** a final rule (78 FR 35364) establishing regulations that allow us to authorize the nonlethal, incidental, unintentional take of small numbers of polar bears and Pacific walrus during year-round oil and gas industry exploration activities in the

Chukchi Sea and adjacent western coast of Alaska. The rule established 50 CFR part 18 subpart I and is effective until June 11, 2018. The process under which we issue LOAs to applicants and the requirements that the holders of LOAs must follow is the same as described

above for LOAs issued under 50 CFR part 18, subpart J.

In accordance with section 101(a)(5)(A) of the MMPA and our regulations at 50 CFR 18, subpart I, we issued LOAs to the following companies in the Chukchi Sea:

CHUKCHI SEA LETTERS OF AUTHORIZATION

| Company | Activity | Project | LOA No. |
|--|------------------------|--|----------|
| Shell Exploration and Production Company, Inc. | Support services | 2015/2016 ice overflight surveys | 15–CS–01 |
| Shell Exploration and Production Company, Inc. | Exploration | Chukchi Sea exploration drilling | 15–CS–02 |
| Fairweather, LLC | Exploration | Retrieval of Shell’s mooring anchors in the Chukchi Sea. | 16–CS–01 |
| Olgoonik Fairweather, LLC | Exploration | Post Shell drillsite monitoring | 16–CS–02 |

Authority: We issue this notice under the authority of the MMPA (16 U.S.C. 1361 *et seq.*).

Dated: January 4, 2018.

Gregory E. Siekaniec,

Regional Director, Alaska Region.

Editorial note: This document was received for publication by the Office of the Federal Register on April 23, 2018.

[FR Doc. 2018–08759 Filed 4–25–18; 8:45 am]

BILLING CODE 433–15–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

**[FWS–R7–ES–2018–N010;
FXES111607MRG01–189–FF07CAMP00]**

Marine Mammals; Incidental Take During Specified Activities; Proposed Incidental Harassment Authorization for Northern Sea Otters in Cook Inlet, Alaska; Availability of Draft Environmental Assessment; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application; proposed incidental harassment authorization; availability of draft environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, in response to a request under the Marine Mammal Protection Act of 1972, as amended, from Hilcorp Alaska, LLC, propose to authorize nonlethal, incidental take by harassment of small numbers of northern sea otters between May 23, 2018, and September 30, 2018. The applicant has requested this

authorization for take that may result from aircraft overflights in Cook Inlet, Alaska. Aerial surveys are needed to collect gravitational and magnetic data for oil and gas exploration. This proposed authorization, if finalized, will be for take by Level B harassment only; no take by injury or death will be authorized. The application package and the references cited herein are available for viewing at <http://www.fws.gov/alaska/fisheries/mmm/iha.htm> or may be requested as described under **FOR FURTHER INFORMATION CONTACT**.

DATES: Comments on the proposed incidental harassment authorization and draft environmental assessment will be accepted on or before May 29, 2018.

ADDRESSES: *Document availability:* You may obtain a copy of the draft environmental assessment and a list of the references cited in this document by the methods set out below.

Comment submission: You may submit comments by one of the following methods:

- *U.S. mail or hand-delivery:* Public Comments Processing, Attention: Ms. Kimberly Klein, U.S. Fish and Wildlife Service, MS 341, 1011 East Tudor Road, Anchorage, Alaska 99503;
- *Fax:* (907) 786-3848, Attention: Ms. Kimberly Klein; or
- *Email:* fw7_ak_marine_mammals@fws.gov.

See Request for Public Comments below for more information.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Klein, by mail (see **ADDRESSES**); by email at kimberly_klein@fws.gov; or by telephone at 1-800-362-5148.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361, *et seq.*), authorizes the Secretary of the Interior (Secretary) to allow, upon request, the incidental but not intentional taking of small numbers of marine mammals of a species or population stock by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified region during a period of not more than 1 year. Incidental take may be authorized only if statutory and regulatory procedures are followed and the U.S. Fish and Wildlife Service (hereafter, “the Service” or “we”) make the following findings: (i) Take is of a small number of animals, (ii) take will have a negligible impact on the species or stock, and (iii) take will not have an unmitigable adverse impact on the

availability of the species or stock for subsistence uses by coastal-dwelling Alaska Natives.

The term “take,” as defined by the MMPA, means to harass, hunt, capture, or kill, or to attempt to harass, hunt, capture, or kill any marine mammal (16 U.S.C. 1362(13)). Harassment, as defined by the MMPA, means any act of pursuit, torment, or annoyance that (i) has the potential to injure a marine mammal or marine mammal stock in the wild (the MMPA calls this “Level A harassment”), or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (the MMPA calls this “Level B harassment”).

The terms “negligible impact,” “small numbers,” and “unmitigable adverse impact” are defined in the Code of Federal Regulations at 50 CFR 18.27, the Service’s regulations governing take of small numbers of marine mammals incidental to specified activities. “Negligible impact” is defined as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. “Small numbers” is defined as a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock. However, we do not rely on that definition here, as it conflates the terms “small numbers” and “negligible impact,” which we recognize as two separate and distinct requirements (see *Natural Res. Def. Council, Inc. v. Evans*, 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2003)). Instead, in our small numbers determination, we evaluate whether the number of marine mammals likely to be taken is small relative to the size of the overall population. “Unmitigable adverse impact” is defined as an impact resulting from the specified activity (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

If the requisite findings are made, we may issue an Incidental Harassment Authorization (IHA), which sets forth

the following: (i) Permissible methods of taking; (ii) other means of effecting the least practicable impact on marine mammals and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of marine mammals for taking for subsistence uses by coastal-dwelling Alaska Natives; and (iii) requirements for monitoring and reporting take.

Summary of Request

On November 2, 2017, Hilcorp Alaska, LLC (hereafter “Hilcorp” or “the applicant”) submitted a request to the Service’s Marine Mammals Management Office (MMM) for authorization to take a small number of northern sea otters (*Enhydra lutris kenyoni*, hereafter “sea otters” or “otters”). Hilcorp expects that take by unintentional harassment may occur during their planned oil and gas exploration activities in Cook Inlet, Alaska.

Hilcorp originally requested an IHA for take of sea otters resulting from both aerial and in-water seismic surveys planned for April 1, 2018, through June 30, 2018. Aerial surveys measure the gravitational and magnetic signatures of the Earth’s crust to detect subsurface oil and gas deposits. Seismic surveys measure sound waves reflected off the sea floor to detect offshore oil and gas deposits. Both survey types create noise that may cause sea otters to be harassed. Hilcorp later notified the Service that the seismic work will not be conducted as part of the 2018 project. On December 22, 2017, Hilcorp submitted an amended request withdrawing the seismic work. They retained the aerial survey work as originally planned and adjusted the proposed dates to the period May 23, 2018, through July 1, 2018. We evaluated possible effects of conducting the project between May 23, 2018, and September 30, 2018, rather than between May 23, 2018, and June 30, 2018, in order to provide flexibility should additional time be needed to complete the proposed work. We evaluated the effects of conducting the same amount of work over a longer period, but we did not consider the effects of conducting additional work. There is no expected change in the amount of take that would be authorized.

Description of Specified Activities and Geographic Area

The specified activity (the “project”) consists of Hilcorp’s 2018 Lower Cook Inlet geophysical survey program. Hilcorp will conduct aerial surveys over Cook Inlet between May 23, 2018, and July 1, 2018. Data will be collected by

sensitive equipment mounted aboard aircraft. All data collection is passive; no signals will be emitted from the equipment.

The surveys will be conducted by flying a prescribed pattern of transect lines over the Federal and State waters of lower Cook Inlet and the shoreline of Alaska between 151.7° and 153.6° W., and 59.4° and 60.5° N. This is the specified geographic area of the project. Two aircraft types will be used, a fixed-wing Basler BT-67 turboprop (a modified remanufactured Douglas DC-3) and an AS-350 B3 helicopter. The helicopter will be flown over land and within 4.8 kilometers (km) (3 miles (mi)) of the coast, while the DC-3 will be flown over the offshore waters only. The DC-3 will fly at about 333 kilometers per hour (km/h) or 207 miles per hour (mi/h) while the AS-350 will fly at about 100 km/h (62 mi/h).

Fixed-wing transect lines will be flown in a northeast/southwest direction, generally parallel to the coast of Cook Inlet, and will be approximately 100 km (62 mi) long. Helicopter transects will run roughly east/west and will be about 25 km (15.5 mi) long. Both sets of transect lines will be spaced 500 m (0.3 mi) apart and will be connected by perpendicular tie lines at 5,000 meters (m) (3.1 mi) apart. The fixed-wing survey will be flown at approximately 152 m (500 feet (ft)) above sea level (ASL), and the helicopter will fly at 91 to 152 m (300 to 500 ft) above ground level (AGL).

Aerial surveys are expected to take approximately 14 days total within a 2-month period, although work days may not be consecutive due to weather or equipment delays. Standard fixed-wing and helicopter operational limitations apply, and weather delays, flight ceilings, etc., will be at the discretion of the flight contractor.

Description of Marine Mammals in the Specified Area

The northern sea otter is currently the only marine mammal under the Service's jurisdiction that normally occupies Cook Inlet, Alaska. Sea otters in Alaska are represented by three stocks. Those in Cook Inlet belong to either the southwest Alaska stock or the southcentral Alaska stock, depending on whether they occur west or east of the center of Cook Inlet, respectively. A third stock occurs in southeast Alaska.

The southwest stock of the northern sea otter corresponds to the southwestern Distinct Population Segment (DPS), which was listed as threatened under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531, *et seq.*) on August 9, 2005 (70 FR

46366). Detailed information about the biology and conservation status of the listed DPS can be found at <https://www.fws.gov/alaska/fisheries/mmm/seaotters/otters.htm>. Stock assessment reports for the listed DPS and non-listed populations are available at <https://www.fws.gov/alaska/fisheries/mmm/stock/stock.htm>.

Sea otters may occur anywhere within the specified project area other than upland areas. The number of sea otters in Cook Inlet was estimated from an aerial survey conducted by the Service in cooperation with the U.S. Geological Survey (USGS) in May 2017 (USFWS and USGS, unpublished data). The sea otter survey was conducted in all areas of Cook Inlet south of approximately 60.3° N. within the 40 m (131 ft) depth contour, including Kachemak Bay in southeastern Cook Inlet and Kamishak Bay in southwestern Cook Inlet. This survey was designed to estimate abundance in Cook Inlet while accounting for the variable densities and observability of sea otters in the region. Total abundance was estimated to be 19,889 sea otters (standard error = 2,988). Within the project area, the highest densities of sea otters were found in the outer Kamishak Bay area, with 3.5 otters per square km (km²), followed by the eastern shore of Cook Inlet (1.7 otters per km²). Distribution of the population during Hilcorp's project is likely to be similar to that detected during sea otter surveys, as their work will be conducted during the same time of year that the sea otter surveys were completed.

Sea otters generally occur in shallow water near the shoreline. They are most commonly observed within the 40 m (131 ft) depth contour (USFWS 2014a, b) although they can be found in areas with deeper water. Depth is generally correlated with distance to shore, and sea otters typically remain within 1 to 2 km (0.62 to 1.24 mi) of shore (Riedman and Estes 1990). They tend to remain closer to shore during storms, but they venture farther out during good weather and calm seas (Lensink 1962; Kenyon 1969).

The documented home range sizes and movement patterns of sea otters illustrate the types of movements that could be seen among otters responding to Hilcorp's activities. Sea otters are non-migratory and generally do not disperse over long distances (Garshelis and Garshelis 1984). They usually remain within a few kilometers of their established feeding grounds (Kenyon 1981). Breeding males remain for all or part of the year in a breeding territory covering up to 1 km (0.62 mi) of coastline. Adult females have home

ranges of approximately 8 to 16 km (5 to 10 mi), which may include one or more male territories. Juveniles move greater distances between resting and foraging areas (Lensink 1962; Kenyon 1969; Riedman and Estes 1990; Estes and Tinker 1996).

Although sea otters generally remain local to an area, they are capable of long-distance travel. Otters in Alaska have shown daily movement distances greater than 3 km (1.9 mi) at speeds up to 5.5 km/h (3.4 mi/h) (Garshelis and Garshelis 1984). In eastern Cook Inlet, large numbers of sea otters have been observed riding the incoming tide northward and returning on the outgoing tide, especially in August. They are presumably feeding along the eastern shoreline of Cook Inlet during the slack tides when the weather is good and remaining in Kachemak Bay during periods of less favorable weather (Gill 2009; BlueCrest 2013). In western Cook Inlet, otters appear to move in and out of Kamishak Bay in response to seasonal changes in the presence of sea ice (Larned 2006).

Potential Effects of the Activities

Exposure of Sea Otters to Noise

Hilcorp has requested authorization for Level B incidental harassment of sea otters. Sea otters in Cook Inlet will be exposed to the visual and auditory stimulation associated with Hilcorp's aerial surveys. Fixed-wing and helicopter traffic is common in Cook Inlet, and the visual presence of aircraft alone is unlikely to cause sea otters to be harassed. If sea otters are disturbed, it will more likely be due to the airborne noise associated with Hilcorp's flyovers, or possibly, the noise in tandem with the sight of the aircraft. Hilcorp's aerial surveys will generate noise that is louder and recurs more frequently than noise from regular air traffic due to the survey's particular aircraft, low flight altitudes, and parallel transect pattern. Flyovers may cause disruptions in the sea otter's normal behavioral patterns, thereby resulting in incidental take by Level B harassment.

We expect the actual number of otters experiencing Level B take due to harassment by noise to be 578 or fewer. Otters may be taken more than once; the total number of incidental takes of sea otters is expected to be less than 693. Hilcorp's project, as it is currently proposed, will not introduce anything into the water, alter habitat, generate sound below the water's surface, or expose any marine mammals to direct contact with people, equipment, or vessels. Take will be limited to incidental, unintentional Level B

harassment; no take from other sources is expected.

Noise From Hilcorp's Aircraft

Whether a specific noise source will affect a sea otter depends on several factors, including the distance between the animal and the sound source, the sound intensity, background noise levels, the noise frequency, duration, and whether the noise is pulsed or continuous. The actual noise level perceived by individual sea otters will depend on distance to the aircraft, whether the animal is above or below water, atmospheric and environmental conditions, and the operational conditions of the aircraft.

Noise production has been measured for the DC-3 and the AS-350. Noise levels herein are given in decibels (dB) referenced to 20 μ Pa for airborne sound. All dB levels are dB_{RMS} unless otherwise noted; dB_{RMS} refers to the root-mean-squared dB level, the square root of the average of the squared Sound Pressure Level (SPL) typically measured over 1 second. See Richardson *et al.* (1995), Götz *et al.* (2009), Hopp *et al.* (2012), Navy (2014), or similar resources for descriptions of acoustical terms and measurement units in the context of ecological impact assessment.

Standardized noise testing has been conducted for compliance with Federal Aviation Administration (FAA) regulations at 14 CFR part 36. During these tests, the DC-3 produced noise levels of 82.4 dB_{EPN} (Effective Perceived Noise level) during takeoff, and 91.9 dB_{EPN} on approach (USDOT 2012). Other field-testing of the DC-3 produced a peak SPL of 90 dB_{PEAK} during level flyovers at 265 km/hr (165 mi/hr) measured at 305 m (1,000 ft) from the flightpath (Ollerhead 1971; Fink 1977). During a gliding flight path at 152.4 m (500 ft) altitude and airspeeds around 278 km/hr (173 mi/h), a maximum of 79.6 dB was recorded (Healy 1974). See 14 CFR part 36 for calculation of dB_{EPN} from field measurements of sound.

Documented noise levels of the AS-350 recorded for FAA compliance measured 89.8 to 91.1 dB_{EPN} during takeoff and 91.3 to 91.4 dB_{EPN} on approach; level straight-line flyovers at an altitude of 305 m (1,000 ft) produced noise levels from 86.8 to 87.1 dB_{EPN} (USDOT 2012). Newman and Rickley (1979) reported 91.2 dB_{EPN} on approach, 89.2 dB_{EPN} during takeoff, and 87.2 dB_{EPN} during level flyovers at approximately 150 m (492 ft) altitude. Falzarano and Levy (2007) reported that overflights by the AS-350 at a distance of 122 m (400 ft) AGL produced an FAA-certified 83.5 dBA Sound

Exposure Level (SEL; normally referenced to 20 μ Pa²-s).

Turboprop aircraft such as the DC-3 are generally perceived to produce noise levels 10 to 20 dB higher than helicopters, which in turn are 10 to 20 dB noisier than piston aircraft (Ollerhead 1971). Based on information on aircraft type, airspeed, and altitude, we assume the sound levels generated by Hilcorp's aircraft during aerial gravitation and magnetic surveys will not exceed a maximum of approximately 90 dB at the water's surface.

Sea Otter Hearing

Sound frequencies produced by Hilcorp's aircraft will fall within the hearing range of sea otters and will be audible to animals during flyovers. Controlled sound exposure trials on southern sea otters (*E. l. nereis*) indicate that otters can hear frequencies between 125 hertz (Hz) and 38 kilohertz (kHz) with best sensitivity between 1.2 and 27 kHz (Ghoul and Reichmuth 2014). Aerial and underwater audiograms for a captive adult male southern sea otter in the presence of ambient noise suggest the sea otter's hearing was less sensitive to high-frequency (greater than 22 kHz) and low-frequency (less than 2 kHz) sounds than terrestrial mustelids but similar to that of a sea lion. Dominant frequencies of southern sea otter vocalizations are between 3 and 8 kHz, with some energy extending above 60 kHz (McShane *et al.* 1995; Ghoul and Reichmuth 2012). During FAA testing, the test aircraft produced sound at all frequencies measured (50 Hz to 10 kHz) (Healy 1974; Newman and Rickley 1979). At frequencies centered at 5 kHz, jets flying at 300 m (984 ft) produced $\frac{1}{3}$ octave band noise levels of 84 to 124 dB, propeller-driven aircraft produced 75 to 90 dB, and helicopters produced 60 to 70 dB (Richardson *et al.* 1995).

Exposure to high levels of sound may cause changes in behavior, masking of communications, temporary or permanent changes in hearing sensitivity, discomfort, and injury. Species-specific criteria for sea otters have not been identified for preventing harmful exposures to sound. Thresholds have been developed for other marine mammals, above which exposure is likely to cause behavioral disturbance and injuries (Southall *et al.* 2007; Finneran and Jenkins 2012; NMFS 2016). Because sea otter hearing abilities and sensitivities have not been fully evaluated, we relied on the closest related proxy to evaluate the potential effects of noise exposure.

California sea lions (*Zalophus californianus*) (otariid pinnipeds) have

shown a frequency range of hearing most similar to that of southern sea otters (Ghoul and Reichmuth 2014) and provide the closest related proxy for which data are available. Sea otters and pinnipeds share a common mammalian aural physiology (Echteler *et al.* 1994; Solntseva 2007). Both are adapted to amphibious hearing, and both use sound in the same way (primarily for communication rather than feeding).

Exposure Thresholds

Noise exposure thresholds have been established by the National Marine Fisheries Service (NMFS) for identifying underwater noise levels capable of causing Level A harassment (injury) of marine mammals, including otariid pinnipeds (NMFS 2016). Those thresholds are based on estimated levels of sound exposure capable of causing a permanent shift in sensitivity of hearing (*e.g.*, a Permanent Threshold Shift (PTS) (NMFS 2016)). Thresholds for non-impulse sound are based on cumulative SEL (SEL_{cum}) during a 24-hour period and include weighting adjustments for the sensitivity of different species to varying frequencies. These injury thresholds were developed from Temporary Threshold Shifts (TTS) detected in lab settings during sound exposure trials. Studies were summarized by Finneran (2015). Thresholds based on TTS have been used as a proxy for Level B harassment (*i.e.*, 70 FR 1871, January 11, 2005; 71 FR 3260, January 20, 2006; and 73 FR 41318, July 18, 2008).

The NMFS (2016) guidance neither addresses thresholds for preventing injury or disturbance from airborne noise, nor provides thresholds for avoidance of Level B take. However, it does provide a framework for assessment of potential consequences of noise exposure. Exposure to airborne noise has been estimated to cause TTS in the California sea lion after 1.5 to 50 minutes of exposure to sound at SPLs of 94 to 133 dB; TTS onset was estimated to occur at 159 dB SEL_{cum} (Kastak *et al.* 2004, 2007). The U.S. Navy adopted 159 dB SEL_{cum} as a TTS threshold level and used it to estimate onset of PTS and set a threshold for otariid pinnipeds at 168 dB SEL_{cum} (Finneran and Jenkins, 2012). Southall *et al.* (2007) reviewed the literature and recommended dual injury thresholds for PTS for sea lions exposed to discrete non-pulsed airborne noise of 149 dB_{PEAK} and 172.5 dB SEL_{cum}.

Acoustic thresholds can be reached from acute exposure to high sound levels or from long periods of exposure to lower levels. Both the sound levels and durations of exposure from

Hilcorp's aircraft will depend primarily on a sea otter's distance from the transect during a flyover. Airborne sound attenuation rates are affected by characteristics of the atmosphere and topography, but can be conservatively generalized for line sources (such as flight lines) over acoustically "hard" surfaces like water (rather than "soft" surfaces like snow) by a loss of 3 dB per doubling of distance from the source. At this attenuation rate, a sound registering 90 dB directly below a flyover at 91 to 152 m (300 to 500 ft) ASL will attenuate to 80 dB in 1 to 1.5 km (0.6 to 0.9 mi). The same noise level will attenuate to 68 dB (the upper range of ambient conditions near Cook Inlet per Blackwell (2005)) within 15 to 24 km (9 to 15 mi).

At rates of speed proposed for Hilcorp's aircraft (333 km/hr (207 mi/h) for the DC-3 and 100 km/hr (62 mi/h) for the AS-350 helicopter) sea otters will be exposed to sound levels between 80 and 90 dB for up to 1 minute per flyover by either aircraft. Sea otters will experience sound levels less than 80 dB but greater than ambient for up to 2.5 minutes as the DC-3 passes by, and up to 13.5 minutes when the AS-350 helicopter flies by. About 15 to 18 passes per day will be required to complete the survey during the allotted period. This scenario suggests that otters within the helicopter survey area could potentially be exposed to continual sound levels that are higher than ambient for the duration of each day's work.

No value representing the upper limit of safety for prolonged exposure has been identified for sea otters, but a sea lion exposed to an SPL of 94 dB for 12 minutes did not show a statistically significant TTS (Kastak *et al.* 2007). In humans, prolonged exposure to 80 dBA is unlikely to cause hearing loss (dBA is the decibel level weighted at frequencies sensitive to human hearing). Although the decibel levels here have not been weighted for the sensitivity of sea otters to specific frequencies, weighting adjustments generally reduce the dB level of sounds at frequencies outside of the range of greatest sensitivity. We therefore assume prolonged exposure to 80 dB (unweighted) will not cause TTS in sea otters.

We then considered the potential effect of repeated 1-minute exposures to SPLs greater than 80 dB. The SELcum of a sea otter positioned below the aircraft can be estimated based on the duration of exposure and sound level at the location of the animal. Cumulative SEL is linearly related to the SPL and logarithmically related to the exposure

time, meaning that SELcum will increase or decrease on a 1:1 basis with increasing or decreasing SPL, and increase or decrease by 3 dB for each doubling or halving of exposure time, respectively (Finneran *et al.* 2015). Based on this relationship, we can estimate the SELcum from flyover exposures. For example, using a simple equation $SPL + 10\log_{10}(\text{duration of exposure, expressed in seconds})$ (NMFS 2016), SELcum may reach 120 dB for the anticipated activities ($90 + 10\log_{10}(1,080) \approx 120.3$ dB, where 1,080 represents 18 passes at 60 seconds each). This specific model is generally used in underwater applications, and it assumes a constant received sound level that does not change over space and time (*e.g.*, Urick 1983; ANSI 1986; Madsen 2005). Additionally, Hilcorp's flight lines do not cover the same area multiple times, so sea otters are unlikely to be exposed to sound from all passes in a day. Therefore, this model is expected to overestimate a sea otter's cumulative exposure to sound during flyovers, but it demonstrates that the airborne noise generated by Hilcorp's aircraft during gravitational and magnetic surveys will not cause TTS in sea otters, even for an otter located at the closest point of approach during multiple flyovers.

Response to Disturbance

The potential that Hilcorp's aerial surveys will cause take due to changes in the hearing abilities (TTS or PTS) of sea otters is negligible. However, the project may result in Level B take by harassment due to an individual's reaction to project noise. The actual number of takes will depend on the number of times individual sea otters perceive Hilcorp's activities and respond with a significant behavioral change in a biologically important activity.

Direct and Indirect Effects

The reactions of wildlife to disturbance can range from short-term behavioral changes to long-term impacts that affect survival and reproduction. When disturbed by noise, animals may respond behaviorally (*e.g.*, escape response) or physiologically (*e.g.*, increased heart rate, hormonal response) (Harms *et al.* 1997; Tempel and Gutierrez 2003). The energy expense and associated physiological effects could ultimately lead to reduced survival and reproduction (Gill and Sutherland 2000; Frid and Dill 2002). In an example described by Pavez *et al.*, (2015), South American sea lions (*Otaria byronia*) visited by tourists exhibited an increase in the state of

alertness and a decrease in maternal attendance and resting time on land, thereby potentially reducing population size. In another example, killer whales (*Orcinus orca*) that lost feeding opportunities due to boat traffic faced a substantial (18 percent) estimated decrease in energy intake (Williams *et al.*, 2006). Such disturbance effects can have population-level consequences. Increased disturbance rates have been associated with a decline in abundance of bottlenose dolphins (*Tursiops* sp.) (Bejder *et al.*, 2006; Lusseau *et al.*, 2006).

These examples illustrate direct effects on survival and reproductive success, but disturbances can also have indirect effects. Response to noise disturbance is considered a nonlethal stimulus that is similar to an antipredator response (Frid and Dill 2002). Sea otters are susceptible to predation, particularly from killer whales and eagles, and have a well-developed antipredator response to perceived threats. For example, Limbaugh (1961) reported that sea otters were apparently undisturbed by the presence of a harbor seal (*Phoca vitulina*), but they were quite concerned with the appearance of a California sea lion. They demonstrated their fear by actively looking above and beneath the water when a sea lion was swimming nearby.

Although an increase in vigilance or a flight response is nonlethal, a tradeoff occurs between risk avoidance and energy conservation. An animal's reactions to noise disturbance may cause stress and direct an animal's energy away from fitness-enhancing activities such as feeding and mating (Frid and Dill 2002; Goudie and Jones 2004). For example, Southern sea otters in areas with heavy recreational boat traffic demonstrated changes in behavioral time budgeting showing decreased time resting and changes in haulout patterns and distribution (Benham *et al.*, 2005; Maldini *et al.*, 2012). Chronic stress can also lead to weakened reflexes, lowered learning responses (Welch and Welch 1970; van Polanen Petel *et al.*, 2006), compromised immune function, decreased body weight, and abnormal thyroid function (Seyle 1979).

Changes in behavior resulting from anthropogenic disturbance can include increased agonistic interactions between individuals or temporary or permanent abandonment of an area (Barton *et al.*, 1998). The type and extent of response may be influenced by intensity of the disturbance (Cevasco *et al.*, 2001), the extent of previous exposure to humans (Holcomb *et al.* 2009), the type of

disturbance (Andersen *et al.*, 2012), and the age and/or sex of the individuals (Shaughnessy *et al.* 2008; Holcomb *et al.*, 2009). Despite the importance of understanding the effects of disturbance from sound, few controlled experiments or field observations have been conducted on sea otters to address this topic.

Evidence From Sea Otter Studies

The available studies of sea otter behavior indicate that sea otters are somewhat more resistant to the effects of sound than other marine mammals (Riedman 1983, 1984; Ghoul *et al.*, 2012a, b; Reichmuth and Ghoul 2012). Southern sea otters off the California coast showed only mild interest in boats passing within hundreds of meters and appeared to have habituated to boat traffic (Riedman 1983; Curland 1997). Southern sea otters in an area with frequent railroad noise appeared to be relatively undisturbed by pile-driving activities, many showing no response and generally reacting more strongly to passing vessels than to the sounds of pile driving equipment (ESA 2016). When sea otters have displayed behavioral disturbance in response to acoustic stimuli, these responses were short-lived, and the otters quickly become habituated and resumed normal activity (Ghoul *et al.*, 2012b). Sea otters may be less sensitive to noise because whereas many marine mammals depend on acoustic cues for vital biological functions such as orientation, communication, locating prey, and avoiding predators, sea otters do not rely on sound to orient themselves, locate prey, or communicate underwater.

In locations without frequent human activity, sea otters appear to be more easily disturbed. Sea otters in Alaska have shown signs of disturbance (escape behaviors) in response to the presence and approach of vessels. Behaviors included diving or actively swimming away from a boat, hauled-out sea otters entering the water, and groups of sea otters disbanding and swimming in multiple different directions (Udevitz *et al.*, 1995). Sea otters in Alaska have also been shown to avoid areas with heavy boat traffic but return to those same areas during seasons with less traffic (Garshelis and Garshelis 1984). In Cook Inlet, otters were observed riding the tides past a new offshore drilling platform while drilling was being conducted; otters drifting on a trajectory that would have taken them within 500 m (0.3 mi) of the rig tended to swim to change their angle of drift to avoid a close approach although noise levels from the work were near the ambient

level of underwater noise (BlueCrest 2013).

Disturbances of sea otters due to aircraft have been observed in Alaska. Biologists conducting aerial surveys for the Service and the USGS to determine sea otter abundance between 2008 and 2015 reported disturbances of sea otters (USFWS and USGS unpublished data). Bodkin and Udevitz (1999) conducted sea otter surveys and reported disturbances caused by various flight patterns. Sea otter disturbances were also reported between 2009 and 2012 during aerial surveys conducted to determine bird and marine mammal distribution in Cook Inlet (ABR, Inc. 2010–2013). From all sources, the mean rate of disturbance during aerial surveys was 18.3 percent (2,288 out of 30,611 sea otters observed), ranging from 8.0 to 29.2 percent (USFWS and USGS unpublished data, Bodkin and Udevitz 1999, ABR, Inc. 2010–2013). Most of the disturbances involved otters diving, swimming out of the area, or swimming erratically during overflights. Flying a more intensive search pattern (circling overhead) or flying at lower altitudes resulted in greater disturbance rates than straight-line flights at higher altitudes. Among these surveys, the reported rate of Level B harassment was below 0.1 percent (0 to 0.8 percent); 18 confirmed Level B takes were recorded among 19,500 animals observed (USFWS and USGS unpublished data).

Some degree of disturbance is possible from Hilcorp's activities. Individual sea otters in Cook Inlet will show a range of responses to noise from Hilcorp's aircraft. Some may abandon the survey area and return when the disturbance has ceased. Based on the observed movement patterns of wild sea otters (*i.e.*, Lensink 1962; Kenyon 1969, 1981; Garshelis and Garshelis 1984; Riedman and Estes 1990; Estes and Tinker 1996, and others) we expect some individuals, independent juveniles, for example, will respond to Hilcorp's proposed activities by dispersing to areas of suitable habitat nearby, while others, especially breeding-age adult males, will not be displaced by overflights.

Some otters will likely show startle responses, change direction of travel, or dive. Sea otters reacting to overflights may divert time and attention from biologically important behaviors, such as feeding. Some effects may be undetectable in observations of behavior, especially the physiological effects of chronic noise exposure. Air traffic, commercial and recreational, is routine in Cook Inlet. Some sea otters in the area of activity may become habituated to noise caused by the

project due to the existing continual air traffic in the area and will have little, if any, reaction to flyovers. However, noise levels from aircraft will be louder and will recur more frequently than that from regular air traffic in the region.

Effects on Habitat

Habitat areas of significance for sea otters exist near the project area. Sea otter critical habitat was designated under the ESA (74 FR 51988, October 8, 2009). In Cook Inlet, critical habitat occurs along the western shoreline south of approximately Redoubt Point. It extends from mean high tide line out to 100 m (328.1 ft) from shore or to the 20 m (65.6 ft) depth contour. Physical and biological features of critical habitat essential to the conservation of sea otters include the benthic invertebrates (urchins, mussels, clams, etc.) eaten by otters and the shallow rocky areas and kelp beds that provide cover from predators. Other important habitat in the Hilcorp project area includes outer Kamishak Bay between Augustine Island and Iniskin Bay within the 40 m (131 ft) depth contour where high densities of otters have been detected. Sea otters within this important area and within the critical habitat may be affected by aerial surveys conducted by Hilcorp. The MMPA allows the Service to identify avoidance and minimization measures for effecting the least practicable impact of the specified activity on important habitats. However, the project, as currently proposed, will have no effect on habitat.

Mitigation and Monitoring

If an IHA for Hilcorp's project is issued, it must specify means for effecting the least practicable impact on sea otters and their habitat, paying particular attention to habitat areas of significance, and on the availability of sea otters for taking for subsistence uses by coastal-dwelling Alaska Natives. Hilcorp has proposed to minimize the effects of their action by maintaining minimum flight altitudes, providing training to aircraft pilots to identify and monitor otters, reporting observations of otters to the Service, and coordinating with subsistence hunting communities. These measures are specified under Proposed Authorization, part B.

Avoidance and Minimization.

We evaluated various alternatives to these proposed mitigation measures to determine the means of effecting the least practicable impact to sea otters and their availability for subsistence use. Decreasing the survey length and increasing flight altitudes were not considered practicable for accomplishing the magnetic and

gravitational survey. Hilcorp suggested temporarily increasing flight altitude or diverting away from the flight path when groups of sea otters were encountered. We evaluated this option, but at the requisite flight speeds and initial altitudes, it is unlikely that otters can be spotted until the survey aircraft is too close to avoid disturbance. Evasive maneuvers such as an abrupt increase in altitude or change in direction will result in increased noise production due to the additional engine power and changes in aircraft configuration necessary for these tasks. These maneuvers would probably increase, rather than decrease, the level of noise exposure. Additionally, the pilot would later need to return to the same flight path to complete the transect, potentially encountering the same otters and causing another disturbance.

Estimated Incidental Take

Characterizing Take by Level B Harassment

An individual sea otter's reaction will depend on its prior exposure to low-flying aircraft, its need or desire to be in the particular area, its physiological status, or other intrinsic factors. The location, timing, frequency, intensity, and duration of the encounter are among the external factors that will also influence the animal's response.

Relatively minor reactions such as increased vigilance or a short-term change in direction of travel are not likely to disrupt biologically important behavioral patterns and are not considered take by harassment as defined by the MMPA. These types of responses typify the most likely reactions of the majority of sea otters that will be exposed to Hilcorp's activities. Extreme behavioral reactions capable of causing injury are characterized as Level A harassment events, which are unlikely to result from the proposed project and will not be authorized. Examples include separation of mothers from young or repeatedly flushing sea otters from a haulout.

Intermediate reactions that disrupt biologically significant behaviors and may potentially result in decreased fitness for the affected animal meet the criteria for Level B harassment under the MMPA. In 2014, the Service identified the following sea otter behaviors as indicating possible Level B take:

- Swimming away at a fast pace on belly (*i.e.*, porpoising);
- Repeatedly raising the head vertically above the water to get a better

view (spyhopping) while apparently agitated or while swimming away;

- In the case of a pup, repeatedly spyhopping while hiding behind and holding onto its mother's head;
- Abandoning prey or feeding area;
- Ceasing to nurse and/or rest (applies to dependent pups);
- Ceasing to rest (applies to independent animals);
- Ceasing to use movement corridors along the shoreline;
- Ceasing mating behaviors;
- Shifting/jostling/agitation in a raft so that the raft disperses;
- Sudden diving of an entire raft;
- Flushing animals off a haulout.

This list is not meant to encompass all possible behaviors, other situations may also indicate Level B take.

Estimating Exposure Rates

To estimate the numbers of sea otters likely to experience Level B take, we first calculated the number of otters in Cook Inlet that occur within the Hilcorp project area. Number of otters was calculated from density multiplied by project area. Density was estimated according to region in Cook Inlet. Density data for Kamishak and the East side of Cook Inlet along the shore of the Kenai Peninsula was derived from aerial surveys conducted in May 2017 (USFWS and USGS, unpublished data). Surveys were not conducted for central Cook Inlet in 2017, and 2017 surveys did not yield useful results for western Cook Inlet north of Kamishak, so the density for those regions was derived from the 2002 surveys conducted by Bodkin *et al.* (2003) and corrected for population growth proportional to the growth rate of Cook Inlet as a whole, as determined from comparison of the 2002 and 2017 surveys. Density values (in otters per km²) were 1.7 in East Cook Inlet (excluding Kachemak Bay and the outer Coast of Kenai Peninsula south and east of Seldovia), 3.5 in Kamishak Bay, and 0.026 in West and Central Cook Inlet.

Hilcorp's project area boundary contains about 6,625 km² (2,558 square mi (mi²)) excluding land. Of this area, 1,039 km² (401 mi²) is in East Cook Inlet, 830 km² (310 mi²) in Kamishak Bay, and 1,870 km² (722 mi²) in West and Central Cook Inlet. The total number of otters within the Hilcorp project area was calculated to be 4,753 otters $((1,039 \times 1.7) + (831 \times 3.53) + (1,870 \times 0.026) \approx 4,753)$.

Predicting Behavioral Response Rates

Although we cannot predict the outcome of each encounter between a sea otter and one of Hilcorp's aircraft, it is possible to consider the most likely

reactions. The best predictor of behavioral response for sea otters exposed to airborne sound is the distance at which the encounter occurs in relation to the sound level produced.

To predict the total number of Level B takes, we distributed a questionnaire to professional biologists with experience conducting aerial surveys in regions with sea otters. The survey requested information about the respondent, the aircraft used, the flight altitude, and the reactions of otters to aircraft. Six useable responses were received in the time allotted; four were from professional sea otter biologists who have each conducted more than five sea otter surveys.

Survey responses reported that, on average, 26 percent of sea otters located directly below the aircraft appear to react to the presence of the aircraft. Survey respondents reported that at a point on the water's surface 100 m (328 ft) perpendicular to the flight line, the disturbance rate dropped to just below 20 percent. At 250 m (820 ft) from the flight line, just over 10 percent of sea otters reacted to aircraft, and at 500 m (1,640 ft) away, less than seven percent reacted. At 1,000 m (3,281 ft), less than one percent of otters were disturbed by aircraft overflights.

We then evaluated whether Hilcorp's project will expose sea otters to comparable noise levels to those during surveys conducted by questionnaire respondents. Hilcorp will use an AS-350 and a modified DC-3. Hilcorp's aerial surveys will be conducted at 92 to 152 m (300 to 500 ft) for the AS-350 and 152 m (500 ft) for the DC-3. Small fixed-wing aircraft such as the Piper PA-18 Super Cub, Cessna 185 and 206, and 18-GCBC Scout were most often used by questionnaire respondents and were generally flown at 92 to 152 m (300 to 500 ft) ASL. Larger twin-engine aircraft were also used, including the Aero Commander and the Partenavia P.68. Questionnaire respondents indicated the use of the Partenavia P.68 flown at 61 m (200 ft) ASL during surveys for southern sea otters. Helicopters used during sea otter surveys included the Hughes 500 and Hughes 369 flown at 92 to 152 m (300 to 500 ft) ASL.

Field tests for the Hughes 500 have demonstrated a maximum overall SPL of 87.6 dB as measured at ground level on the centerline of the flight path during straight-line flyovers at 150 m (492 ft) altitude and at a stable airspeed of 111 km/h (69 mi/h) (Newman and Rickley 1979). The Hughes 500 and the AS-350 should generally produce a similar level of noise at the same altitude, although the AS-350 will be

slightly louder. Indeed, Newman *et al.* 1982 reported signatures for the AS-350 that were about 5 to 7 dB higher than those of the Hughes 500.

The Aero Commander was the largest aircraft used during sea otter surveys. It produces a maximum of 75.4 dB during a gliding flight path at 152.4 m (500 ft) altitude and airspeeds up to 324 km/hr (201 mi/hr) (Healy 1974). The Aero Commander is expected to be roughly 5 dB quieter than the DC-3. The second largest aircraft, the Partenavia, produced noise levels measured for FAA compliance up to 78.2 dBA during flyovers at 305 m (1000 ft). The Piper PA-18 produced 65.9 dBA, and the Cessna 206 ranged from 75.4 to 79.4 dBA at 305 m (1,000 ft) (USDOT 2012).

For the Partenavia, back calculating from FAA standards using an estimated 3 to 6 dB loss per doubling of distance indicates this aircraft at 200 ft ASL may have exposed sea otters to 85 to 92 dB while a Cessna 206 at 300 ft would have generated from 84.6 to 89.8 dB. Both of these are within the possible range of noise produced by the DC-3. The Piper PA-18 flying at 91 m (300 ft) would likely expose sea otters to sound pressure levels ranging from 71.1 to 76.4 dB.

In conclusion, there is overlap in the sound levels that will be produced by Hilcorp's project and those generated during sea otter surveys conducted by questionnaire respondents. Therefore, disturbance rates from Hilcorp's activities will be adequately represented by the rates of sea otter disturbance reported by biologists.

Calculating Take

We then used the estimated response rates of sea otters, as described by questionnaire responses provided by professional biologists, to predict the total number of possible reactions that could result from Hilcorp's project. To do this, we multiplied the size of the project area by the density of otters and the probability of disturbance according to the distance from the flight line. Details follow.

The area within which sea otters may be disturbed was calculated on a per

day basis in ArcGIS® using transect lines provided by Hilcorp. The total transect length was divided into 14 polygons representing 4 helicopter and 10 fixed-wing "flight days." The ends of fixed-wing transects were connected by a line of the minimum length necessary to circle a 1-nautical-mile perimeter, based on the turn radius of a DC-3. The ends of helicopter transects were joined with straight lines to connect one to the next. Both fixed-wing and helicopter transect lines were connected in a zigzag pattern to simulate minimal off-transect travel routes. Transects in each of the 14 flight days were then buffered to represent the area per day of potential disturbance effects.

Multi-ring buffers were created around transect lines to represent zones with variable probabilities of disturbance determined by distance from the center line of the flight path as measured along the water's surface to a point directly below the aircraft. Rings were established at distance categories of 20, 100, 250, 500, 750, and 1,000 m (66, 328, 820, 1,640, 2,461, and 3,281 ft) from the transect lines. Overlapping rings within the same distance categories were merged within, but not between flight days. The total area of each ring was summed in ArcGIS®. Table 1 shows the area calculated within each ring by distance from the transect.

Next, the density of otters within each region in Cook Inlet was multiplied by the area within each transect buffer to represent the number of otters potentially affected by Hilcorp's project according to categorical distance from the centerline of the nearest overflight. Table 2 shows the calculated numbers of otters within each transect buffer ring by region in Cook Inlet.

A probability multiplier was then applied to each ring to represent the probability of disturbance for otters within a given distance from a transect. Alternately, the multipliers represent the declining sound exposure levels with increasing distance from an aircraft flight line. As described previously, the multipliers were identified by polling sea otter biologists regarding the

likelihood of disturbance during overflights when otters were located at each respective distance from the centerline of a survey flight path. The questionnaire responses were averaged to determine the appropriate probability multiplier for each distance category. The maximum distance at which a reaction could possibly be expected was predicted to be 1,000 m (3,281 ft). This distance was supported in the responses given by survey respondents. Multipliers are given in Table 3 as the proportion of otters in each distance category that are likely to be disturbed during flyovers.

Finally, the total number of disturbances in response to Hilcorp's flyovers was estimated by multiplying the number of otters within each distance category (Table 2) by the applicable probability multiplier for each category of distance from the centerline of a survey flight path (Table 3). The total number of disturbances was then summed by region in Cook Inlet and by stock. A total of 693 behavioral responses are likely. Of these, 523 and 170 will occur among otters belonging to the southwestern and southcentral stocks, respectively.

To estimate the number of individual otters taken, we again calculated the area within each distance category; but this time, we merged polygons both within and between flight days to remove repeated exposures. All other calculations were repeated. We estimated 578 individual otters could be disturbed by Hilcorp's project. Of these, 410 belong to the southwest stock, and 168 belong to the southcentral stock (Table 5).

Table 1. Area (km²) of potential aircraft disturbance within specified distances (m) from aircraft flight lines by region of Cook Inlet. Area within each distance category was measured in ArcGIS® by creating concentric buffers of the specified width extending outward from the aircraft flight lines. Area is given by region within Cook Inlet (CI) and by stock (SC=Southcentral, SW=Southwestern).

| Region in cook inlet (stock) | Area (km ²) within distance categories | | | | | |
|---------------------------------|--|--------|--------|--------|--------|--------|
| | 20 m | 100 m | 250 m | 500 m | 750 m | 1000 m |
| Kamishak (SW) | 74.10 | 292.75 | 533.01 | 104.80 | 95.45 | 92.57 |
| Upper West (SC) | 119.67 | 476.95 | 897.08 | 188.25 | 174.83 | 172.86 |
| East Cook Inlet (SW) | 50.20 | 198.65 | 371.20 | 52.59 | 47.08 | 47.34 |
| Central CI (SC) | 87.44 | 348.42 | 648.00 | 124.23 | 116.10 | 109.88 |
| Central CI (SW) | 121.49 | 484.49 | 901.24 | 164.51 | 157.44 | 151.76 |

Table 2. Estimated number of otters within specified distances (m) of Hilcorp's proposed flight lines by region of Cook Inlet. Numbers were estimated by multiplying density of sea otters in each region by area within distance categories given in Table 1.

| Region in Cook Inlet (stock) | Density (sea otters per km ²) | Distance categories | | | | | |
|------------------------------|---|---------------------|---------|---------|--------|--------|--------|
| | | 20 m | 100 m | 250 m | 500 m | 750 m | 1000 m |
| Kamishak (SW) | 3.530 | 261.58 | 1033.48 | 1881.66 | 369.98 | 336.97 | 326.78 |
| Upper West (SC) | 0.026 | 3.11 | 12.39 | 23.30 | 4.89 | 4.54 | 4.49 |
| East Cook Inlet (SW) | 1.705 | 85.57 | 338.65 | 632.79 | 89.66 | 80.25 | 80.69 |
| Central CI (SC) | 0.026 | 2.27 | 9.05 | 16.83 | 3.23 | 3.02 | 2.85 |
| Central CI (SW) | 0.026 | 3.16 | 12.58 | 23.41 | 4.27 | 4.09 | 3.94 |

Table 3. Estimated probability of behavioral responses of sea otters by distance from flight line, as measured outward across the water surface from a point directly below the flight line transect.

| Distance (meters) | 20 | 100 | 250 | 500 | 750 | 1000 |
|-------------------|-------|-------|-------|-------|-------|-------|
| Probability | 0.258 | 0.198 | 0.107 | 0.068 | 0.030 | 0.004 |

Table 4. Estimated number of behavioral responses (Level B takes) calculated as the total number of disturbances potentially caused by aircraft overflights according to distance from the flightpath. Entries were calculated by multiplying values in Table 2 by those in Table 3.

| Distance (meters) | 20 | 100 | 250 | 500 | 750 | 1000 | Total number of disturbances by region |
|--|-------|--------|--------|-------|-------|------|--|
| <i>Region (Stock):</i> | | | | | | | |
| Kamishak (SW) | 67.58 | 204.97 | 200.71 | 25.29 | 10.11 | 1.31 | 509.96. |
| Upper West (SW) | 0.80 | 2.46 | 2.49 | 0.33 | 0.14 | 0.02 | 6.23. |
| East Cook Inlet (SC) | 22.11 | 67.17 | 67.50 | 6.13 | 2.41 | 0.32 | 165.63. |
| Central CI (SC) | 0.59 | 1.79 | 1.80 | 0.22 | 0.09 | 0.01 | 4.50. |
| Central CI (SW) | 0.82 | 2.50 | 2.50 | 0.29 | 0.12 | 0.02 | 6.24. |
| Total Number of Disturbances, by Distance from Flightpath. | 91.89 | 278.89 | 274.99 | 32.26 | 12.87 | 1.68 | Overall Total: 692.56. |

Totals by Stock SW: 522.43: SC: 170.13.

Table 5. Estimated number of otters experiencing disturbance (Level B take)

from aircraft overflights by distance from flightpath, region, and stock. Entries were calculated in the same manner as for Table 4, with the

exception that in areas where project activities overlapped between days, behavioral responses were counted only once.

| Distance (meters) | 20 | 100 | 250 | 500 | 750 | 1000 | Total number of otters disturbed, by region |
|---|-------|--------|--------|-------|-------|------|---|
| <i>Region (Stock):</i> | | | | | | | |
| Kamishak (SW) | 54.55 | 166.43 | 165.54 | 8.76 | 3.12 | 0.41 | 398.80. |
| Upper West (SW) | 0.79 | 2.42 | 2.46 | 0.06 | 0.02 | 0.00 | 5.75. |
| East Cook Inlet (SC) | 22.11 | 67.17 | 67.32 | 4.98 | 1.70 | 0.21 | 163.48. |
| Central CI (SC) | 0.59 | 1.80 | 1.79 | 0.03 | 0.01 | 0.00 | 4.23. |
| Central CI (SW) | 0.82 | 2.49 | 2.49 | 0.02 | 0.01 | 0.00 | 5.83. |
| Total Number of Otters Disturbed, by Distance from Flight Path. | 91.89 | 278.89 | 274.99 | 32.26 | 12.87 | 1.68 | Overall total: 578.10. |

Totals by Stock SW: 410.38: SC: 167.71.

Critical Assumptions

We propose to authorize up to 693 takes of 578 sea otters by Level B harassment from Hilcorp's aerial survey program. In order to conduct this analysis and estimate the potential amount of Level B take, several critical assumptions were made.

Level B take by harassment is equated herein with behavioral responses that

indicate harassment or disturbance. There are likely to be a proportion of animals that respond in ways that indicate some level of disturbance but do not experience significant biological consequences. A correction factor was not applied, although we considered using the rate of Level B take reported by Service biologists during sea otter surveys conducted between 2008 and 2015 (below 0.01 percent; USFWS and USGS, unpublished data). The Service's

2014 efforts to characterize behaviors that indicate take were applied in the field in 2016. The reported rate of take prior to 2016 may not represent the current definition; and therefore, it was not deemed appropriate for use in determining the ratio of behavioral response to Level B take. This will result in overestimation in take calculations.

We assumed that the mean behavioral response rates of sea otters indicated by

the questionnaires returned by biologists are representative of responses of sea otters exposed to Hilcorp's work. There are several underlying assumptions. Noise levels produced by aircraft used by biologists versus those used by Hilcorp were examined and found to be comparable. The otters in Cook Inlet are assumed to exhibit a similar range of reactions to comparable levels of aircraft noise. The validity of this assumption has not been examined, but mean disturbance rates reported by questionnaire respondents (Table 3) are within the expected range reported by Bodkin and Udevitz (1999), the Service and the USGS (unpublished data), and ABR, Inc., (2010–2013), suggesting that these disturbance rates may also be appropriate in Cook Inlet.

Our estimates do not account for variable responses by age and sex. The available information suggests that sea otters are generally resilient to low levels of disturbance. Females with dependent pups and with pups that have recently weaned are physiologically the most sensitive (Thometz *et al.* 2014) and most likely to experience take from disturbance. There is not enough information on composition of the Cook Inlet sea otter population in the Hilcorp survey area to incorporate individual variability based on age and sex or to predict its influence on take estimates. Our estimates are derived from a variety of sample populations with various age and sex structures, and we assume the response rates are applicable.

The estimates of behavioral response presented here do not account for the individual movements of animals away from the Hilcorp survey area or habituation of animals to the survey noise. Our assessment assumes animals remain stationary; *i.e.*, density does not change. There is not enough information about the movement of sea otters in response to specific disturbances to refine this assumption. This situation is likely to result in overestimation of take.

Level B harassment due to Hilcorp's project will be some fraction of the estimated number of behavioral responses elicited from sea otters; but, because of the unresolved assumptions and lack of information, we have conservatively estimated Level B take to equal rates of disturbance. For this reason, we propose to authorize up to 693 takes of 578 sea otters by Level B harassment from Hilcorp's aerial survey program.

Potential Impacts on the Sea Otter Stock

The estimated level of take by harassment is small relative to the most

recent stock abundance estimates for the sea otter. Take of 578 otters includes 410 from the southwest stock, and 168 from the southcentral stock. Take of 410 animals is 1 percent of the best available estimate of the current population size of 45,064 animals in the southwest stock (USFWS 2014a) ($410/45,064 \approx 0.009$). Take of 168 is about 1 percent of the 18,297 animals in the southcentral stock (USFWS 2014b) ($168/18,297 \approx 0.009$). Although an estimated 693 instances of take of 578 otters by Level B harassment are possible, most events are unlikely to have significant consequences for the health, reproduction, or survival of affected animals.

Noise levels are not expected to reach levels capable of causing harm. Animals in the area are not expected to incur hearing impairment (*i.e.*, TTS or PTS). Level A harassment is not expected to occur. Aircraft noise may cause behavioral disturbances. Sea otters exposed to sound produced by the project are likely to respond with temporary behavioral modification or displacement. With the adoption of the measures proposed in Hilcorp's mitigation and monitoring plan and required by this proposed IHA, we conclude that the only anticipated effects from noise generated by the proposed project would be the short-term temporary behavioral alteration of sea otters.

Aircraft activities could temporarily interrupt the feeding, resting, and movement of sea otters. Because activities are expected to occur for 14 days during a 60- to 150-day period, impacts associated with the project are likely to be temporary and localized. The anticipated effects include short-term behavioral reactions and displacement of sea otters near active operations.

Animals that encounter the proposed activities may exert more energy than they would otherwise due to temporary cessation of feeding, increased vigilance, and retreat from the project area, but we expect that most would tolerate this exertion without measurable effects on health or reproduction. In sum, we do not anticipate injuries or mortalities to result from Hilcorp's operation, and none will be authorized. The takes that are anticipated would be from short-term Level B harassment in the form of startling reactions or temporary displacement.

Potential Impacts on Subsistence Uses

The proposed activities will occur near marine subsistence harvest areas used by Alaska Natives from the villages of Ninilchik, Salamatof, Tyonek,

Nanwalek, Seldovia, and Port Graham. Between 2013 and 2017, approximately 145 sea otters were harvested from Cook Inlet, averaging 29 per year (although numbers from 2017 are preliminary). The large majority were taken in Kachemak Bay. Harvest occurs year-round, but peaks in April and May, with about 40 percent of the total taken at this time. February and March are also high harvest periods, with about 10 percent of the total annual harvest occurring in each of these months.

The proposed project area will avoid Kachemak Bay and therefore avoid significant overlap with subsistence harvest areas. Hilcorp's activities will not preclude access to hunting areas or interfere in any way with individuals wishing to hunt. Hilcorp's aircraft may displace otters, resulting in changes to availability of otters for subsistence use during the project period. Otters may be more vigilant during periods of disturbance, which could affect hunting success rates. Hilcorp will coordinate with Native villages and Tribal organizations to identify and avoid potential conflicts. If any conflicts are identified, Hilcorp will develop a Plan of Cooperation (POC) specifying the particular steps that will be taken to minimize any effects the project might have on subsistence harvest.

Findings

Small Numbers

For small numbers analyses, the statute and legislative history do not expressly require a specific type of numerical analysis, leaving the determination of "small" to the agency's discretion. In this case, we propose a finding that the Hilcorp project may result in approximately 693 takes of 578 otters, of which, 522 takes of 410 animals will be from the southwest stock and 170 takes of 168 otters will be from the southcentral stock. This represents about 1 percent of each stock, respectively (USFWS 2014a, b). Predicted levels of take were determined based on estimated density of sea otters in the project area and the mean rates of aircraft disturbance based on the opinions of professional biologists in the field of study. Based on these numbers, we propose a finding that the Hilcorp project will take only a small number of animals.

Negligible Impact

We propose a finding that any incidental take by harassment resulting from the proposed project cannot be reasonably expected to, and is not reasonably likely to, adversely affect the sea otter through effects on annual rates

of recruitment or survival and would, therefore, have no more than a negligible impact on the species or stocks. In making this finding, we considered the best available scientific information, including: The biological and behavioral characteristics of the species, the most recent information on species distribution and abundance within the area of the specified activities, the potential sources of disturbance caused by the project, and the potential responses of animals to this disturbance. In addition, we reviewed material supplied by the applicant, other operators in Alaska, our files and datasets, published reference materials, and species experts.

Sea otters are likely to respond to proposed activities with temporary behavioral modification or displacement. These reactions are unlikely to have consequences for the health, reproduction, or survival of affected animals. Sound production is not expected to reach levels capable of causing harm, and Level A harassment is not authorized. Most animals will respond to disturbance by moving away from the source, which may cause temporary interruption of foraging, resting, or other natural behaviors. Affected animals are expected to resume normal behaviors soon after exposure, with no lasting consequences. Some animals may exhibit more severe responses typical of Level B harassment, such as fleeing, ceasing feeding, or flushing from a haulout. These responses could have significant biological impacts for a few affected individuals, but most animals will also tolerate this type of disturbance without lasting effects. Thus, although the Hilcorp project may result in approximately 522 takes of 410 animals from the southwest stock and 170 takes of 168 otters from the southcentral stock, we do not expect this type of harassment to affect annual rates of recruitment or survival or result in adverse effects on the species or stocks.

Our proposed finding of negligible impact applies to incidental take associated with the proposed activities as mitigated by the avoidance and minimization measures identified in Hilcorp's mitigation and monitoring plan. These mitigation measures are designed to minimize interactions with and impacts to sea otters. These measures, and the monitoring and reporting procedures, are required for the validity of our finding and are a necessary component of the IHA. For these reasons, we propose a finding that the 2018 Hilcorp project will have a negligible impact on sea otters.

Impact on Subsistence

We propose a finding that the anticipated harassment caused by Hilcorp's activities would not have an unmitigable adverse impact on the availability of sea otters for taking for subsistence uses. In making this finding, we considered the timing and location of the proposed activities and the timing and location of subsistence harvest activities in the area of the proposed project. We also considered the applicant's consultation with subsistence communities, proposed measures for avoiding impacts to subsistence harvest, and commitment to development of a POC, should any adverse impacts be identified.

Required Determinations

National Environmental Policy Act (NEPA)

We have prepared a draft Environmental Assessment in accordance with the NEPA (42 U.S.C. 4321 *et seq.*). We have preliminarily concluded that approval and issuance of an authorization for the nonlethal, incidental, unintentional take by Level B harassment of small numbers of sea otters in Alaska during activities conducted by Hilcorp in 2018 would not significantly affect the quality of the human environment, and that the preparation of an environmental impact statement for these actions is not required by section 102(2) of NEPA or its implementing regulations.

Endangered Species Act

Under the ESA, all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. The southwestern DPS of the northern sea otter was listed as threatened on August 9, 2005 (70 FR 46366). A portion of Hilcorp's project will occur within sea otter critical habitat. Prior to issuance of this IHA, the Service will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of an IHA, which will consider whether the effects of the proposed project will adversely affect sea otters or their critical habitat. These evaluations and findings will be made available on the Service's website at <http://www.fws.gov/alaska/fisheries/mmm/iha.htm>.

Government-to-Government Coordination

It is our responsibility to communicate and work directly on a Government-to-Government basis with

federally recognized Alaska Native tribes and organizations in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture, and to make information available to Alaska Natives. Our efforts are guided by the following policies and directives: (1) The Native American Policy of the Service (January 20, 2016); (2) the Alaska Native Relations Policy (currently in draft form); (3) Executive Order 13175 (January 9, 2000); (4) Department of the Interior Secretarial Orders 3206 (June 5, 1997), 3225 (January 19, 2001), 3317 (December 1, 2011), and 3342 (October 21, 2016); (5) the Alaska Government-to-Government Policy (a departmental memorandum issued January 18, 2001); and (6) the Department of Interior's policies on consultation with Alaska Native tribes and organizations.

We have evaluated possible effects of the proposed activities on federally recognized Alaska Native Tribes and organizations. Through the IHA process identified in the MMPA, the applicant has presented a communication process, culminating in a POC if needed, with the Native organizations and communities most likely to be affected by their work. Hilcorp has engaged these groups in informational meetings.

Through these various interactions, we have determined that the issuance of this proposed IHA is permissible. We invite continued discussion, either about the project and its impacts, or about our coordination and information exchange throughout the IHA/POC process.

Proposed Authorization

We propose to authorize up to 522 takes of 410 animals from the southwest stock and 170 takes of 168 otters from the southcentral stock. Authorized take will be limited to disruption of behavioral patterns that may be caused by aircraft overflights conducted by Hilcorp in Cook Inlet, Alaska, between May 23 and September 30, 2018. We anticipate no take by injury or death to northern sea otters resulting from these aircraft overflights.

A. General Conditions for Issuance of the Proposed IHA

1. The taking of sea otters whenever the required conditions, mitigation, monitoring, and reporting measures are not fully implemented as required by the IHA will be prohibited. Failure to follow measures specified may result in

the modification, suspension, or revocation of the IHA.

2. If take exceeds the level or type identified in the proposed authorization (e.g., greater than 693 incidents of take of 578 otters by Level B harassment, separation of mother from young, injury, or death), the IHA will be invalidated and the Service will reevaluate its findings. If project activities cause unauthorized take, Hilcorp must take the following actions: (i) Cease its activities immediately (or reduce activities to the minimum level necessary to maintain safety); (ii) report the details of the incident to the Service's MMM within 48 hours; and (iii) suspend further activities until the Service has reviewed the circumstances, determined whether additional mitigation measures are necessary to avoid further unauthorized taking, and notified Hilcorp that it may resume project activities.

3. All operations managers and aircraft pilots must receive a copy of the IHA and maintain access to it for reference at all times during project work. These personnel must understand, be fully aware of, and be capable of implementing the conditions of the IHA at all times during project work.

4. The IHA will apply to activities associated with the proposed project as described in this document and in Hilcorp's amended application (Fairweather Science 2017a). Changes to the proposed project without prior authorization may invalidate the IHA.

5. Hilcorp's IHA application will be approved and fully incorporated into the IHA, unless exceptions are specifically noted herein or in the final IHA. The application includes:

- Hilcorp's original request for an IHA, dated November 2, 2017;
- Hilcorp's response to a request for additional information from the Service, dated November 30, 2017;
- The letter requesting an amendment to the original application, dated December 22, 2017; and
- The *Marine Mammal Monitoring and Mitigation Plan* prepared by Fairweather Science, LLC (2017b).

6. Operators will allow Service personnel or the Service's designated representative to visit project work sites to monitor impacts to sea otters and subsistence uses of sea otters at any time throughout project activities so long as it is safe to do so. "Operators" are all personnel operating under Hilcorp's authority, including all contractors and subcontractors.

B. Avoidance and Minimization

7. Aircraft operators must take reasonable precautions to avoid harassment to sea otters.

8. Aircraft must maintain a minimum altitude of 305 m (1,000 ft) when approaching and departing survey areas to avoid unnecessary harassment of sea otters outside of the survey areas, except when a lower flight altitude is necessary for safety due to weather or restricted visibility.

9. Aircraft may not be operated in such a way as to separate members of a group of sea otters from other members of the group.

10. All aircraft must avoid areas of active or anticipated subsistence hunting for sea otters as determined through community consultations.

C. Monitoring

11. Pilots will be provided training and resources for identifying and collecting information on sea otters. Pilots will record information during aerial surveys when it is safe and practical to do so.

12. Data collection will include locations and numbers of sea otters and the dates and times of the corresponding aerial surveys. When feasible, data will also include aircraft heading, speed, and altitude; visibility, group size, and composition (adults/juveniles); initial behaviors of the sea otters before responding to aircraft; and descriptions of any apparent reactions to the aircraft.

D. Measures To Reduce Impacts to Subsistence Users

13. Prior to conducting the work, Hilcorp will take the following steps to reduce potential effects on subsistence harvest of sea otters: (i) Avoid work in areas of known sea otter subsistence harvest; (ii) discuss the planned activities with subsistence stakeholders including Cook Inlet villages, traditional councils, and the Cook Inlet Regional Citizens Advisory Council; (iii) identify and work to resolve concerns of stakeholders regarding the project's effects on subsistence hunting of sea otters; and (iv) if any unresolved or ongoing concerns remain, develop a POC in consultation with the Service and subsistence stakeholders to address these concerns.

E. Reporting Requirements

14. Hilcorp must notify the Service at least 48 hours prior to commencement of activities.

15. Reports will be submitted to the Service's MMM weekly during project activities. The reports will summarize project work and monitoring efforts.

16. A final report will be submitted to the Service's MMM within 90 days after completion of work or expiration of the IHA. It will include a summary of monitoring efforts and observations. All project activities will be described, along with any additional work yet to be done. Factors influencing visibility and detectability of marine mammals (e.g., sea state, number of observers, fog, and glare) will be discussed. The report will describe changes in sea otter behavior resulting from project activities and any specific behaviors of interest. Sea otter observation records will be provided in the form of electronic database or spreadsheet files. The report will assess any effects Hilcorp's operations may have had on the availability of sea otters for subsistence harvest and if applicable, evaluate the effectiveness of the POC for preventing impacts to subsistence users of sea otters.

17. Injured, dead, or distressed sea otters that are not associated with project activities (e.g., animals found outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must be reported to the Service within 48 hours of discovery. Photographs, video, location information, or any other available documentation shall be provided to the Service.

18. All reports shall be submitted by email to fw7_mmm_reports@fws.gov.

19. Hilcorp must notify the Service upon project completion or end of the work season.

Request for Public Comments

If you wish to comment on this proposed authorization, the associated draft environmental assessment, or both documents, you may submit your comments by any of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed authorization, draft environmental assessment or both, make your comments as specific as possible, confine them to issues pertinent to the proposed authorization, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph that you are addressing. The Service will consider all comments that are received before the close of the comment period (see **DATES**).

Comments, including names and street addresses of respondents, will become part of the administrative record for this proposal. Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment,

including your personal identifying information, may be made publicly available at any time. While you can ask us in your comments to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Dated: March 27, 2018.

Karen P. Clark

Acting Regional Director, Alaska Region.

[FR Doc. 2018–08760 Filed 4–25–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[189D0102DM, DLSN00000.000000, DS62400000, DX62401; OMB Control Number 1084–0010]

Agency Information Collection Activities; Claim for Relocation Payments—Residential, DI–381 and Claim for Relocation Payments—Nonresidential, DI–382

AGENCY: Office of the Secretary, Office of Acquisition and Property Management, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Acquisition and Property Management are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 25, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) by mail to Mary Heying, Department of the Interior, Office of Acquisition and Property Management, 1849 C St. NW, MS 4262 MIB, Washington, DC 20240, fax (202) 513–7645 or by email to mary_heyning@ios.doi.gov. Please reference OMB Control Number 1084–0010 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mary Heying by email at mary_heyning@ios.doi.gov, or by telephone at 202–513–0722.

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 Office of Acquisition and Property Management; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Office of Acquisition and Property Management enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Office of Acquisition and Property Management 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: Public Law 91–646, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, requires each Federal agency acquiring real estate interests to provide relocation benefits to individuals and businesses displaced as a result of the acquisition. Form DI–381, Claim For Relocation Payments—Residential, and DI–382, Claim For Relocation Payments—Nonresidential, permit the applicant to present allowable moving expenses and certify occupancy status, after having been displaced because of Federal acquisition of their real property.

The information required is obtained through application made by the displaced person or business to the funding agency for determination as to the specific amount of monies due under the law. The forms, through which application is made, require specific information since the Uniform Relocation Assistance and Real Property Acquisition Act allows for various amounts based upon each actual circumstance. Failure to make application to the agency would eliminate any basis for payment of claims.

Title of Collection: Claim for Relocation Payments—Residential, DI–381 and Claim for Relocation Payments—Nonresidential, DI–382.

OMB Control Number: 1084–0010.

Form Number: DI–381 and DI–382.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and businesses who are displaced because of Federal acquisitions of their real property.

Total Estimated Number of Annual Respondents: 24.

Total Estimated Number of Annual Responses: 24.

Estimated Completion Time per Response: 50 minutes.

Total Estimated Number of Annual Burden Hours: 20 Hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: As needed.

Total Estimated Annual Nonhour

Burden Cost: This collection does not have a nonhour cost burden.

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.*)

Tammy L. Bagley,

Acting Director, Office of Acquisition and Property Management.

[FR Doc. 2018–08798 Filed 4–25–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18XL5017AP.LLWY920000.L51010000.ER0000.LVRWK09K0990; 4500119076]

Notice of Availability of Decision Record for the Gateway West Transmission Line Project and Approved Land Use Plan Amendments, Segments 8 and 9, Idaho; IDI–35849–01

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Decision Record (DR) for the Gateway West Transmission Line Project (Project) and Approved Land Use Plan Amendments for Segments 8 and 9. The Assistant Secretary—Land and Minerals Management (ASLM) signed the DR on March 30, 2018, which constitutes the final decision of the Department of the Interior and is not

subject to appeal under Departmental regulations. Any challenge to this decision, including the BLM Authorized Officer's issuance of the right-of-way (ROW) as directed by this decision, must be brought in Federal district court within the timeframe allowed under Title 41 of the FAST Act (FAST-41).

DATES: The ASLM signed the DR on March 30, 2018.

ADDRESSES: Copies of the DR are available online at <https://www.blm.gov/gatewaywest> and at the BLM Idaho State Office, 1387 S Vinnell Way, Boise, ID 83709.

FOR FURTHER INFORMATION CONTACT: Jim Stobaugh, BLM Gateway West National Project Manager, telephone 775-861-6478; email jstobaugh@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question for Mr. Stobaugh. The FRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

On May 7, 2007, PacificCorp (doing business as Rocky Mountain Power) and Idaho Power Company (Proponents) applied to the BLM for a ROW grant to build and operate portions of the Project on public lands in Wyoming and Idaho. The original project comprised 10 transmission line segments originating at the Windstar Substation near Glenrock, Wyoming, and terminating at the Hemingway Substation near Melba, Idaho, with a total length of approximately 1,000 miles. The BLM published a Final Environmental Impact Statement (EIS) for this project on April 26, 2013 and a Record of Decision (ROD) on November 14, 2013. In the ROD, the BLM deferred a decision on Segments 8 and 9 to allow additional time for Federal, state, and local permitting agencies to examine additional routing options, as well as potential mitigation and enhancement measures for these segments, in part, because Segments 8 and 9 involved resources in and near the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA).

In August 2014, the Proponents submitted a revised ROW application for Segments 8 and 9 and a revised Plan of Development for the Project, which the BLM determined required additional environmental analysis through a Supplemental EIS (SEIS). On October 7, 2016, the BLM published a Final SEIS that analyzed 7 alternative ROW routes for Segments 8 and 9 and the Land Use Plan Amendments needed to accommodate each alternative route pair. The BLM issued a ROD on January

19, 2017, selecting the route described as Alternative 5 in the Final SEIS. The State of Idaho, Owyhee County, Idaho, and three environmental organizations appealed the BLM's ROW decision to the Interior Board of Land Appeals (IBLA). In a letter to the Secretary of the Interior, the Governor of Idaho requested that the BLM reconsider the January 19, 2017 decision and select an alternative with fewer impacts to State and county resources and communities. The Proponents also requested that the BLM reconsider the January 2017 decision and select the alternative proposed in their revised application, as more cost-effective and providing greater system reliability. On April 18, 2017, the IBLA granted the BLM's motion to remand the January 19, 2017, ROW decision for reconsideration.

On May 5, 2017, the Morley Nelson Snake River Birds of Prey National Conservation Area Boundary Modification Act (Modification Act) was enacted, which directed the BLM to issue a ROW grant to use public lands within the NCA as described in Sec. (b)(2) representing portions of the Project "in alignment with the revised proposed routes for Segments 8 and 9 identified as Alternative 1 in the Supplementary Final Environmental Impact Analysis released October 5, 2016." The Modification Act also removed the lands affected by this ROW from NCA status and stipulated that the mitigation framework presented in the Final SEIS would apply to the authorized segments. The BLM offered this statutory ROW grant to the Proponents on July 26, 2017.

The BLM has prepared an Environmental Assessment (EA) (DOI-BLM-ID-0000-0002-EA) to analyze and document the environmental effects of an application from the Proponents for a ROW grant to use public lands for Segments 8 and 9 of the Project. The EA also analyzed the effects of amending three current BLM land use plans needed to ensure the ROW grant conformed to the plans:

Kuna Management Framework Plan (MFP); Bennett Hills/Timmerman Hills MFP; and 1987 Jarbidge Resource Management Plan (for areas not covered by the 2015 Jarbidge RMP).

The BLM tiered to and incorporated by reference the analyses in the 2013 Final EIS and 2016 Final SEIS. The BLM prepared the EA in consultation with Cooperating Agencies and in accordance with the National Environmental Policy Act of 1969, as amended, the Federal Land Policy and Management Act of 1976, as amended, implementing regulations, the BLM Land Use Planning

Handbook (H-1601-1), the BLM National Environmental Policy Act Handbook (H-1790-1), and other applicable law and policy.

Following the publication of a Notice of Intent to prepare an EA in the **Federal Register**, an opportunity for the public to comment on a Draft EA, and an opportunity for interested parties and the State of Idaho to protest a decision to amend land use plans as reflected in the EA and Finding of No New Significant Impact, the ASLM issued a Decision selecting Alternative 1 from the EA. The selected alternative authorizes a ROW grant to the Proponents for the portions of Segments 8 and 9 of the project that physically connect with the portions of those segments authorized by the Boundary Modification Act. It also includes the Toana Road Variation 1 as analyzed in the Final SEIS and amends the 1987 Jarbidge RMP and the Kuna and Bennett Hills/Timmerman Hills MFPs for BLM-managed public lands in the Jarbidge, Four Rivers and Shoshone Field Offices.

The ASLM's DR also incorporated, as terms and conditions of the ROW grant, environmental protection measures described in the EA, monitoring requirements, and measures to mitigate effects. In addition, the BLM has worked with the Proponents to develop the Mitigation Framework for the NCA (Final SEIS EIS Appendix K), which the Boundary Modification Act also stipulates will apply to the authorized segments.

My approval of this decision as the ASLM is not subject to administrative appeal under Departmental regulations at 43 CFR part 4 pursuant to 43 CFR 4.410(a)(3). Any challenge to this decision must be brought in Federal District Court and is subject to 42 U.S.C. 4370m-6(a)(1).

Authority: 40 CFR 1506.6; 42 U.S.C. 4370m-6(a)(1)

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2018-08808 Filed 4-25-18; 8:45 am]

BILLING CODE 4310-AK-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X.LLAK930100.L16100000.PN0000]

Notice of Intent To Prepare an Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program, Alaska; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; correction.

SUMMARY: The Bureau of Land Management (BLM) published a document in the **Federal Register** on April 20, 2018, concerning a request for scoping comments on an Environmental Impact Statement (EIS) to implement an oil and gas leasing program in Alaska within the area defined as the “Coastal Plain.” The document omitted a website address for the public to submit comments. This notice corrects the omission to include the website address.

FOR FURTHER INFORMATION CONTACT: Jennifer Noe, by telephone, 202–912–7442, or by email, jnoe@blm.gov.

Correction

In the **Federal Register** of April 20, 2018, in FR Doc. 2018–08302, on page 17562, in the second column, correct the **ADDRESSES** caption to read:

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

- *Website:* www.blm.gov/alaska/coastal-plain-eis.
- *Email:* blm_ak_coastalplain_EIS@blm.gov.
- *Mail:* BLM, Alaska State Office, Attention—Coastal Plain EIS, 222 West 7th Avenue, #13, Anchorage, AK 99513–7599.

Jeff Krauss,

Acting Assistant Director, Communications.

[FR Doc. 2018–08806 Filed 4–25–18; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY921000 L14400000.ET0000, 18X; WYW 141567]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting for the Whiskey Mountain Bighorn Sheep Winter Range, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed withdrawal.

SUMMARY: The Assistant Secretary—Land and Minerals Management has approved a Bureau of Land Management (BLM) petition/application to extend the duration of Public Land Order (PLO) No. 7434 for an additional 20-year term. PLO No. 7434 withdrew 1,430.92 acres of public lands from location and entry under the United States mining laws to protect the Whiskey Mountain Bighorn Sheep Winter Range and capital investments in Fremont County, Wyoming. This Notice advises the

public of an opportunity to comment on the application for the proposed withdrawal extension and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by July 25, 2018.

ADDRESSES: All comments and meeting requests should be sent to the BLM Wyoming State Director, 5353 Yellowstone Road, Cheyenne, Wyoming 82009. Comments, including name and street address of respondents, will be available for public review at the BLM Lander Field Office, 1335 Main Street, Lander, Wyoming, during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Michael Hogan, Realty Officer, BLM Wyoming State Office, address listed above, telephone: 307–775–6257, email: mthogan@blm.gov; or Leta Rinker, Realty Specialist, BLM Lander Field Office, 1335 Main Street, Lander, Wyoming 82520, telephone: 307–332–8405, email: lrinker@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact either of the above individuals during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The withdrawal established by PLO No. 7434 (65 FR 15920) will expire March 23, 2020, and is incorporated herein by reference. The BLM has filed a petition/application to extend PLO No. 7434 for an additional 20-year term.

The purpose of the proposed withdrawal extension is to continue the withdrawal established by PLO No. 7434 to protect the Whiskey Mountain Bighorn Sheep Winter Range and capital investments in the area.

The use of a right-of-way, interagency, or cooperative agreement would not constrain nondiscretionary uses.

There are no suitable alternative sites since the lands described in PLO No. 7334 identify the area that has historically been used as bighorn sheep winter range due to the physical characteristics and because of the local weather conditions.

No water rights would be needed to fulfill the purpose of this withdrawal extension.

Comments, including name and street address of respondents, will be available for public review at the BLM Lander Field Office, 1335 Main Street, Lander,

Wyoming, during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

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 personally identifying information—may be made publicly available at any time. While you may ask the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the State Director, BLM Wyoming State Office at the address in the **ADDRESSES** section, within 90 days from the date of publication of this Notice. If the authorized officer determines that a public meeting will be held, a Notice of the date, time, and place will be published in the **Federal Register** and local newspapers and also posted on the BLM website at: www.blm.gov at least 30 days before the scheduled date of the meeting.

This withdrawal extension proposal will be processed in accordance with the regulations set forth in 43 CFR 2310.4.

Authority: 43 CFR 2310.3–1

Dated: April 18, 2018.

Joseph R. Balash,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2018–08812 Filed 4–25–18; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000 L14400000.BJ0000.LXSSF2210000.241A; 13–08807; MO #4500120434; TAS: 14X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

APPLICABLE DATES: Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT:

Michael O. Harmening, Chief Cadastral Surveyor for Nevada, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502-7147, phone: 775-861-6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

1. The Supplemental Plat of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on January 26, 2018:

The supplemental plat, in one sheet, showing a subdivision of lot 9, section 19, Township 14 North, Range 70 East, Mount Diablo Meridian, Nevada, under Group No. 976, was accepted January 24, 2018. This supplemental plat was prepared to meet certain administration needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on January 26, 2018:

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines, the subdivision of section 20, and a metes-and-bounds survey of a portion of the southerly right-of-way of Clark County Highway No. 215 in section 20, Township 19 South, Range 62 East, Mount Diablo Meridian, Nevada, under Group No. 968, was accepted on January 25, 2018. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

The survey, and supplemental plat listed above, are now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: April 16, 2018.

Michael O. Harmening,

Chief Cadastral Surveyor for Nevada.

[FR Doc. 2018-08755 Filed 4-25-18; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NRNHL-DTS#-25397; PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places;
Notification of Pending Nominations
and Related Actions**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before April 7, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 11, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 7, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

ILLINOIS**Du Page County**

Himmelfarb, Samuel and Eleanor House and Studio, 28W 120 Marion Rd., Winfield, SG100002417

McLean County

Children's Village—Illinois Soldiers' and Sailors' Children's School, 1100 N Beech St., Normal, SG100002418

MASSACHUSETTS**Hampshire County**

Pomeroy Terrace Historic District, Pomeroy Terr., Phillips & Butler Pls.,

Bixby Ct., Hawley, Hancock, & Bridge Sts., Northampton, SG100002420

Norfolk County

Davenport Estate Historic District, 1465, 1485, 1493 Brush Hill Rd., Milton, SG100002421

MISSISSIPPI**Hinds County**

Waterhouse—Simmons House, 646 Seneca Ave., Jackson, SG100002422

Warren County

Polk—Sherard—Hinman House, 2615 Confederate Ave., Vicksburg, SG100002423

MISSOURI**Jackson County**

Crane Company Building, The (Railroad Related Historic Commercial and Industrial Resources in Kansas City, MO MPS) 1105-1107 Hickory St., Kansas City, MP100002424

First Swedish Baptist Church, 3931 Washington St., Kansas City, SG100002425

Lee's Summit Post Office, 210 SW Market St., Lee's Summit, SG100002426

McGee Street Automotive Historic District, Bounded by E 17th & E 20th Sts., McGee St. at the 1700 & 1900 blks., Alleys between McGee and Grand at 1800 blk. & McGee & Oak Sts., Kansas City, SG100002427

St. Louis County

Atwood, John C. and Georgie, House, (Ferguson, Missouri, MPS), 100 S. Clay Ave., Ferguson, MP100002428

St. Louis Independent City

Employment Security Building, 505 Washington Ave., St. Louis (Independent City), SG100002429

Stoddard County

Miller, Henry, House, 106 Cape Rd., Bloomfield, SG100002430

TEXAS**Cameron County**

Fernandez and Laiseca Building, 1142-1154 Madison St., Brownsville, SG100002433

Collin County

Saigling House, 902 E 16th St., Plano, SG100002434

Harris County

Maria Boswell Flake Home for Old Women, 1103 Berry St., Houston, SG100002435

Tom Green County

Roosevelt Hotel, 50 N Chadbourne St.,
San Angelo, SG100002436

Williamson County

Taylor High School Campus, 410 W 7th
St., Taylor, SG100002437

VIRGINIA**Augusta County**

Thompson, Fannie, House, 7 Old
Staunton Rd., Greenville,
SG100002438

Fairfax County

Mount Vernon High School, 8333
Richmond Hwy., Alexandria vicinity,
SG100002439

Henrico County

Highland Springs Historic District, W &
E Nine Mile Rd. N & S Holly Ave.,
Highland Springs, SG100002440

Washington County

Retirement and the Muster Grounds,
702 Colonial Rd. SW, Abingdon,
SG100002441

WISCONSIN**Outagamie County**

South Greenville Grange No. 225,
W6920 Cty. Rd. BB, Greenville,
SG100002443

Portage County

Rising Star Flouring Mill, 3190 Cty. Rd.
Q, Nelsonville, SG100002444

Washington County

Schwartz Family Home, 220 Union St.,
Hartford, SG100002445

Additional documentation has been
received for the following resources:

ARIZONA**Pima County**

Blixt—Avitia House, (Menlo Park MPS),
830 W Alameda St., Tucson,
AD92000251

Yuma County

Fredley Apartments, (Yuma MRA), 406
2nd Ave., Yuma, AD82001634
Fredley House, (Yuma MRA), 408 2nd
Ave., Yuma, AD82001635

Nomination submitted by Federal
Preservation Officer:

The State Historic Preservation
Officer reviewed the following
nomination and responded to the
Federal Preservation Officer within 45
days of receipt of the nomination and
supports listing the property in the
National Register of Historic Places.

COLORADO**Larimer County**

Fall River Road (Boundary Increase and
Additional Documentation), (Rocky
Mountain National Park MRA), Fall
River Rd., Estes Park vicinity,
BC100002416

Authority: Section 60.13 of 36 CFR part 60.

Dated: April 9, 2018.

J. Paul Loether,

*Chief, National Register of Historic Places/
National Historic Landmarks Program and
Keeper, National Register of Historic Places.*
[FR Doc. 2018-08774 Filed 4-25-18; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**Bureau of Reclamation**

[RR04084000, XXXR4081X1,
RN.20350010.REG0000]

**Colorado River Basin Salinity Control
Advisory Council Notice of Public
Meeting**

AGENCY: Bureau of Reclamation,
Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Reclamation is
publishing this notice to announce that
a Federal Advisory Committee meeting
of the Colorado River Basin Salinity
Control Council (Council) will take
place.

DATES: The Council will convene the
meeting on Wednesday, May 16, 2018,
at 1:00 p.m. and adjourn at
approximately 5:00 p.m. The Council
will reconvene the meeting on
Thursday, May 17, 2018, at 8:30 a.m.
and adjourn the meeting at
approximately 11:00 a.m.

ADDRESSES: The meeting will be held at
the Washington County Water
Conservancy District's office located at
533 East Waterworks Drive, St. George,
Utah 84770.

FOR FURTHER INFORMATION CONTACT: Kib
Jacobson, telephone (801) 524-3753;
email at kjacobson@usbr.gov; facsimile
(801) 524-3847.

SUPPLEMENTARY INFORMATION: The
meeting of the Council is being held
under the provisions of the Federal
Advisory Committee Act of 1972. The
Council was established by the Colorado
River Basin Salinity Control Act of 1974
(Pub. L. 93-320) (Act) to receive reports
and advise Federal agencies on
implementing the Act.

Purpose of the Meeting: The purpose
of the meeting is to discuss and take
appropriate actions regarding the
following: (1) The Basin States Program

created by Public Law 110-246, which
amended the Act; (2) responses to the
Advisory Council Report; and (3) other
items within the jurisdiction of the
Council.

Agenda: Council members will be
updated and briefed on the status of (1)
the Bureau of Reclamation's Basinwide
and Basin States salinity control
programs, (2) the Bureau of Land
Management's and Natural Resources
Conservation Service's salinity control
programs, (3) the renewal of the
Council's Charter, and (4) other salinity
control activities occurring in the
Colorado River Basin.

**Meeting Accessibility/Special
Accommodations:** The meeting is open
to the public and seating is on a first-
come basis. Individuals requiring
special accommodations to access the
public meeting should contact Mr. Kib
Jacobson by email at kjacobson@usbr.gov, or by telephone at (801) 524-3753, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: To
the extent that time permits, the Council
chairman will allow public presentation
of oral comments at the meeting. Any
member of the public may file written
statements with the Council before,
during, or up to 30 days after the
meeting either in person or by mail. To
allow full consideration of information
by Council members, written notice
must be provided to Mr. Kib Jacobson,
Bureau of Reclamation, Upper Colorado
Regional Office, 125 South State Street,
Room 8100, Salt Lake City, Utah 84138-
1147; email at kjacobson@usbr.gov;
facsimile (801) 524-3847; at least five
(5) business days prior to the meeting.
Any written comments received prior to
the meeting will be provided to Council
members at the meeting.

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.

Dated: March 13, 2018.

Brent Rhees,

Regional Director, Upper Colorado Region.

[FR Doc. 2018-08482 Filed 4-25-18; 8:45 am]

BILLING CODE 4332-90-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–488 and 731–TA–1199–1200 (Review)]

Certain Large Residential Washers From Korea and Mexico; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty order and revocation of the antidumping duty order on large residential washers from Korea and revocation of the antidumping duty order on large residential washers from Mexico would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202–708–2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On April 9, 2018, the Commission found that both the domestic interested party group response and the respondent interested party group response to its notice of institution with respect to Korea (83 FR 145, January 2, 2018) were adequate. Two Commissioners found that the respondent interested party group response with respect to Mexico was

adequate while two Commissioners found this group response was inadequate. The Commission unanimously determined to conduct full reviews of the countervailing duty and antidumping duty orders on large residential washers from Korea and Mexico.¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 23, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08791 Filed 4–25–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0072]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Employee Possessor Questionnaire—ATF F 5400.28

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, on February 15, 2018, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 29, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the

¹ Chairman Rhonda K. Schmidlein and Commissioner Irving A. Williamson found that other circumstances warranted conducting a full review of the antidumping duty order on large residential washers from Mexico. Commissioner Jason E. Kearns did not participate.

estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Shawn Stevens, Federal Explosives Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at Shawn.Stevens@atf.gov, or by telephone at 304–616–4421. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension, without change, of a currently approved collection.

(2) *The Title of the Form/Collection:* Employee Possessor Questionnaire.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: ATF F 5400.28.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit.

Abstract: Persons employed in the explosives business or operations, who have to ship, transport, receive, or possess explosive materials, are required to complete and submit an Employee Possessor Questionnaire and to ATF, in order to determine if they are qualified to be an employee possessor in an explosive business or operation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,000 respondents will utilize the form, and it will take each respondent 20 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 3,334 hours which is equal to 10,000 (# of respondents) * .3333 (20 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 23, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018-08749 Filed 4-25-18; 8:45 am]

BILLING CODE 4410-14-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0087]

Agency Information Collection Activities; Proposed eCollection eComments Requested; eForm Access Request

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, on February 21, 2018 allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 29, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Desiree Dickinson either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at Desiree.Dickinson@atf.gov, or by telephone at (304)-616-4584. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* eForm Access Request.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Respondents must complete the eForm Access Request form in order to receive a user ID and password to obtain access to ATF's eForm System. The information is used by the Government to verify the identity of the end users, prior to issuing passwords.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 76,000 respondents will utilize this information collection, and it will take each respondent 2.24 minutes to complete their response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 2,387 hours which is equal to 76,000 (# of respondents) * .037333333 hours (2.24 minutes).

(7) *An Explanation of the Change in Estimates:* The adjustments associated with this collection are an increase in both the number of respondents and burden hours by 52,000 and 1,941 respectively.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 23, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018-08750 Filed 4-25-18; 8:45 am]

BILLING CODE 4410-14-P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting 2019 Basic Field Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications to subgrant Basic Field Funds.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of 2018 Basic Field Grant funds. LSC is also providing information about where applicants may locate subgrant application forms and directions for

providing the information required to apply for a subgrant.

DATES: See Supplementary Information section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement by email at lacchinim@lsc.gov, or visit the LSC website at <http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant>.

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, “notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on its website.” 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application Forms on LSC’s website satisfy § 1627.4(b)’s notice requirement for the Basic Field Grant program. Only current or prospective recipients of LSC Basic Field Grants may apply for approval of a subgrant. Notices regarding the processes to apply for approval of 2018 Pro Bono Innovation Fund, Technology Initiative Grants, and mid-year Basic Field subgrants will be forthcoming.

Applications will be available the week of April 23, 2018. Subgrant applications must be submitted through LSC Grants at <https://lscgrants.lsc.gov>. Applicants must submit their applications by 5:00 p.m. E.D.T. on the due date identified below.

Applications to subgrant calendar year 2019 Basic Field Grant funds must be submitted with the applicant’s application for 2019 Basic Field Grant funding. 45 CFR 1627.4(b)(1). The deadlines for application submissions are as follows:

- *June 4, 2018* for applicants that have not had an LSC Program Quality Visit (PQV) since January 1, 2016 and for applicants who are not current LSC recipients;
- *June 11, 2018* for applicants that have had a PQV since January 1, 2016, have received a final PQV report by April 30, 2018, and are the only applicant for the service area;
- *August 6, 2018* for applicants that have had a PQV since January 1, 2016, have received a final PQV report during the period May 1, 2018 through July 2, 2018, and are the only applicant for the service area.

The deadlines for the submission of final and signed subgrant agreements are as follows:

- *October 15, 2018* for applicants required to submit applications by June 4 and 11, 2018.

- *November 1, 2018* for applicants required to submit applications by August 6, 2018.

Applicants may also find these deadlines on LSC’s website at <http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/basic-field-grant-key-dates>.

Applicants may access the application under the “Subgrants” heading on their LSC Grants home page. Applicants may initiate an application by selecting “Initiate Subgrant Application.” Applicants must then provide the information requested in the LSC Grants data fields, located in the Subrecipient Profile, Subgrant Summary, and Subrecipient Budget screens, and upload the following documents:

- A draft Subgrant Agreement (with the required terms provided in Subgrant Agreement Template); and
- Subgrant Inquiry Form B (for new subgrants) or C (for renewal subgrants).

Applicants seeking to subgrant to an organization that is not a current LSC grantee must also upload:

- The subrecipient’s accounting manual (or letter indicating that the subrecipient does not have one and why);
- The subrecipient’s most recent audited financial statement (or letter indicating that the subrecipient does not have one and why);
- The subrecipient’s most recent Form 990 filed with the IRS (or letter indicating that the subrecipient does not have one and why);
- The subrecipient’s current fidelity bond coverage (or letter indicating that the subrecipient does not have one);
- The subrecipient’s conflict of interest policy (or letter indicating that the subrecipient does not have one); and
- The subrecipient’s whistleblower policy (or letter indicating that the subrecipient does not have one).

LSC’s Subgrant Agreement Template and Forms B, and C are available on LSC’s website at <http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant>.

LSC encourages applicants to use LSC’s Subgrant Agreement Template as a model subgrant agreement. If the applicant does not use LSC’s Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The

applicant must then upload a final and signed subgrant agreement through LSC Grants by the timeframes referenced above. This can be done by selecting “Upload Signed Agreement” to the right of the application “Status” under the “Subgrant” heading on an applicant’s LSC Grants home page.

As required by 45 CFR 1627.4(b)(1)(ii), LSC will inform applicants of its decision to disapprove or approve the subgrant no later than the date LSC informs applicants of LSC’s 2019 Basic Field Grant funding decisions.

Dated: April 20, 2018.

Stefanie Davis,

Assistant General Counsel.

[FR Doc. 2018–08709 Filed 4–25–18; 8:45 am]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Midyear Subgrants of 2018 Basic Field Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications for approval of 2018 Basic Field Grant midyear subgrants.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of Basic Field Grant funds starting after June 1, 2018 but before January 1, 2019. LSC is also providing information about where applicants may locate subgrant application forms and directions for providing the information required to apply for a subgrant.

DATES: See Supplementary Information section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement by email at lacchinim@lsc.gov, or visit the LSC website at <http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant>.

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, “notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on its website.” 45 CFR 1627.4(b). This Notice

and the publication of the Subgrant Application Forms on LSC's website satisfy § 1627.4(b)'s notice requirement for midyear subgrants of Basic Field Grant funds. Only current or prospective recipients of LSC Basic Field Grants may apply for approval of a subgrant. Notices regarding the process to apply for approval of 2018 Pro Bono Innovation Fund and Technology Initiative Grant subgrants will be forthcoming.

Applications for approval to subgrant 2018 Basic Field Grant funds with starting dates between June 1, 2018 and January 1, 2019, must be submitted at least 45 days in advance of the proposed effective date. 45 CFR 1627.4(b)(3).

Subgrant applications must be submitted through LSC Grants at <https://lscgrants.lsc.gov>. Applicants may access the application under the "Subgrants" heading on their LSC Grants home page. Applicants may initiate an application by selecting "Initiate Subgrant Application." Applicants must then provide the information requested in the LSC Grants data fields, located in the Subrecipient Profile, Subgrant Summary, and Subrecipient Budget screens, and upload the following documents:

- A draft Subgrant Agreement (with the required terms provided in Subgrant Application Template); and

- Subgrant Inquiry Form B (for new subgrants) or C (for renewal subgrants). Applicants seeking to subgrant to an organization that is not a current LSC grantee must also upload:

- The subrecipient's accounting manual (or letter indicating that the subrecipient does not have one and why);

- The subrecipient's most recent audited financial statement (or letter indicating that the subrecipient does not have one and why);

- The subrecipient's most recent Form 990 filed with the IRS (or letter indicating that the subrecipient does not have one and why);

- The subrecipient's current fidelity bond coverage (or letter indicating that the subrecipient does not have one);

- The subrecipient's conflict of interest policy (or letter indicating that the subrecipient does not have one); and

- The subrecipient's whistleblower policy (or letter indicating that the subrecipient does not have one).

LSC's Subgrant Agreement Template and Application Forms B, and C are available on LSC's website at <http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant>.

LSC encourages applicants to use LSC's Subgrant Agreement Template as

a model subgrant agreement. If the applicant does not use LSC's Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through LSC Grants. This can be done by selecting "Upload Signed Agreement" to the right of the application "Status" under the "Subgrant" heading on an applicant's LSC Grants home page.

As required by 45 CFR 1627.4(b)(3), LSC will inform applicants of its decision to disapprove, approve, or request modifications to the subgrant by no later than the subgrant's proposed effective date.

Dated: April 20, 2018.

Stefanie Davis,

Assistant General Counsel.

[FR Doc. 2018-08710 Filed 4-25-18; 8:45 am]

BILLING CODE 7050-01-P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATE: The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Thursday, May 10, from 9:00 a.m.–4:30 p.m., Central Time, in Houston, TX.

PLACE: This meeting will occur in Houston, TX, at the Hilton Americas-Houston, Lanier Grand Ballroom G (Level 4), 1600 Lamar Street, Houston, TX 77010. Interested parties may join the meeting in person at the meeting location or may join by phone in a listening-only capacity (other than the period allotted for public comment noted below) using the following call-in information: Teleconference number: 1-888-599-8667; Conference ID: 8134951; Conference Title: NCD Meeting; Host Name: Neil Romano.

MATTERS TO BE CONSIDERED: The Council will receive agency updates on policy projects, finance, governance, and other business. The Council will then receive a presentation on hurricane preparation, response, and recovery. Following that panel, the Council will receive an update on the work done to date for its 2018 Progress Report to Congress and the President, which this year will focus on monitoring and enforcement efforts in three federal agencies. Following a break for lunch, the Council will next receive presentations on guardianship

issues in Texas; followed by education issues in Texas. Following those two panel presentations, the Council will receive a presentation on bioethics and disability. The meeting will conclude with a time for public comment.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Central):

Thursday, May 10

9:00–9:10 a.m.—Welcome and introductions
 9:10–9:15 a.m.—Greetings from the Mayor's Office
 9:15–9:20 a.m.—Greetings from former NCD Chair Lex Frieden
 9:20–9:30 a.m.—Chairman's Report
 9:30–9:35 a.m.—Executive Director's Report
 9:35–10:05 a.m.—Business Meeting
 10:05–10:20 a.m.—Break
 10:20–11:20 a.m.—Hurricane Preparation, Response, and Recovery
 11:20 a.m.–12:00 p.m.—2018 Progress Report
 12:00–1:00 p.m.—LUNCH BREAK
 1:00–2:00 p.m.—Guardianship Panel
 2:00–2:15 p.m.—BREAK
 2:15–3:15 p.m.—Education/Individuals with Disabilities Education Act Panel
 3:15–4:00 p.m.—Bioethics and Disability
 4:00–4:30 p.m.—Public comments (focused on NCD's newest policy priorities—elimination of 14c; institutionalization as a result of natural disaster; bioethics and disability; centralized accommodation funds for the federal government)
 4:30 p.m.—Adjourn.

PUBLIC COMMENT: To better facilitate NCD's public comment, any individual interested in providing public comment is asked to register his or her intent to provide comment in advance by sending an email to PublicComment@ncd.gov with the subject line "Public Comment" with your name, organization, state, and topic of comment included in the body of your email. Full-length written public comments may also be sent to that email address. All emails to register for public comment at the quarterly meeting must be received by Wednesday, May 9, 2018. Priority will be given to those individuals who are in-person to provide their comments during the public comment period. Those commenters on the phone will be called on per the list of those registered via email. Due to time constraints, NCD asks all commenters to limit their comments to three minutes. Comments

received at the May quarterly meeting will be limited to those regarding NCD's newest policy priorities—elimination of 14c; institutionalization as a result of natural disaster; bioethics and disability; centralized accommodation funds for the federal government.

CONTACT PERSON FOR MORE INFORMATION: Anne Sommers, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202-272-2004 (V), 202-272-2074 (TTY).

ACCOMMODATIONS: A CART streamtext link has been arranged for this meeting. The web link to access CART on Thursday, May 9, 2018 is: <http://www.streamtext.net/player?event=NCD-QUARTERLY>.

Those who plan to attend the meeting in-person and require accommodations should notify NCD as soon as possible to allow time to make arrangements. To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person refrain from wearing scented personal care products such as perfumes, hairsprays, and deodorants.

Dated: April 24, 2018.

Sharon M. Lisa Grubb,
Acting Executive Director.

[FR Doc. 2018-08921 Filed 4-24-18; 4:15 pm]

BILLING CODE 8421-03-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities

Arts and Artifacts Indemnity Panel Advisory Committee

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Federal Council on the Arts and the Humanities will hold a meeting of the Arts and Artifacts International Indemnity Panel.

DATES: The meeting will be held on Friday, May 18, 2018, from 11:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held by teleconference originating at the National Endowment for the Arts, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506, (202) 606 8322; evoyatzis@neh.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for panel review, discussion, evaluation, and recommendation on applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities, for exhibitions beginning on or after July 1, 2018. Because the meeting will consider proprietary financial and commercial data provided in confidence by indemnity applicants, and material that is likely to disclose trade secrets or other privileged or confidential information, and because it is important to keep the values of objects to be indemnified, and the methods of transportation and security measures confidential, I have determined that that the meeting will be closed to the public pursuant to subsection (c)(4) of section 552b of Title 5, United States Code. I have made this determination under the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 15, 2016.

Dated: April 23, 2018.

Elizabeth Voyatzis,
Committee Management Officer.

[FR Doc. 2018-08768 Filed 4-25-18; 8:45 am]

BILLING CODE 7536-01-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Education and Human Resources (#1119).

Date and Time: May 31, 2018; 8:00 a.m.–5:00 p.m.; June 1, 2018; 8:00 a.m.–2:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E2020, Alexandria, VA 22314.

Access: To attend the meeting in person, all visitors must contact the Directorate for Education and Human Resources at least 48 hours prior to the meeting to arrange for a visitor's badge. All visitors must access NSF via the Visitor Center entry adjacent to the south building entrance on Eisenhower Avenue on the day of the meeting to receive a visitor's badge. It is suggested that visitors allow time to pass through security screening.

Type of Meeting: Open.

Contact person: Keaven M. Stevenson, National Science Foundation, 2415

Eisenhower Avenue, Room C11001, Alexandria, VA 22314; Telephone and email: (703) 292-8600/kstevens@nsf.gov.

Summary of Minutes: Minutes and meeting materials will be available on the EHR Advisory Committee website at <http://www.nsf.gov/ehr/advisory.jsp> or can be obtained from Dr. Susan E. Brennan, National Science Foundation, 2415 Eisenhower Ave, Room C11233, Alexandria, VA 22314; Telephone and email: (703) 292-8600/sbrennan@nsf.gov.

Purpose of Meeting: To provide advice with respect to the Foundation's science, technology, engineering, and mathematics (STEM) education and human resources programming.

Agenda

Thursday, May 31, 2018, 8:00 a.m.–5:00 p.m.

- Remarks by the Committee Chair and NSF Assistant Director for Education and Human Resources (EHR)
- Current Challenges in STEM Education
- NSF's Convergence Accelerators: *Harnessing the Data Revolution and the Human/Technology Frontier*
- Subcommittee Discussions
- Update on EHR Programs
- Discussion with France Córdova, NSF Director and Chief Operating Officer Joan Ferrini-Mundy

Friday, June 1, 2018, 8:00 a.m.–2:00 p.m.

- Day 1 Recap
- Update on Broadening Participation in STEM
- Update on Public-Private Partnerships
- Committee Business
- Advisory Committee Recommendations

Final agenda can be located at the EHR AC website: <https://www.nsf.gov/ehr/advisory.jsp>.

Dated: April 23, 2018.

Crystal Robinson,
Committee Management Officer.

[FR Doc. 2018-08765 Filed 4-25-18; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board (NSB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended, (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of

meetings for the transaction of NSB business as follows:

TIME AND DATE: Wednesday, May 2, 2018, from 8:00 a.m. to 4:00 p.m. and Thursday, May 3, 2018, from 8:30 a.m. to 1:45 p.m. EST.

PLACE: These meetings will be held at the NSF headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

Meetings are held in the boardroom on the 2nd floor. The public may observe public meetings held in the boardroom. All visitors must contact the Board Office (call 703-292-7000 or send an email to nationalsciencebrd@nsf.gov) at least 24 hours prior to the meeting and provide your name and organizational affiliation. Visitors must report to the NSF visitor's desk in the building lobby to receive a visitor's badge.

STATUS: Some of these meetings will be open to the public. Others will be closed to the public. See full description below.

MATTERS TO BE CONSIDERED:

Wednesday, May 2, 2018

Plenary Board Meeting

Open Session: 8:00–8:30 a.m.

- NSB Chair's Opening Remarks
- NSF Director's Remarks
- Summary of DC Meetings

Committee on Oversight (CO)

Open Session: 8:30–9:15 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Review of the OIG Semiannual Report
- Inspector General Update
- FY 2018 Financial Statement Audit
- Chief Financial Officer Update
- Committee Chair's Reflections on Past Board Term

Committee on External Engagement (EE)

Open Session: 9:15–10:15 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- *Indicators 2018* Rollout Update
- Michigan Listening Session Report
- Engagement Strategies
- Committee Chair's Reflections on Past Board Term

Task Force on the Skilled Technical Workforce (STW)

Open Session: 10:15–10:45 a.m.

- Chair's Opening Remarks
- Approval of Prior Minutes
- Task Force Strategy and Deliverables

Committee on Awards and Facilities (A&F)

Open Session: 10:55–11:30 a.m.

- Committee Chair's Opening Remarks

- Approval of Prior Minutes
- CY 2018–2019 Schedule of Planned Action and Information Items
- Risk Working Group Report
- Committee Chair's Reflections on Past Board Term

National Science Board

Plenary Open Session: 11:30 a.m.–12:15 p.m.

- Chair's Opening Remarks and Introduction of Dr. Jane Lubchenco
- Dr. Lubchenco Presentation
- Director's Introduction of Dr. Kristina Olson
- Dr. Olson Presentation

National Science Board

Plenary Open Session: 1:15–2:00 p.m.

- Chair's Opening Remarks and Introduction of Mr. Dean Kamen
- Mr. Kamen Presentation
- Director's Introduction of The Honorable Deborah Wince-Smith
- Hon. Deborah Wince-Smith Presentation

Committee on Awards and Facilities (A&F)

Closed Session: 2:00–4:00 p.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Action Item: Ocean Observatories Initiative (OOI) Operations and Management
- Information Item: Geodesy Advancing Geosciences (GAGE) Facility and the Seismological Facilities for the Advancement of Geosciences (SAGE)
- Action Item: Laser Interferometer Gravitational-Wave Observatory (LIGO) Operations and Maintenance
- Information Item: Candidate MREFC-funded Upgrades of the ATLAS and CMS Detectors at the Large Hadron Collider

MATTERS TO BE DISCUSSED

Thursday, May 3, 2018

Committee on National Science and Engineering Policy (SEP)

Open Session: 8:30–9:10 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Update on Future Indicators Project
- Discussion of the Second Policy Companion to *Indicators*
- Committee Chair's Reflections on Past Board Term

Committee on Strategy (CS)

Open Session: 9:10–9:30 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- FY 2018 Appropriations and FY 2019 Budget Request Summary

- Committee Chair's Reflections on Past Board Term

Committee on Strategy (CS)

Closed Session: 9:30–10:30 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- FY 2018–FY 2019 Budget Discussion

Plenary Board

Closed Session: 10:45–11:05 a.m.

- Board Chair's Opening Remarks
- Director's Remarks
- Approval of Prior Minutes
- Closed Committee Reports
- Vote: National Center for Atmospheric Research (NCAR)
- Vote: Ocean Observatories Initiative (OOI) O&M
- Vote: Laser Interferometer Gravitational-Wave Observatory (LIGO) O&M
- Vote: Contract Services for Arctic Sciences Logistics

Plenary Board (Executive)

Closed Session: 11:05–11:50 a.m.

- Board Chair's Opening Remarks
- Approval of Prior Minutes
- Director's Remarks
- Presentation of Election Slate for May 2018 Board Elections
- Elections

Plenary Board

Open Session: 1:00–1:45 p.m.

- Board Chair's Opening Remarks
- NSF Director's Remarks
- Approval of Prior Minutes
- Open Committee Reports
- Vote: NSB Risk Philosophy and Principles
- Vote: Annual Executive Committee Report
- Outgoing Board Member Farewell
- Board Chair's Closing Remarks

Meeting Adjourns: 1:45 p.m.

Portions Open to the Public

Wednesday, May 2, 2018

8:00–8:30 a.m. Plenary NSB

Introduction

8:30–9:15 a.m. Committee on Oversight (CO)

9:15–10:15 a.m. Committee on External Engagement (EE)

10:15–10:45 a.m. Task Force on the Skilled Technical Workforce (STW)

10:55–11:30 a.m. Committee on Awards & Facilities (AF)

11:30 a.m.–12:15 p.m. Plenary Annual Awardee Presentations

1:15–2:00 p.m. Plenary Annual Awardee Presentations

Thursday, May 3, 2018

8:30–9:10 a.m. Committee on National Science and Engineering Policy (SEP)

9:10–9:30 a.m. Committee on Strategy (CS)

1:00–1:45 p.m. Plenary

Portions Closed to the Public

Wednesday, May 2, 2018

2:00–4:00 p.m. (A&F)

Thursday, May 3, 2018

9:30–10:30 a.m. (CS)

10:45–11:05 a.m. Plenary

11:05–11:50 a.m. Plenary Executive

Contact Persons for More Information: The NSB Office contact is Brad Gutierrez, bgutierrez@nsf.gov, 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, nlymn@nsf.gov, 703–292–2490.

Supplemental Information: Public meetings and public portions of meetings held in the 2nd floor boardroom will be webcast. To view these meetings, go to: <http://www.tvworldwide.com/events/nsf/180502> and follow the instructions. The public may observe public meetings held in the boardroom. The address is 2415 Eisenhower Avenue, Alexandria, VA 22314.

Please refer to the NSB website for additional information. You will find any updated meeting information and schedule updates (time, place, subject matter, or status of meeting) at <https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine>.

The NSB will continue its program to provide some flexibility around meeting times. After the first meeting of each day, actual meeting start and end times will be allowed to vary by no more than 15 minutes in either direction. As an example, if a 10:00 meeting finishes at 10:45, the meeting scheduled to begin at 11:00 may begin at 10:45 instead. Similarly, the 10:00 meeting may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next meeting would start no later than 11:15. Arrive at the NSB boardroom or check the webcast 15 minutes before the scheduled start time of the meeting you wish to observe.

Ann Bushmiller,

Senior Counsel to the National Science Board.
[FR Doc. 2018–08981 Filed 4–24–18; 4:15 pm]

BILLING CODE 7555–01–P

National Science Foundation

Sunshine Act Meeting; National Science Board

The National Science Board's Awards and Facilities Committee, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a meeting for the transaction of National Science Board business, as follows:

DATE & TIME: May 1, 2018, from 3:00–6:00 p.m. EDT.

STATUS: Closed.

MATTERS TO BE CONSIDERED: (1) Committee Chair's opening remarks; (2) Congressional Reports; (3) High Performance Computing Information Item; (4) National Center for Atmospheric Research (NCAR) Operations and Management Award Action Item; and (5) Contract Services for Arctic Science Logistics Action Item.

This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Please refer to the National Science Board website www.nsf.gov/nsb for additional information. You can find meeting information and updates (time, place, subject or status of meeting) at <https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine>.

CONTACT PERSON FOR MORE INFORMATION:

The point of contact for this meeting is: Elise Lipkowitz, elipkowitz@nsf.gov, telephone: (703) 292–7000.

Ann Bushmiller,

Senior Counsel to the National Science Board.
[FR Doc. 2018–08982 Filed 4–24–18; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for International Science and Engineering Meeting (#25104).

Date and Time: Thursday, May 24, 2018; 9:00 a.m. to 11:00 a.m. (EDT).

Place: NSF, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 (Virtual).

To join meeting via computer or smartphone, please go to <https://>

bluejeans.com/874106415 (Meeting ID: 874 106 415).

To join meeting via audio-connection only, dial +1.888.240.2560 (US Toll Free) or +1.408.317.9253 (Alternate number) and enter the Meeting ID: 874 106 415.

Type of Meeting: Open.

Contact Person: Roxanne Nikolaus, Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; 703–292–8710.

Suzanne Abo, Program Analyst, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; 703–292–2704.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to international programs and activities.

Agenda:

- Discussion of the draft report of the Subcommittee on International Network-to-Network Collaboration.

Dated: April 23, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–08764 Filed 4–25–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0009]

Information Collection: 10 CFR PART 62 Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities (3150–0143)

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “10 CFR part 62 Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities (3150–0143).”

DATES: Submit comments by June 25, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search

for Docket ID NRC–2018–0009. 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:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–2–F43, 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 Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: INFOCOLLECTS.Resource@NRC.GOV.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0009 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–2018–0009.
- *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 supporting statement is available in ADAMS under Accession No. ML17340A300.

- *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.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: INFOCOLLECTS.Resource@NRC.GOV.

B. Submitting Comments

Please include Docket ID NRC–2018–0009 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <http://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 62 Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities.
2. *OMB approval number:* 3150–0143.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* Generators of low-level radioactive waste or the governor of a state on behalf of any generator or generators located in his or her state who are denied access to a non-Federal or regional low-level radioactive wastes and who wish to request emergency access for disposal of a non-Federal or regional low-level waste disposal facility pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) part 62.

7. *The estimated number of annual responses:* 1.

8. *The estimated number of annual respondents:* 1.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 233.

10. *Abstract:* Part 62 of 10 CFR sets out the information that must be provided to the NRC by any low-level waste generator or governor of a state on behalf of generators seeking emergency access to an operating low-level waste disposal facility. The information is required to allow the NRC to determine if denial of disposal constitutes a serious and immediate threat to public health and safety or common defense and security. Part 62 of 10 CFR also provides that the Commission may grant an exemption from the requirements in this part upon application of an interested person or upon its own initiative.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 20th day of April, 2018.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–08713 Filed 4–25–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–047; NRC–2016–0119]

Early Site Permit Application: Tennessee Valley Authority; Clinch River Nuclear Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft environmental impact statement; public meetings and request for comment.

SUMMARY: The U.S Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers (USACE), Nashville

District, are issuing for public comment NUREG-2226, "Environmental Impact Statement for the Early Site Permit (ESP) for the Clinch River Nuclear (CRN) Site: Draft Report for Comment." The site is located in Roane County, Tennessee, along the Clinch River, approximately 25 miles west-southwest of downtown Knoxville, Tennessee. The purposes of this notice are to inform the public that the NRC staff has issued a draft environmental impact statement (DEIS) as part of the review of the application for the ESP and to provide the public with an opportunity to comment on the DEIS process as defined in the regulations.

DATES: Submit comments by July 10, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date. The DEIS public meetings will be held on June 5, 2018.

ADDRESSES: In addition to the public meetings for comment (described below), you may submit comment by any of the following methods:

- **Federal Rulemaking website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0119. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC Project Email Address:** Electronic comments may be sent by email to the NRC at ClinchRiverESPEIS@nrc.gov.

- **Mail comments to:** May Ma, Office of Administration, Mail Stop: TWFN-07-A60, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on accessing information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Patricia Vokoun, telephone: 301-415-3470, email: Patricia.Vokoun@nrc.gov; or Tamsen Dozier, telephone: 301-415-2272, email: Tamsen.Dozier@nrc.gov. Both are staff members of the Office of New Reactors, 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-2016-0119 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- **Federal Rulemaking website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0119.

- **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 the **SUPPLEMENTARY INFORMATION** section. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this notice entitled Availability of Documents.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- **Project website:** Go to <https://www.nrc.gov/reactors/new-reactors/esp/clinich-river.html>.

- **Local Libraries:** You may examine copies of public documents at the Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, Tennessee, and the Kingston Public Library, 1004 Bradford Way, Kingston, Tennessee.

B. Submitting Comments

Please include Docket ID NRC-2016-0119 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 received through the Federal Rulemaking website (<http://www.regulations.gov>) in the *Regulations.gov* docket (NRC-2016-0119), and will also enter the comment submissions into ADAMS. Comments submitted through the NRC project email address will be processed into ADAMS, and all comments will be compiled and addressed in Appendix E

of the final EIS. 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. Introduction

Pursuant to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), on May 12, 2016, Tennessee Valley Authority (TVA) submitted an application for an ESP for the Clinch River Nuclear Site, located on approximately 935 acres in Roane County, Tennessee, along the Clinch River, approximately 25 miles west-southwest of downtown Knoxville, Tennessee.

III. Further Information

A notice of intent to prepare an environmental impact statement (EIS) and to conduct scoping process was published in the **Federal Register** on April 13, 2017 (82 FR 17885). A notice of receipt and availability of the application, including the environmental report (ER), was published in the **Federal Register** on June 23, 2016 (81 FR 40929). A notice of acceptance for docketing of the application for the ESP was published in the **Federal Register** on January 12, 2017 (82 FR 3812). A notice of hearing and opportunity to petition for leave to intervene in the proceeding on the application was published in the **Federal Register** on April 4, 2017 (82 FR 16436).

The purposes of this notice are to inform the public that the NRC staff has issued a DEIS as part of the review of the application for the ESP and to provide the public with an opportunity to provide comments. As set forth in 10 CFR 51.20(b)(1), issuance of an ESP under 10 CFR part 52 is an action that requires an EIS. This notice is being published in accordance with the National Environmental Policy Act of 1969, as amended (NEPA) and the NRC's regulations in 10 CFR part 51.

In addition, as outlined in 36 CFR 800.8(c), "Coordination with the National Environmental Policy Act," the NRC staff has been coordinating

compliance with Section 106 of the National Historic Preservation Act (NHPA) with steps taken to meet the requirements of the NEPA. Pursuant to 36 CFR 800.8(c), the NRC staff used the process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the

NHPA in lieu of the procedures set forth on 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, TVA submitted the environmental ER as part of the application; the ER is available in ADAMS under Accession No. ML16144A145.

III. Availability of Documents

The DEIS is available in ADAMS under Accession Nos. ML18100A220 and ML18100A223. The following table indicates how the key reference documents related to the application and the NRC staff's review processes may be accessed.

| Document title | ADAMS accession No. or website |
|---|---|
| 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function". | https://www.nrc.gov/reading-rm/doc-collections/cfr/part051/ . |
| 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants". | https://www.nrc.gov/reading-rm/doc-collections/cfr/part052/ . |
| 10 CFR part 100, "Reactor Site Criteria" | https://www.nrc.gov/reading-rm/doc-collections/cfr/part100/ . |
| NUREG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants". | https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1555/ . |
| NUREG/BR-0298, "Brochure on Nuclear Power Plant Licensing Process". | https://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0298/ . |
| Regulatory Guide 4.2, "Preparation of Environmental Reports for Nuclear Power Stations (Supplement 1)". | ML13067A354. |
| Regulatory Guide 4.7, "General Site Suitability Criteria for Nuclear Power Stations". | ML12188A053. |
| Fact Sheet on Nuclear Power Plant Licensing Process | https://www.nrc.gov/reading-rm/doc-collections/fact-sheets/licensing-process-fs.html . |
| Regulatory Guide 1.206, "Combined License Applications for Nuclear Power Plants". | https://www.nrc.gov/reading-rm/doc-collections/reg-guides/power-reactors/rg/01-206/ . |
| Nuclear Regulatory Commission Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions. | https://www.gpo.gov/fdsys/pkg/FR-2004-08-24/pdf/04-19305.pdf . |

The NRC may post materials related to this document, including public comments, on the Federal Rulemaking website at <http://www.regulations.gov> under Docket ID NRC-2016-0119. The Federal Rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2016-0119); (2) click the "Sign up for Email Alerts" link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

IV. Public Meetings for Comment

The NRC and the USACE staff will hold two identical public meetings to present a brief overview of the DEIS and to accept public comments on the document. The meetings will be held at Noah's Event Venue, 1200 Ladd Landing Blvd., Kingston, Tennessee, on June 5, 2018. The first meeting will convene at 2:00 p.m. and will continue until approximately 4:00 p.m. The second meeting will convene at 7:00 p.m., with a repetition of the overview portions of the first meeting, and will continue until approximately 9:00 p.m. The meetings will be transcribed and will include the following:

- (1) A brief presentation of the contents of the DEIS; and
- (2) the opportunity for interested government agencies, organizations, and

individuals to submit comments on the draft report.

Additionally, the NRC staff will host informal discussions for 1 hour prior to the start of each public meeting. No formal comments will be accepted during the informal discussions. To be considered, comments must be provided either at a transcribed public meeting or in writing, as discussed below.

Persons may register to attend or present oral comments at the meeting on the DEIS by contacting Ms. Patricia Vokoun by telephone at 1-800-368-5642, extension 3470, or by email to the NRC at ClinchRiverESPEIS@nrc.gov no later than May 30, 2018. Members of the public may also register to speak at the meeting prior to the start of the presentation. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the preparation of the final EIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Ms. Vokoun's attention no later than May 29, 2018, so that the NRC staff can determine whether the request can be accommodated.

After receipt and consideration of comments on the DEIS, the NRC will

prepare and issue the final EIS, which will also be available to the public.

Dated at Rockville, Maryland, this 20th day of April 2018.

For the Nuclear Regulatory Commission.

Anna H. Bradford,

Deputy Director, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018-08714 Filed 4-25-18; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2018-0030]

Information Collection: NRC Form 7, "Application for NRC Export or Import License, Amendment, Renewal, or Consent Request(s)"

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Application for NRC Export/Import License, Amendment, Renewal or Consent Request(s)" (OMB No. 3150-0027).

DATES: Submit comments by June 25, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- **Federal Rulemaking website:** Go to <http://www.regulations.gov> and search for Docket ID NRC–2018–0030. 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:** David Cullison, Office of the Chief Information Officer, Mail Stop: T–5–F53, 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 Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: INFOCOLLECTS.Resource@NRC.GOV.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0030 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–2018–0030.
- **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. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS

Accession Nos. ML18002A474 and ML18002A475.

- **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.

- **NRC’s Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: INFOCOLLECTS.Resource@NRC.GOV.

B. Submitting Comments

Please include Docket ID NRC–2018–0030 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <http://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. **The title of the information collection:** Application for NRC Export or Import License, Amendment, Renewal, or Consent Request(s).

2. **OMB approval number:** OMB Approval Number 3150–0027.

3. **Type of submission:** Extension.

4. **The form number, if applicable:** NRC Form 7.

5. **How often the collection is required or requested:** On occasion for each separate export, import, amendment,

renewal, consent request, or exemption from a licensing requirement.

6. **Who will be required or asked to respond:** Any person in the United States who wishes to (a) export or import nuclear material and equipment subject to the requirements of a specific license; (b) amend a license; (c) renew a license; (d) obtain consent to export Category 1 quantities of materials listed in appendix P to title 10 of the *Code of Federal Regulations* (10 CFR) part 110; or (5) request an exemption from a licensing requirement under part 110.

7. **The estimated number of annual responses:** 85.

8. **The estimated number of annual respondents:** 85.

9. **The estimated number of hours needed annually to comply with the information collection requirement or request:** 204.

10. **Abstract:** Persons in the United States wishing to export or import nuclear material or equipment who are required to obtain a specific license, amendment, license renewal; obtain consent to export Category 1 quantities of byproduct material listed in appendix P to 10 CFR part 110; or request an exemption from a licensing requirement under part 110. The NRC Form 7 will be reviewed by NRC staff and the Executive Branch and, if applicable statutory, regulatory, and policy considerations are satisfied, the NRC will issue an export, import, amendment, or renewal license.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 20th day of April, 2018.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–08712 Filed 4–25–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available

From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:

Rule 15c2-12, SEC File No. 270-330, OMB Control No. 3235-0372.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 15c2-12—Municipal Securities Disclosure (17 CFR 240.15c2-12) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Paragraph (b) of Rule 15c2-12 requires underwriters of municipal securities: (1) To obtain and review an official statement "deemed final" by an issuer of the securities, except for the omission of specified information prior to making a bid, purchase, offer, or sale of municipal securities; (2) in non-competitively bid offerings, to send, upon request, a copy of the most recent preliminary official statement (if one exists) to potential customers; (3) to contract with the issuer to receive, within a specified time, sufficient copies of the final official statement to comply with Rule 15c2-12's delivery requirement and the rules of the Municipal Securities Rulemaking Board ("MSRB"); (4) to send, upon request, a copy of the final official statement to potential customers for a specified period of time; and (5) before purchasing or selling municipal securities in connection with an offering, to reasonably determine that the issuer or the obligated person has undertaken, in a written agreement or contract, for the benefit of holders of such municipal securities, to provide certain information on a continuing basis to the MSRB in an electronic format as prescribed by the MSRB. The information to be provided consists of: (1) Certain annual financial and operating information and audited financial statements ("annual filings"); (2) notices of the occurrence of any of 14 specific events ("event notices"); and (3) notices of the failure of an issuer or obligated person to make a submission

required by a continuing disclosure agreement ("failure to file notices").

Rule 15c2-12 is intended to enhance disclosure in the municipal securities market, and thereby reduce fraud, by establishing standards for obtaining, reviewing and disseminating information about municipal securities by their underwriters.

Municipal offerings of less than \$1 million are exempt from the rule, as are offerings of municipal securities issued in large denominations that are sold to no more than 35 sophisticated investors or have short-term maturities.

It is estimated that approximately 20,000 issuers, 250 broker-dealers and the MSRB will spend a total of 115,248 hours per year complying with Rule 15c2-12. Based on data from the MSRB through September 2014 and annualized through December 2014, issuers will submit approximately 62,596 annual filings to the MSRB in 2014.

Commission staff estimates that an issuer will require approximately 45 minutes to prepare and submit annual filings to the MSRB. Therefore, the total annual burden on issuers to prepare and submit 62,596 annual filings to the MSRB is estimated to be 46,947 hours. Based on data from the MSRB through September 2014 and annualized through December 2014, issuers will submit approximately 73,480 event notices to the MSRB in 2014. Commission staff estimates that an issuer will require approximately 45 minutes to prepare and submit event notices to the MSRB. Therefore, the total annual burden on issuers to prepare and submit 73,480 event notices to the MSRB is estimated to be 55,110 hours. Based on data from the MSRB through September 2014 and annualized through December 2014, issuers will submit approximately 7,063 failure to file notices to the MSRB in 2014. Commission staff estimates that an issuer will require approximately 30 minutes to prepare and submit failure to file notices to the MSRB. Therefore, the total annual burden on issuers to prepare and submit 7,063 failure to file notices to the MSRB is estimated to be 3,531 hours. Commission staff estimates that the total annual burden on broker-dealers to comply with Rule 15c2-12 is 300 hours. Finally, Commission staff estimates that the MSRB will incur an annual burden of 9,360 hours to collect, index, store, retrieve and make available the pertinent documents under Rule 15c2-12.

Based on data provided by the MSRB, the Commission estimates that up to 65% of issuers may use designated agents to submit some or all of their continuing disclosure documents to the MSRB. The Commission estimates that

the average total annual cost that may be incurred by issuers that use the services of a designated agent will be \$9,750,000.¹

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-08821 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83077; File No. SR-Phlx-2018-30]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Incorporate by Reference The Nasdaq Stock Market LLC's Consolidated Audit Trail Rules Into the Rules of Nasdaq Phlx

April 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 10, 2018, Nasdaq PHLX LLC ("Phlx" or

¹ 20,000 (number of issuers) × .65 (percentage of issuers that may use designated agents) × \$750 (estimated average annual cost for issuer's use of designated agent) = \$9,750,000.

² 15 U.S.C. 78s(b)(1).

³ 17 CFR 240.19b-4.

“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to incorporate by reference The Nasdaq Stock Market LLC’s (“Nasdaq”) rule at General 7, entitled “Consolidated Audit Trail Compliance” into Phlx’s General 7.

The text of the proposed rule change is available on the Exchange’s website at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to incorporate by reference Nasdaq’s rule at General 7, entitled “Consolidated Audit Trail Compliance” into Phlx’s General 7. The rule sets are identical.³ Phlx proposes to remove the current rule text from General 7 and replace that rule text with the following text:⁴

The rules contained in The Nasdaq Stock Market LLC General 7, as such rules may be

in effect from time to time (the “General 7 Rules”), are hereby incorporated by reference into this Nasdaq Phlx General 7, and are thus Nasdaq Phlx Rules and thereby applicable to Nasdaq Phlx Members. Nasdaq Phlx Members shall comply with the General 7 Rules as though such rules were fully set forth herein. All defined terms, including any variations thereof, contained in the General 7 Rules shall be read to refer to the Nasdaq Phlx related meaning of such term. Solely by way of example, and not in limitation or in exhaustion: The defined term “Exchange” in the General 7 Rules shall be read to refer to the Nasdaq Phlx Exchange; the defined term “Rule” in the General 7 Rules shall be read to refer to the Nasdaq Phlx Rule.

Should any rules which impact trading behavior be added to the Consolidated Audit Trail Compliance Rules in Nasdaq General 7 in the future, those rules shall not become subject to the incorporation by reference and shall be placed elsewhere within Phlx’s Rulebook. The incorporations by reference of Nasdaq General 7 into Phlx’s General 7 Rule are regulatory in nature.⁵ The Exchange notes that as a condition of an exemption, which the Exchange will request and will need to be approved by the Commission,⁶ Phlx agrees to provide written notice to its members whenever Nasdaq proposes a change to its General 7 Rule.⁷ Such notice will alert Phlx members to the proposed Nasdaq rule change and give them an opportunity to comment on the proposal. Phlx will similarly inform its members in writing when the SEC approves any such proposed change.

Implementation

The Exchange proposes that this rule change become operative at such time as it receives approval for an exemption from the Securities and Exchange Commission, pursuant to its authority under Section 36 of the Exchange Act of

1934 (“Act”) and Rule 0–12⁸ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend Phlx General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by consolidating its rules into a single rule set. The Exchange intends to also file similar proposed rule changes for the Nasdaq PHLX LLC; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC markets so that the General 7 Rules which govern Consolidated Audit Trail Compliance are conformed.

Incorporating by reference the Nasdaq General 7 Rules into the Phlx General 7 Rules will provide an easy reference for Members seeking to comply with Consolidated Audit Trail on multiple markets. As noted, the Exchange intends to file similar proposed rule changes for other affiliated markets so that Nasdaq General 7 is the source document for all Nasdaq Consolidated Audit Trail rules. The Exchange notes that the current rule is not changing and Phlx members will be required to continue to comply with the General 7 Rules as though such rules are fully set forth in Phlx’s Rulebook. The Exchange desires to conform its rules and locate those rules within the same location in each Rulebook to provide Members the ability to quickly locate rules.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that this rule change does not impose an undue burden on competition because Phlx is merely incorporating by reference the rules of Nasdaq’s General 7 into its own Rulebook. The current General 7 is not being amended and therefore no Member is impacted.

³ See Securities Exchange Act Release Nos. 82601 (January 30, 2018), 83 FR 4949 (February 2, 2018) (SR–Phlx–2018–11); 82604 (January 30, 2018), 83 FR 5154 (February 5, 2018) (SR–NASDAQ–2018–007); 82597 (January 30, 2018), 83 FR 4942 (February 2, 2018) (SR–BX–2018–007); 82599 (January 30, 2017), 83 FR 4947 (February 2, 2018) (SR–ISE–2018–09); 82598 (January 30, 2018), 83 FR 4936 (February 2, 2018) (SR–GEMX–2018–02); and 82600 (January 30, 2018), 83 FR 4934 (February 2, 2018) (SR–MRX–2018–03).

⁴ Phlx shall include a hyperlink to Nasdaq’s General 7 for ease of reference.

⁵ The General 7 Rules are categories of rules that are not trading rules. See 17 CFR 200.30–3(a)(76) (contemplating such requests). In addition, several other SROs incorporate by reference certain regulatory rules of another SRO and have received from the Commission similar exemptions from Section 19(b) of the Exchange Act. See e.g., Securities Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008), 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006); 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004).

⁶ The Exchange will request an exemption pursuant to its authority under Section 36 of the Exchange Act of 1934 (“Act”) and Rule 0–12⁶ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend Phlx General 7.

⁷ Phlx will provide such notice via a posting on the same website location where Phlx posts its own rule filings pursuant to Rule 19b–4 within the timeframe required by such Rule. The website posting will include a link to the location on the Nasdaq website where the applicable proposed rule change is posted.

⁸ See 17 CFR 240.0–12; Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹¹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2018-30 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-Phlx-2018-30. This file

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2018-30 and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08727 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83080; File No. SR-18-31]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Section II To Clarify Fees Applicable To Correcting "As/of" or "Reversal" Trades

April 20, 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 17,

2018, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule at Section II to clarify fees applicable to correcting "as/of" or "reversal" trades, as described below. The text of the proposed rule change is available on the Exchange's website at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Section II of the Exchange's Pricing Schedule to clarify that when the Exchange processes an "as/of" or "reversal" trade at the request of a member to correct clearing, the new trade will incur the "Floor" category of Options Transaction Charges for the correction, even if the underlying trade that the Exchange is correcting was electronic, because the Exchange must process all corrections manually and in accordance with procedures applicable to Floor trades.

Pursuant to its Policy for Amended Billing Information, which is set forth in the introduction to the Pricing Schedule, the Exchange entertains written requests (with supporting documentation) that its members submit

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

to correct or reverse erroneous trades after the date when such trades clear. The corrections that the Exchange makes in response to such requests are to errors that the requesting member or other members associated with the trade have made with respect to executed orders. These errors are not Exchange errors.

Provided that the Exchange determines that the correction or reversal request is valid, the Exchange must process the correction or reversal manually, using a paper trade ticket, even if the underlying trade that the Exchange is correcting or reversing was electronic in nature. The Exchange presently does not possess a means of electronically correcting or reversing a trade after settlement date of the trade. Accordingly, even if the Exchange originally charged a member the "Electronic" rate for the Options Transaction Charge that applied to the underlying trade, the Exchange will charge the member the "Floor" rate to correct or reverse the trade. Although this is the existing practice of the Exchange, the Exchange now proposes to make this practice explicit in its Pricing Schedule. Specifically, the Exchange proposes adding a footnote 8 to Section II of the Pricing Schedule stating that "Floor transaction fees will apply to any 'as of' or 'reversal' adjustments for manually processed trades originally submitted electronically or through FBMS."³

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,⁵ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is reasonable to charge members an Options Transactions Charge to correct or reverse erroneous trades because processing such corrections and reversals requires the Exchange to execute additional options transactions. Moreover, the trade corrections and reversals at issue occur at the request of

members and pursuant to errors for which members, rather than the Exchange, are responsible. Additionally, it is reasonable for the Exchange to charge members the "Floor" rate to correct or reverse trades—including to correct or reverse both Floor-based and electronic trades—because the Exchange must process all such requests manually, using trade tickets, and in accordance with its Floor-based procedures.

The Exchange believes that its proposal is an equitable allocation and is not unfairly discriminatory because the "Floor" rate that the Exchange charges for corrections or reversals is reflective of the Exchange's manual process of correcting or reversing a trade rather than the nature of the underlying trade that the Exchange is correcting or reversing. Moreover, the Exchange notes that it will assess the same fee to all similarly situated members that request corrections or reversals.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed changes to the Pricing Schedule compensate the Exchange for effecting transactions, using a manual process, that are necessary to correct or reverse trades at a member's request. The proposals also clarify and render more transparent the existing practices of the Exchange with respect to its fees for processing member requests for corrections and reversals. The Exchange does not intend or expect that the proposals will have any impact on inter-market or intra-market competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁶

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2018-31 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-Phlx-2018-31. 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

³ For the avoidance of doubt, the Exchange notes that the transaction fee that the Exchange charges to reverse or correct a trade is in addition to, rather than in lieu of, the transaction fee charged to execute the underlying trade that is subject to reversal or correction.

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(4) and (5).

⁶ 15 U.S.C. 78s(b)(3)(A)(ii).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2018-31 and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08729 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:

Form 1-Z, SEC File No. 270-659, OMB Control No. 3235-0723.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 1-Z (17 CFR 239.94) is used to report terminated or completed offerings or to suspend the duty to file ongoing reports under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C 77a *et seq.*). The purpose of the Form 1-Z is to collect empirical data for the Commission on offerings conducted under Regulation A that have terminated or completed, to indicate to

the Commission that issuers that have conducted Tier 2 offering are suspending their duty to file reports under Regulation A and to provide such information to the investing public. We estimate that approximately 12 issuers file Form 1-Z annually. We estimate that Form 1-Z takes approximately 1.5 hours to prepare. We estimate that 100% of the 1.5 hours per response is prepared by the company for a total annual burden of 18 hours (1.5 hours per response × 12 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 220549; or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08820 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83079; File No. SR-ISE-2018-35]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Incorporate by Reference The Nasdaq Stock Market LLC's Consolidated Audit Trail Rules Into the Rules of Nasdaq ISE

April 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 10, 2018, Nasdaq ISE, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to incorporate by reference The Nasdaq Stock Market LLC's ("Nasdaq") rule at General 7, entitled "Consolidated Audit Trail Compliance" into ISE's General 7.

The text of the proposed rule change is available on the Exchange's website at <http://ise.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 incorporate by reference Nasdaq's rule at General 7, entitled "Consolidated Audit Trail Compliance" into ISE's General 7. The rule sets are identical.³ ISE proposes to remove the current rule text from

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release Nos. 82601 (January 30, 2018), 83 FR 4949 (February 2, 2018) (SR-Phlx-2018-11); 82604 (January 30, 2018), 83 FR 5154 (February 5, 2018) (SR-NASDAQ-2018-007); 82597 (January 30, 2018), 83 FR 4942 (February 2, 2018) (SR-BX-2018-007); 82599 (January 30, 2017), 83 FR 4947 (February 2, 2018) (SR-ISE-2018-09); 82598 (January 30, 2018), 83 FR 4936 (February 2, 2018) (SR-GEMX-2018-02); and 82600 (January 30, 2018), 83 FR 4934 (February 2, 2018) (SR-MRX-2018-03).

⁷ 17 CFR 200.30-3(a)(12).

General 7 and replace that rule text with the following text:⁴

The rules contained in The Nasdaq Stock Market LLC General 7, as such rules may be in effect from time to time (the “General 7 Rules”), are hereby incorporated by reference into this Nasdaq ISE General 7, and are thus Nasdaq ISE Rules and thereby applicable to Nasdaq ISE Members. Nasdaq ISE Members shall comply with the General 7 Rules as though such rules were fully set forth herein. All defined terms, including any variations thereof, contained in the General 7 Rules shall be read to refer to the Nasdaq ISE related meaning of such term. Solely by way of example, and not in limitation or in exhaustion: The defined term “Exchange” in the General 7 Rules shall be read to refer to the Nasdaq ISE Exchange; the defined term “Rule” in the General 7 Rules shall be read to refer to the Nasdaq ISE Rule.

Should any rules which impact trading behavior be added to the Consolidated Audit Trail Compliance Rules in Nasdaq General 7 in the future, those rules shall not become subject to the incorporation by reference and shall be placed elsewhere within ISE’s Rulebook. The incorporations by reference of Nasdaq General 7 into ISE’s General 7 Rule are regulatory in nature.⁵ The Exchange notes that as a condition of an exemption, which the Exchange will request and will need to be approved by the Commission,⁶ ISE agrees to provide written notice to its members whenever Nasdaq proposes a change to its General 7 Rule.⁷ Such notice will alert ISE members to the proposed Nasdaq rule change and give them an opportunity to comment on the proposal. ISE will similarly inform its members in writing when the SEC approves any such proposed change.

⁴ ISE shall include a hyperlink to Nasdaq’s General 7 for ease of reference.

⁵ The General 7 Rules are categories of rules that are not trading rules. See 17 CFR 200.30–3(a)(76) (contemplating such requests). In addition, several other SROs incorporate by reference certain regulatory rules of another SRO and have received from the Commission similar exemptions from Section 19(b) of the Exchange Act. See e.g., Securities Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008), 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006); 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004).

⁶ The Exchange will request an exemption pursuant to its authority under Section 36 of the Exchange Act of 1934 (“Act”) and Rule 0–12⁸ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend ISE General 7.

⁷ ISE will provide such notice via a posting on the same website location where ISE posts its own rule filings pursuant to Rule 19b–4 within the timeframe require by such Rule. The website posting will include a link to the location on the Nasdaq website where the applicable proposed rule change is posted.

Implementation

The Exchange proposes that this rule change become operative at such time as it receives approval for an exemption from the Securities and Exchange Commission, pursuant to its authority under Section 36 of the Exchange Act of 1934 (“Act”) and Rule 0–12⁸ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend ISE General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by consolidating its rules into a single rule set. The Exchange intends to also file similar proposed rule changes for the Nasdaq PHLX LLC; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC markets so that the General 7 Rules which govern Consolidated Audit Trail Compliance are conformed.

Incorporating by reference the Nasdaq General 7 Rules into the ISE General 7 Rules will provide an easy reference for Members seeking to comply with Consolidated Audit Trail on multiple markets. As noted, the Exchange intends to file similar proposed rule changes for other affiliated markets so that Nasdaq General 7 is the source document for all Nasdaq Consolidated Audit Trail rules. The Exchange notes that the current rule is not changing and ISE members will be required to continue to comply with the General 7 Rules as though such rules are fully set forth in ISE’s Rulebook. The Exchange desires to conform its rules and locate those rules within the same location in each Rulebook to provide Members the ability to quickly locate rules.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that this rule change does not impose an undue burden on

competition because ISE is merely incorporating by reference the rules of Nasdaq’s General 7 into its own Rulebook. The current General 7 is not being amended and therefore no Member is impacted.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹¹ and subparagraph (f)(6) of Rule 19b–4 thereunder.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR–ISE–2018–35 on the subject line.

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange’s intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁸ See 17 CFR 240.0–12; Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISE-2018-35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2018-35 and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-08728 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83085; File No. SR-MRX-2018-12]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Incorporate by Reference The Nasdaq Stock Market LLC's Consolidated Audit Trail Rules Into the Rules of Nasdaq MRX

April 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 10, 2018, Nasdaq MRX, LLC ("MRX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to incorporate by reference The Nasdaq Stock Market LLC's ("Nasdaq") rule at General 7, entitled "Consolidated Audit Trail Compliance" into MRX's General 7.

The text of the proposed rule change is available on the Exchange's website at <http://nasdaqmrx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 incorporate by reference Nasdaq's rule at General 7, entitled "Consolidated Audit Trail Compliance" into MRX's General 7. The rule sets are identical.³ MRX proposes to remove the current rule text from General 7 and replace that rule text with the following text:⁴

The rules contained in The Nasdaq Stock Market LLC General 7, as such rules may be in effect from time to time (the "General 7 Rules"), are hereby incorporated by reference into this Nasdaq MRX General 7, and are thus Nasdaq MRX Rules and thereby applicable to Nasdaq MRX Members. Nasdaq MRX Members shall comply with the General 7 Rules as though such rules were fully set forth herein. All defined terms, including any variations thereof, contained in the General 7 Rules shall be read to refer to the Nasdaq MRX related meaning of such term. Solely by way of example, and not in limitation or in exhaustion: the defined term "Exchange" in the General 7 Rules shall be read to refer to the Nasdaq MRX Exchange; the defined term "Rule" in the General 7 Rules shall be read to refer to the Nasdaq MRX Rule.

Should any rules which impact trading behavior be added to the Consolidated Audit Trail Compliance Rules in Nasdaq General 7 in the future, those rules shall not become subject to the incorporation by reference and shall be placed elsewhere within MRX's Rulebook. The incorporations by reference of Nasdaq General 7 into MRX's General 7 Rule are regulatory in nature.⁵ The Exchange notes that as a condition of an exemption, which the Exchange will request and will need to be approved by the Commission,⁶ MRX

³ See Securities Exchange Act Release Nos. 82601 (January 30, 2018), 83 FR 4949 (February 2, 2018) (SR-Phlx-2018-11); 82604 (January 30, 2018), 83 FR 5154 (February 5, 2018) (SR-NASDAQ-2018-007); 82597 (January 30, 2018), 83 FR 4942 (February 2, 2018) (SR-BX-2018-007); 82599 (January 30, 2017), 83 FR 4947 (February 2, 2018) (SR-ISE-2018-09); 82598 (January 30, 2018), 83 FR 4936 (February 2, 2018) (SR-GEMX-2018-02); and 82600 (January 30, 2018), 83 FR 4934 (February 2, 2018) (SR-MRX-2018-03).

⁴ MRX shall include a hyperlink to Nasdaq's General 7 for ease of reference.

⁵ The General 7 Rules are categories of rules that are not trading rules. See 17 CFR 200.30-3(a)(76) (contemplating such requests). In addition, several other SROs incorporate by reference certain regulatory rules of another SRO and have received from the Commission similar exemptions from Section 19(b) of the Exchange Act. See e.g., Securities Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008), 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006); 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004).

⁶ The Exchange will request an exemption pursuant to its authority under Section 36 of the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹³ 17 CFR 200.30-3(a)(12).

agrees to provide written notice to its members whenever Nasdaq proposes a change to its General 7 Rule.⁷ Such notice will alert MRX members to the proposed Nasdaq rule change and give them an opportunity to comment on the proposal. MRX will similarly inform its members in writing when the SEC approves any such proposed change.

Implementation

The Exchange proposes that this rule change become operative at such time as it receives approval for an exemption from the Securities and Exchange Commission, pursuant to its authority under Section 36 of the Exchange Act of 1934 (“Act”) and Rule 0–12⁸ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend MRX General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by consolidating its rules into a single rule set. The Exchange intends to also file similar proposed rule changes for the Nasdaq PHLX LLC; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC markets so that the General 7 Rules which govern Consolidated Audit Trail Compliance are conformed.

Incorporating by reference the Nasdaq General 7 Rules into the MRX General 7 Rules will provide an easy reference for Members seeking to comply with Consolidated Audit Trail on multiple markets. As noted, the Exchange intends to file similar proposed rule changes for other affiliated markets so that Nasdaq General 7 is the source document for all Nasdaq Consolidated Audit Trail rules. The Exchange notes that the current rule

is not changing and MRX members will be required to continue to comply with the General 7 Rules as though such rules are fully set forth in MRX’s Rulebook. The Exchange desires to conform its rules and locate those rules within the same location in each Rulebook to provide Members the ability to quickly locate rules.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that this rule change does not impose an undue burden on competition because MRX is merely incorporating by reference the rules of Nasdaq’s General 7 into its own Rulebook. The current General 7 is not being amended and therefore no Member is impacted.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹¹ and subparagraph (f)(6) of Rule 19b–4 thereunder.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR–MRX–2018–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MRX–2018–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2018–12 and should be submitted on or before May 17, 2018.

Exchange Act of 1934 (“Act”) and Rule 0–12⁶ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend MRX General 7.

⁷ MRX will provide such notice via a posting on the same website location where MRX posts its own rule filings pursuant to Rule 19b–4 within the timeframe require by such Rule. The website posting will include a link to the location on the Nasdaq website where the applicable proposed rule change is posted.

⁸ See 17 CFR 240.0–12; Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange’s intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-08733 Filed 4-25-18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83075; File No. SR-*IEX*-2018-08]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.350 To Clarify When a New IEX-Listed Security Will Be Eligible To Begin Trading With an IPO Auction

April 20, 2018.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (the “Act”) ² and Rule 19b-4 thereunder,³ notice is hereby given that, on April 17, 2018, the Investors Exchange LLC (“IEX” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (“Act”),⁴ and Rule 19b-4 thereunder,⁵ IEX is filing with the Commission a proposed rule change to amend Rules 11.350(e) and (a) to clarify that a new IEX-listed security that is not the subject of an initial public offering (“IPO”)⁶ or otherwise being priced pursuant to Rule 11.280(h)(9) will be eligible to begin trading in the Pre-Market Session ⁷ and have an Opening Auction ⁸ on IEX at the start of Regular Market Hours,⁹ rather than an IPO Auction,¹⁰ and to make corresponding

changes to certain definitions governing IPO and Opening Auctions. The Exchange has designated this rule change as “non-controversial” under Section 19(b)(3)(A) of the Act ¹¹ and provided the Commission with the notice required by Rule 19b-4(f)(6) thereunder.¹²

The text of the proposed rule change is available at the Exchange’s website at www.iextrading.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements [sic] may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose Overview

On August 4, 2017, the Commission approved a proposed rule change filed by the Exchange to adopt rules governing auctions in IEX-listed securities (“IEX Auctions”), including provisions governing the initial public offering (“IPO”) of IEX-listed securities.¹³ The Exchange intends to launch a listings program for corporate issuers in 2018. The purpose of this proposed rule change is to amend paragraphs (e) and (a) of Rule 11.350, and adopt new Supplemental Material .01 and .02 to Rule 11.350(e) to clarify that a new IEX-listed security that is not the subject of an initial public offering or otherwise being priced pursuant to Rule 11.280(h)(9) will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular Market Hours, rather than an IPO Auction, and to make corresponding changes to certain

definitions governing IPO and Opening Auctions.

Pursuant to Rule 11.350(e), the Exchange will conduct an IPO Auction for securities that are the subject of an initial public offering on the first day of listing.¹⁴ In addition, as proposed, the Exchange will also conduct an IPO Auction on the first day of listing for a new issue that is not an initial public offering, provided that a broker-dealer serving in the role of financial advisor to the issuer of the securities being listed is willing to perform the functions that are performed by an underwriter with respect to an initial public offering as specified in Rule 11.280(h)(9) (“specified underwriter functions”).¹⁵ For securities that are not the subject of an initial public offering or other new issues where a broker-dealer is unwilling to perform the specified underwriter functions, the security will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular Market Hours, instead of conducting an IPO Auction on the first day of listing.¹⁶ As an example, if an issuer with a class of common stock listed on IEX offers and lists a class of preferred stock on IEX, the offering of the preferred stock would not constitute an initial public offering and if there is no broker-dealer serving in the role of financial advisor to the issuer of the preferred stock that is willing to perform the specified underwriter functions, the security will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular

¹⁴ Pursuant to section 12(f)(1)(G)(i)-(ii) of the Securities and Exchange Act, a security is the subject of an initial public offering if the offering of the subject security is registered under the Securities Act of 1933, the issuer of the security, immediately prior to filing the registration statement with respect to the offering, was not subject to the reporting requirements of the Act, and the initial public offering of such security commences at the opening of trading on the day on which such security commences trading on the national securities exchange with which such security is registered. See 15 U.S.C. 78l(f)(1)(G). See also proposed Supplemental Material .01 to Rule 11.350(e).

¹⁵ Pursuant to Rule 11.280(h)(9), the process for halting and initial pricing of a security that is the subject of an IPO shall also be available for the initial pricing of any other security that has not been listed on a national securities exchange or traded in the over-the-counter market pursuant to FINRA Form 211 immediately prior to the initial pricing, provided that a broker-dealer serving in the role of financial advisor to the issuer of the securities being listed is willing to perform the functions under IEX Rule 11.280(h)(8) that are performed by an underwriter with respect to an initial public offering. See also proposed Supplemental Material .01 to Rule 11.350(e).

¹⁶ See proposed Supplemental Material .02 to Rule 11.350(e) and Rule 11.350(c).

¹³ 17 CFR 200.30-3(a)(12).

¹⁴ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b-4.

⁶ The term IPO refers to the initial public offering of securities registered under Section 6 of the Securities Act of 1933.

⁷ See Rule 1.160(z).

⁸ See Rule 11.350(c).

⁹ See Rule 1.160(gg).

¹⁰ See Rule 11.350(e).

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4.

¹³ See Securities Exchange Act Release No. 81316 (August 4, 2017), 82 FR 37474 (August 10, 2017). See also Rule 11.350(e).

Market Hours, instead of conducting an IPO Auction on the first day of listing.

The Exchange notes that the proposed rule changes do not alter the substantive functionality governing the IPO or Opening Auction processes. Instead, the proposed changes are designed to simply clarify which of the existing IEX Auction processes will be utilized to begin trading in a new IEX-listed security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9), and to make corresponding changes to certain definitions governing IPO and Opening Auctions.

IEX IPO Auction

For trading in an IEX-listed security that is the subject of an IPO, or for the launch of a new issue,¹⁷ the Exchange will conduct an IPO Auction pursuant to Rule 11.350(e). Specifically, Users may submit Auction Eligible Orders¹⁸ for execution in the IPO Auction at the start of the Order Acceptance Period,¹⁹ which begins at 8:00 a.m.²⁰ All Auction Eligible Orders designated for participation in the IPO Auction will be queued on the IPO Auction Book²¹ until the scheduled auction match, at which time they will be eligible for execution in the IPO Auction. Pursuant to Rule 11.350(e)(2)(A), the Exchange will begin to disseminate IEX Auction Information via electronic means at the start of the Display Only Period,²² which begins thirty (30) minutes prior to the scheduled IPO Auction match, and will be updated every one second thereafter.²³ The Exchange will attempt to conduct an IPO Auction for all IEX-listed securities at the scheduled auction match time in accordance with the clearing price determination process set forth in Rule 11.350(e)(2)(C). Auction Eligible Orders will be ranked and maintained in accordance with IEX auction priority, pursuant to Rule 11.350(b).

The Exchange will generally attempt to conduct an IPO Auction beginning at 10:15 a.m. Pursuant to Rule 11.280(g)(7), IEX will declare a regulatory halt before the start of the Pre-Market Session for a

security that is the subject of an IPO on IEX, and therefore there will be no Continuous Book for such security. The Order Acceptance Period for an IPO Auction may be extended at the time of the auction match pursuant to Rules 11.350(e)(2)(B)(i)–(iv):

- Automatically for five (5) minutes when there are unmatched shares from market orders on the IPO Auction Book;
- Automatically for five (5) minutes when the Indicative Clearing Price²⁴ at the time of the IPO Auction match differs by the greater of five percent (5%) or fifty cents (\$0.50) from any of the previous fifteen (15) Indicative Clearing Price disseminations;
- Automatically during the Pre-Launch Period²⁵ when the IPO Auction match price is above (below) the upper (lower) price band selected by the underwriter pursuant to proposed Rule 11.280(h)(8), until the clearing price is within such bands; or
- Manually upon request from the underwriter at any time prior to the auction match.

Furthermore, Rule 11.280(h)(8) governs the process for resuming from a trading halt initiated under Rule 11.280(g)(7) for a security that is the subject of an IPO. Thus, in addition to the systemic processes described above that govern the IPO Auction match, there is a series of procedural steps to complete an IPO Auction, which include input from and coordination with the IPO underwriter. Specifically, pursuant to Rule 11.280(h), thirty (30) minutes after the start of the Display Only Period, unless extended by the underwriter, the security will enter a Pre-Launch Period of indeterminate duration. The Pre-Launch Period will end immediately after the transition to the Regular Market Session following the IPO Auction match,²⁶ pending:

- Notification from the underwriter that the security is ready to trade;
- Subsequent approval of the Indicative Clearing Price at the time of such notification; and
- Validation that each of the conditions for the extension of the Order Acceptance Period set forth in Rules 11.350(e)(2)(B)(i)–(iv) are not satisfied.

Lastly, pursuant to Rule 11.280(h)(9), the process for halting and initial pricing of a security that is the subject of an IPO shall also be available for the initial pricing of any other security that has not been listed on a national securities exchange or traded in the over-the-counter market pursuant to

FINRA Form 211 immediately prior to the initial pricing, provided that a broker-dealer serving in the role of financial advisor to the issuer of the securities being listed is willing to perform the functions under IEX Rule 11.280(h)(8) that are performed by an underwriter with respect to an IPO.

IEX Opening Auction

Pursuant to Rule 11.350(c)(1), Users may submit orders eligible for execution in the Opening Auction²⁷ at the beginning of the Pre-Market Session, which begins at 8:00 a.m. Any orders designated for the Opening Auction Book²⁸ will be queued until 9:30 a.m. at which time they will be eligible to be executed in the Opening Auction. In addition to orders on the Opening Auction Book, limit orders on the Continuous Book with a time-in-force of SYS or GTT are eligible to execute in the Opening Auction (“Pre-market Continuous Book”).²⁹ The Exchange does not place any restrictions on the entry of orders to the Pre-market Continuous Book to avoid unnecessary disruptions to continuous trading.

Pursuant to proposed Rule 11.350(c)(2), beginning at the Opening Auction Lock-in Time³⁰ and updated every one second thereafter, the Exchange will disseminate IEX Auction Information via electronic means. The Exchange will attempt to conduct an Opening Auction for all IEX-listed securities at the start of Regular Market Hours (*i.e.*, 9:30 a.m.) in accordance with the clearing price determination process set forth in Rule 11.350(c)(2)(B). All orders eligible for execution in the Opening Auction (*i.e.*, orders on the Opening Auction Book and orders on the Pre-Market Continuous Book that are not Auction Ineligible Orders)³¹ are Auction Eligible Orders. Auction Eligible Orders will be ranked and maintained in accordance with IEX auction priority, pursuant to Rule 11.350(b). Moreover, pursuant to Rule 11.350(a)(2), non-displayed buy (sell) orders on the Pre-Market Continuous Book with a resting price (as defined in Rule 11.350(b)(1)(A)(i)) within the Reference Price Range³² will be priced at the lower (upper) threshold of the Reference Price Range for the purpose of

¹⁷ The Exchange notes that new issues are registered securities that are being listed on the Exchange and sold publicly for the first time but are not necessarily the subject of an IPO.

¹⁸ See Rule 11.350(a)(2).

¹⁹ See Rule 11.350(a)(29).

²⁰ All times are in Eastern Time.

²¹ See Rule 11.350(a)(1)(C). For an IPO Auction, the IPO Auction Book would include Market-On-Open, Limit-On-Open, and market orders with a time-in-force of DAY, as well as limit orders with a time in-force of DAY, GTX, GTT, SYS, FOK, or IOC.

²² See Rule 11.350(a)(5).

²³ See Rule 11.350(a)(9).

²⁴ See Rule 11.350(a)(9)(E).

²⁵ See Rule 11.280(h)(8).

²⁶ See Rule 11.350(e)(3).

²⁷ See Rule 11.350(c).

²⁸ Pursuant to Rule 11.350(a)(1)(A), orders on the Opening Auction Book would include MOO orders, LOO orders, market orders with a time-in-force of DAY, and limit orders with a time-in-force of DAY or GTX.

²⁹ See Rule 11.190(a)(1)(E)(iv) and (vi).

³⁰ See Rule 11.350(a)(22).

³¹ See Rule 11.350(a)(3).

³² See Rule 11.350(a)(30).

determining the clearing price,³³ but will be ranked and eligible for execution in the Opening Auction match at the order's resting price.³⁴

Proposed Changes

The Exchange proposes to clarify that a new IEX-listed security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9) (*i.e.*, a financial advisor to the issuer is willing to perform the specified underwriter functions for a security that was not listed on a national securities exchange or traded pursuant to FINRA form 211 immediately prior to the initial pricing) will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular Market Hours, rather than an IPO Auction. As described above, current Exchange Rule 11.350(e) states in relevant part that an IPO Auction will be utilized for the launch of a new issue. However, pursuant to Rule 11.280(g)(7), IEX may only issue a regulatory halt before the start of the Pre-Market Session for a security that is the subject of an IPO on IEX, or pursuant to Rule 11.280(h)(9).

Therefore, the IPO Auction process, which pre-supposes there is no trading in the security prior to the IPO Auction match, would be suboptimal for the launch of a new issue that is not an IPO or otherwise being priced pursuant to Rule 11.280(h)(9), because the Exchange does not have authority to initiate a regulatory trading halt, and thus such securities would be eligible for trading during the Pre-Market Session. The IPO Auction process is designed to aggregate all existing liquidity in a security and execute the maximum number of shares at a price that accurately reflects supply and demand. The IPO Auction is not designed to account for continuous trading, and thus running an IPO Auction alongside continuous trading could result in auction pricing that does not account for all available interest in, or reflect the current market for, the security. Accordingly, the Exchange is proposing to clarify that an IEX-listed security that is not the subject of an IPO or otherwise being priced pursuant to

Rule 11.280(h)(9) will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular Market Hours, rather than an IPO Auction.

Lastly, the Exchange proposes to make corresponding changes to Rules 11.350(a)(6) and (7), which define the terms "Final Consolidated Last Sale Eligible Trade",³⁵ and "Final Last Sale Eligible Trade",³⁶ respectively. Specifically, the Exchange proposes to add a new subparagraph (i) to paragraph (A) of Rules 11.350(a)(6) and (7) to specify that if there is no qualifying previous official closing price for a security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9), the Final Consolidated Last Sale Eligible Trade and the Final Last Sale Eligible Trade will be equal to issue price. Furthermore, the Exchange proposes to amend subparagraph (B) of Rules 11.350(a)(6) and (7) to replace the broad language referencing "the launch of a new issue" with a more specific cross reference to the initial pricing of any other security pursuant to Rule 11.280(h)(9). Thus, as proposed:

- For a security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9):

- The security will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular Market Hours, rather than an IPO Auction; and

- The Final Consolidated Last Sale Eligible Trade will be equal to the last trade prior to the end of Regular Market

³⁵ Pursuant to Rule 11.350(a)(6), the Final Consolidated Last Sale Eligible Trade is the last trade prior to the end of Regular Market Hours, or where applicable, prior to trading in the security being halted or paused, that is last sale eligible and reported to the Consolidated Tape System ("Consolidated Tape"), rounded to the nearest MPV or Midpoint Price calculated by the System, whichever is closer. If there is no qualifying Final Consolidated Last Sale Eligible Trade for the current day, the previous official closing price; and in the case of an IPO or the initial pricing of any other security pursuant to Rule 11.280(h)(9), the issue price. *See also* Rules 11.350(a)(30) and (33), as well as Rules 11.350(d)(4)(B)(i) and (ii), which utilize the defined term in a variety of contexts, none of which are significantly impacted by the proposed changes.

³⁶ Pursuant to Rule 11.350(a)(7), the Final Last Sale Eligible Trade is the last trade on IEX prior to the end of Regular Market Hours, or where applicable, prior to trading in the security being halted or paused, that is last sale eligible and reported to the Consolidated Tape. If there is no qualifying Final Last Sale Eligible Trade for the current day, the previous official closing price; and in the case of an IPO or launch of a new issue, the issue price. *See also* Rules 11.350(d)(2)(B) and (D); as well as Rule 11.350(f)(3)(B)(ii), which each utilize the defined term in a variety of contexts, none of which are significantly impacted by the proposed changes.

Hours, rounded to the nearest Minimum Price Variant ("MPV") or Midpoint Price calculated by the System, whichever is closer:³⁷

- If there is no qualifying Final Consolidated Last Sale Eligible Trade for the current day, the previous official closing price; or

- If there is no qualifying previous official closing price for a security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9), the issue price.

- The Final Last Sale Eligible Trade will be equal to the last trade on IEX prior to the end of Regular Market Hours,³⁸ or if there is no qualifying Final Last Sale Eligible Trade for the current day, the issue price.

- For a security that is the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9):

- The Exchange will conduct an IPO Auction;

- The Final Consolidated Last Sale Eligible Trade will be equal to the last trade prior to the end of Regular Market Hours, rounded to the nearest MPV or Midpoint Price calculated by the System, whichever is closer:³⁹

- If there is no qualifying Final Consolidated Last Sale Eligible Trade for the current day, the issue price.

- The Final Last Sale Eligible Trade will be equal to the last trade on IEX prior to the end of Regular Market Hours;⁴⁰

- If there is no qualifying Final Last Sale Eligible Trade for the current day, the issue price.

The Exchange believes the proposed modifications to paragraphs (e) and (a) of Rule 11.350 and the addition of Supplemental Material .01 and .02 to Rule 11.350(e) are designed to avoid any potential confusion regarding which of the IEX Auctions will be utilized to process an IEX-listed security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9), and therefore further clarifies the Exchange's auction processing. In addition, as announced in IEX Trading Alerts #2017-015 and #2017-046, the Exchange intends to become a primary listing exchange and support its first

³³ Note, non-displayed buy (sell) orders on the Continuous Book with a resting price (as defined in Rule 11.350(b)(1)(A)(i)) within the Reference Price Range will be priced at the at the lower (upper) threshold of the Reference Price Range for the purpose of determining the clearing price and the Indicative Clearing Price disseminated in IEX Auction Information as set forth in Rule 11.350(a)(9)(E).

³⁴ The Exchange notes that in the case of an IPO, Halt, or Volatility Auction, there is no continuous trading and therefore no Continuous Book. Accordingly, there would be no non-displayed interest on the Continuous Book to which this functionality would apply.

³⁷ However, where applicable, it will be the last trade prior to trading in the security being halted or paused, that is last sale eligible and reported to the Consolidated Tape, rounded to the nearest MPV or Midpoint Price calculated by the System, whichever is closer. *See* Rule 11.210 specifying the MPV and Rule 1.160(t) defining Midpoint Price.

³⁸ However, where applicable, it will be the last trade prior to trading in the security being halted or paused, that is last sale eligible and reported to the Consolidated Tape.

³⁹ *See supra* note 37.

⁴⁰ *See supra* note 38.

IEX-listed security in 2018.⁴¹ As part of the listings initiative, the Exchange is providing a series of industry wide weekend tests for the Exchange and its Members to exercise the various technology changes required to support IEX Auctions and listings functionality.⁴² Accordingly, the Exchange is proposing to clarify paragraphs (e) and (a) of Rule 11.350 and add Supplemental Material .01 and .02 to Rule 11.350(e) as described above in advance of the industry wide testing period in 2018 in order to avoid potential confusion, and allow Members and other market participants time to develop, test, and deploy any necessary changes to support IEX Auctions.

2. Statutory Basis

IEX believes that the proposed rule changes are consistent with the provisions of Section 6(b)⁴³ of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act⁴⁴ in particular, in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed changes to paragraphs (e) and (a) of Rule 11.350 and the addition of Supplemental Material .01 and .02 to Rule 11.350(e) are consistent with the protection of investors and the public interest in that they do not alter the substantive functionality governing the IPO or Opening Auction processes. Instead, the proposed changes simply clarify which of the existing IEX Auction processes will be utilized to begin trading in a new IEX-listed security that is not the subject of an IPO

or otherwise being priced pursuant to Rule 11.280(h)(9). In this regard, the Exchange believes that the choice of which auction applies is consistent with the Act because the IPO Auction presupposes that a financial advisor is willing to perform the specified underwriter functions and it would not make sense to use an IPO Auction in the absence of such a financial advisor. Further, the proposed progression of reference prices that will be utilized as the Final Consolidated Last Sale Eligible Trade and the Final Last Sale Eligible Trade for a security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9) is consistent with the protection of investors and the public interest in that such prices most accurately reflect the market for the security and are also consistent with the Exchange's current reference prices.

Furthermore, the Exchange believes the proposed rule changes are consistent with the protection of investors and the public interest because as described above, the IPO Auction is not designed to account for continuous trading, and thus running an IPO Auction alongside continuous trading could result in auction pricing that does not account for all available interest in, or reflect the current market for, the security. Accordingly, the Exchange proposes to clarify that an IEX-listed security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9) will be eligible to begin trading in the Pre-Market Session and have an Opening Auction on IEX at the start of Regular Market Hours, rather than an IPO Auction.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, in that the proposed rule changes are consistent with the rules of other primary listing markets.⁴⁵ Thus, the Exchange believes there are no new inter-market competitive burdens imposed as a result of the proposed rule changes.

In addition, the Exchange does not believe that the proposed changes will have any impact on intra-market competition. Specifically, as discussed above, the proposed clarification does not alter the substantive functionality governing the IPO or Opening Auction processes. Instead, the proposed changes simply clarify which of the

existing IEX Auction processes will be utilized to begin trading in a new IEX-listed security that is not the subject of an IPO or otherwise being priced pursuant to Rule 11.280(h)(9). Furthermore, the Exchange believes the proposed rule change is designed to make IEX's rules more complete, and descriptive of the System's functionality to avoid any potential confusion among Members and market participants regarding such functionality, to the benefit of all market participants. Lastly, the Exchange notes that the proposed changes will apply to all Members on a fair and equal basis. Accordingly, the Exchange believes there are no new intra-market competitive burdens imposed as a result of the proposed rule changes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)⁴⁶ of the Act and Rule 19b-4(f)(6) thereunder.⁴⁷

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act⁴⁸ normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)⁴⁹ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay would avoid any potential confusion regarding IEX Auctions as IEX continues industry-

⁴¹ See IEX Trading Alert #2017-015 (Listings Specifications, Testing Opportunities, and Timelines), May 31, 2017. See also IEX Trading Alert #2017-046 (IEX Listings Timeline Update), originally published on Monday, October 30, 2017, and re-published on Tuesday, October 31, 2017.

⁴² See, e.g., IEX Trading Alert #2017-028 (First Listings Functionality Industry Test on Saturday, August 26), August 17, 2017; IEX Trading Alert #2017-037 (Second Listings Functionality Industry Test on Saturday, September 9), September 7, 2017; IEX Trading Alert #2017-039 (Third Listings Functionality Industry Test on Saturday, September 23), September 18, 2017; IEX Trading Alert #2017-040 (Rescheduled 4th Listing Functionality Industry Test), September 29, 2017; IEX Trading Alert #2017-046 (IEX Listings Timeline Update), originally published on Monday, October 30, 2017, and re-published on Tuesday, October 31, 2017; and IEX Trading Alert #2017-047 (Fourth Listings Functionality Industry Test on Saturday, November 4), October 31, 2017.

⁴³ 15 U.S.C. 78f.

⁴⁴ 15 U.S.C. 78f(b)(5).

⁴⁵ See e.g., the Nasdaq Stock Market, LLC ("Nasdaq") Rules 4753 and 4120(c)(8)-(9).

⁴⁶ 15 U.S.C. 78s(b)(3)(A).

⁴⁷ 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, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁴⁸ 17 CFR 240.19b-4(f)(6).

⁴⁹ 17 CFR 240.19b-4(f)(6)(iii).

wide testing of the technology changes being made by the Exchange and its Members to support IEX as a listings market, including IEX Auctions.⁵⁰ The Commission notes that IEX's proposal incrementally amends the opening auction rule to address a scenario that the Exchange did not originally contemplate, and does so in a manner consistent with the Commission's prior approval of that rule without raising any novel issues. In addition, as noted above, the proposal is consistent with the rules of another primary listing market. Accordingly, the Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.⁵¹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File No. SR-IEX-2018-08 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 No. SR-IEX-2018-08. This file number should be included on the subject line if email is used. To help the Commission process and review your

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-IEX-2018-08, and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵²

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-08726 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:

Form 1-SA, SEC File No. 270-661, OMB Control No. 3235-0721.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection

of information to the Office of Management and Budget for extension and approval.

Form 1-SA (17 CFR 239.92) is used to file semiannual reports by Tier 2 issuers under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Tier 2 issuers under Regulation A conducting offerings of up to \$50 million within a 12-month period are required to file Form 1-SA. Form 1-SA provides semiannual, interim financial statements and information about the issuer's liquidity, capital resources and operations after the issuer's second fiscal quarter. The purpose of the Form 1-SA is to better inform the public about companies that have conducted Tier 2 offerings under Regulation A. We estimate that approximately 36 issuers file Form 1-SA annually. We estimate that Form 1-SA takes approximately 187.43 hours to prepare. We estimate that 85% of the 187.43 hours per response (159.32 hours) is prepared by the company for a total annual burden of 5,736 hours (159.32 hours per response × 36 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-08818 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

⁵⁰ See *supra* note 42.

⁵¹ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁵² 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 12d2–1, SEC File No. 270–098, OMB Control No. 3235–0081.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information provided for in Rule 12d2–1 (17 CFR 240.12d2–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78b *et seq.*) (“Act”). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

On February 12, 1935, the Commission adopted Rule 12d2–1¹ (“Suspension of Trading”) to establish the procedures by which a national securities exchange may suspend from trading a security that is listed and registered on the exchange under Section 12(d) of the Act.² Under Rule 12d2–1, an exchange is permitted to suspend from trading a listed security in accordance with its rules, and must promptly notify the Commission of any such suspension, along with the effective date and the reasons for the suspension.

Any such suspension may be continued until such time as the Commission may determine that the suspension is designed to evade the provisions of Section 12(d) of the Act and Rule 12d2–2 thereunder.³ During the continuance of such suspension under Rule 12d2–1, the exchange is required to notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under Rule 12d2–1, the exchange must notify the Commission promptly of the effective date of such restoration.

The trading suspension notices serve a number of purposes. First, they inform

the Commission that an exchange has suspended from trading a listed security or reintroduced trading in a previously suspended security. They also provide the Commission with information necessary for it to determine that the suspension has been accomplished in accordance with the rules of the exchange, and to verify that the exchange has not evaded the requirements of Section 12(d) of the Act and Rule 12d2–2 thereunder by improperly employing a trading suspension. Without Rule 12d2–1, the Commission would be unable to fully implement these statutory responsibilities.

There are 21 national securities exchanges⁴ that are subject to Rule 12d2–1. The burden of complying with Rule 12d2–1 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, Inc., the NASDAQ Stock Market, and NYSE American LLC than on the other exchanges.⁵ There are approximately 964 responses⁶ under Rule 12d2–1 for the purpose of suspension of trading from the national securities exchanges each year, and the resultant aggregate annual reporting hour burden would be, assuming on average one-half reporting hour per response, 482 annual burden hours for all exchanges. The related internal compliance costs associated with these burden hours are \$103,871 per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted

⁴ The Exchanges are BOX Options Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Chicago Stock Exchange, Inc., Investors Exchange LLC, Miami International Securities Exchange, MAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market, New York Stock Exchange LLC, NYSE Arca, Inc., NYSE American LLC, NYSE National, Inc.

⁵ In fact, some exchanges do not file any trading suspension reports in a given year.

⁶ The 964 figure was calculated by averaging the numbers for compliance in 2016 and 2017, which are 1,002 and 925, respectively.

in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018–08828 Filed 4–25–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83081; File No. SR–BX–2018–015]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Incorporate by Reference The Nasdaq Stock Market LLC’s Consolidated Audit Trail Rules Into the Rules of Nasdaq BX

April 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on April 10, 2018, Nasdaq BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to incorporate by reference The Nasdaq Stock Market LLC’s (“Nasdaq”) rule at General 7, entitled “Consolidated Audit Trail Compliance” into BX’s General 7.

The text of the proposed rule change is available on the Exchange’s website at <http://nasdaqbx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

¹ See Securities Exchange Act Release No. 98 (February 12, 1935).

² See Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

³ Rule 12d2–2 prescribes the circumstances under which a security may be delisted from an exchange and withdrawn from registration under Section 12(b) of the Act, and provides the procedures for taking such action.

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 incorporate by reference Nasdaq's rule at General 7, entitled "Consolidated Audit Trail Compliance" into BX's General 7. The rule sets are identical.³ BX proposes to remove the current rule text from General 7 and replace that rule text with the following text:⁴

The rules contained in The Nasdaq Stock Market LLC General 7, as such rules may be in effect from time to time (the "General 7 Rules"), are hereby incorporated by reference into this Nasdaq BX General 7, and are thus Nasdaq BX Rules and thereby applicable to Nasdaq BX Members. Nasdaq BX Members shall comply with the General 7 Rules as though such rules were fully set forth herein. All defined terms, including any variations thereof, contained in the General 7 Rules shall be read to refer to the Nasdaq BX related meaning of such term. Solely by way of example, and not in limitation or in exhaustion: The defined term "Exchange" in the General 7 Rules shall be read to refer to the Nasdaq BX Exchange; the defined term "Rule" in the General 7 Rules shall be read to refer to the Nasdaq BX Rule.

Should any rules which impact trading behavior be added to the Consolidated Audit Trail Compliance Rules in Nasdaq General 7 in the future, those rules shall not become subject to the incorporation by reference and shall be placed elsewhere within BX's Rulebook. The incorporations by

reference of Nasdaq General 7 into BX's General 7 Rule are regulatory in nature.⁵ The Exchange notes that as a condition of an exemption, which the Exchange will request and will need to be approved by the Commission,⁶ BX agrees to provide written notice to its members whenever Nasdaq proposes a change to its General 7 Rule.⁷ Such notice will alert BX members to the proposed Nasdaq rule change and give them an opportunity to comment on the proposal. BX will similarly inform its members in writing when the SEC approves any such proposed change.

Implementation

The Exchange proposes that this rule change become operative at such time as it receives approval for an exemption from the Securities and Exchange Commission, pursuant to its authority under Section 36 of the Exchange Act of 1934 ("Act") and Rule 0-12⁸ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend BX General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by consolidating its rules into a single rule set. The Exchange intends to also file

⁵ The General 7 Rules are categories of rules that are not trading rules. See 17 CFR 200.30-3(a)(76) (contemplating such requests). In addition, several other SROs incorporate by reference certain regulatory rules of another SRO and have received from the Commission similar exemptions from Section 19(b) of the Exchange Act. See e.g., Securities Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008), 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006); 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004).

⁶ The Exchange will request an exemption pursuant to its authority under Section 36 of the Exchange Act of 1934 ("Act") and Rule 0-12⁶ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend BX General 7.

⁷ BX will provide such notice via a posting on the same website location where BX posts its own rule filings pursuant to Rule 19b-4 within the timeframe require by such Rule. The website posting will include a link to the location on the Nasdaq website where the applicable proposed rule change is posted.

⁸ See 17 CFR 240.0-12; Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

similar proposed rule changes for the Nasdaq PHLX LLC; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC markets so that the General 7 Rules which govern Consolidated Audit Trail Compliance are conformed.

Incorporating by reference the Nasdaq General 7 Rules into the BX General 7 Rules will provide an easy reference for Members seeking to comply with Consolidated Audit Trail on multiple markets. As noted, the Exchange intends to file similar proposed rule changes for other affiliated markets so that Nasdaq General 7 is the source document for all Nasdaq Consolidated Audit Trail rules. The Exchange notes that the current rule is not changing and BX members will be required to continue to comply with the General 7 Rules as though such rules are fully set forth in BX's Rulebook. The Exchange desires to conform its rules and locate those rules within the same location in each Rulebook to provide Members the ability to quickly locate rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that this rule change does not impose an undue burden on competition because BX is merely incorporating by reference the rules of Nasdaq's General 7 into its own Rulebook. The current General 7 is not being amended and therefore no Member is impacted.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹¹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹²

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the

³ See Securities Exchange Act Release Nos. 82601 (January 30, 2018), 83 FR 4949 (February 2, 2018) (SR-Phlx-2018-11); 82604 (January 30, 2018), 83 FR 5154 (February 5, 2018) (SR-NASDAQ-2018-007); 82597 (January 30, 2018), 83 FR 4942 (February 2, 2018) (SR-BX-2018-007); 82599 (January 30, 2017), 83 FR 4947 (February 2, 2018) (SR-ISE-2018-09); 82598 (January 30, 2018), 83 FR 4936 (February 2, 2018) (SR-GEMX-2018-02); and 82600 (January 30, 2018), 83 FR 4934 (February 2, 2018) (SR-MRX-2018-03).

⁴ BX shall include a hyperlink to Nasdaq's General 7 for ease of reference.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-BX-2018-015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-BX-2018-015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of

10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BX-2018-015 and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08730 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Extension:

Interagency Statement on Sound Practices, SEC File No. 270-560, OMB Control No. 3235-0622.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in the proposed Interagency Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Activities ("Statement") under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act") and the Investment Advisers Act of 1940 (15 U.S.C. 80b *et seq.*) ("Advisers Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

The Statement was issued by the Commission, together with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision (together, the "Agencies"), in May 2006. The Statement describes the types of internal controls and risk management

procedures that the Agencies believe are particularly effective in assisting financial institutions to identify and address the reputational, legal, and other risks associated with elevated risk complex structured finance transactions.

The primary purpose of the Statement is to ensure that these transactions receive enhanced scrutiny by the institution and to ensure that the institution does not participate in illegal or inappropriate transactions.

The Commission estimates that approximately 5 registered broker-dealers or investment advisers will spend an average of approximately 25 hours per year complying with the Statement. Thus, the total compliance burden is estimated to be approximately 125 burden-hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08816 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA

Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹³ 17 CFR 200.30-3(a)(12).

Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Form 1–K, SEC File No. 270–662, OMB Control No. 3235–0720.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 1–K (17 CFR 239.91) is used to file annual reports by Tier 2 issuers under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Tier 2 issuers under Regulation A conducting offerings of up to \$50 million within a 12-month period are required to file Form 1–K. Form 1–K provides audited year-end financial statements and information about the issuer’s business operation, ownership, management, liquidity, capital resources and operations on an annual basis. In addition, Part I of the Form 1–K collects information on any offerings under Regulation A that have been terminated or completed unless it has been previously reported on Form 1–Z. The purpose of the Form 1–K is to better inform the public about companies that have conducted Tier 2 offerings under Regulation A. We estimate that approximately 24 issuers file Form 1–K annually. We estimate that Form 1–K takes approximately 600 hours to prepare. We estimate that 75% of the 600 hours per response (450 hours) is prepared by the company for a total annual burden of 10,800 hours (450.0 hours per response × 24 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency’s estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018–08817 Filed 4–25–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83074; File No. SR–NYSEArca–2018–24]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule

April 20, 2018.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on April 12, 2018, NYSE Arca, Inc. (the “Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (“Fee Schedule”). The Exchange proposes to implement the fee change effective April 12, 2018.⁴ The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Exchange originally filed to amend the Fee Schedule on April 2, 2018 (SR–NYSEArca–2018–21) and withdrew and re-filed on April 3, 2018 (SR–NYSEArca–2018–22).

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to adopt a prepayment incentive program for Floor Broker organizations (each a “Floor Broker”).

Currently, Floor Brokers that operate on the Exchange incur certain monthly fixed costs that rarely change from month-to-month (and, in some cases, year-to-year). Floor Brokers receive an invoice from the Exchange each month for the fixed cost incurred the prior month. The Exchange proposes to offer Floor Brokers a 10% discount on their “Eligible Fixed Costs” (described in the table below) if Floor Brokers prepay such costs for the remaining nine months of 2018 —*i.e.*, April through December (the “FB Prepay Program” or “Program”).⁵

| Eligible Fixed Costs |
|---|
| OTP trading participant rights. |
| Floor Broker order capture device—market data fees. |
| Floor booths. |
| Telephones. |
| Options floor access fee. |
| Wire services. |
| Vendor equipment room/cabinet fee. |

A Floor Broker that commits to the proposed Program would be invoiced in April 2018 for its estimated Eligible

⁵ To participate in the FB Prepay Program, Floor Broker organizations would have to notify the Exchange in writing by emailing optionsbilling@nyse.com, indicating a commitment to submit prepayment, by no later than April 13, 2018. The email to enroll in the Program would have to originate from an officer of the Floor Broker organization and, except as provided for below, represents a binding commitment through the end of 2018. To participate in the Program, pre-payment for the balance of the year must be received by the close of business on April 30, 2018. See proposed Fee Schedule, NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM.

Fixed Costs, through the end of 2018, less 10%. The estimated Eligible Fixed Costs for April through December 2018 for each participating Floor Broker would be based on that Floor Broker's February 2018 invoice for such costs. For example, if a participating Floor Broker incurred \$6,000 in Eligible Fixed Costs in February 2018, that Floor Broker would be invoiced in April 2018 in the amount of \$48,600 to prepay such costs for the balance of the year (*i.e.*, \$54,000 (to pre-pay Eligible Fixed Costs for April through December) minus \$5,400 (10% discount) equals \$48,600).

The Exchange also proposes to offer participants in the FB Prepay Program the opportunity to qualify for larger discounts (*i.e.*, more than 10% of the remaining of 2018 Eligible Fixed Costs) through the Percentage Growth Incentive (the "Incentive"), which is designed to encourage Floor Brokers to increase their average daily volume ("ADV") in billable manual contract sides by certain percentages (correlated with Tiers) as measured against one of

two benchmarks.⁶ Specifically, to qualify for the Incentive, a participating Floor Broker must increase its manual billable ADV in contract sides during the final nine months of 2018 (*i.e.*, April through December) by percentages (set forth below) above the greater of:

i. 10,000 Contract sides in billable manual ADV; or

ii. The Floor Broker's total billable manual ADV in contract sides during the second half of 2017—*i.e.*, July through December 2017.

As proposed, a participating Floor Broker would qualify for the proposed Incentive by executing, in the final nine months of 2018, ADV growth in manual billable contract sides that is 30%, 65%, or 100% over the greater of (i) 10,000 contract sides ADV; or (ii) their ADV during the second half of 2017 (*i.e.*, June through December). For example, a Floor Broker that is new to the Exchange (or one that did not execute at least 10,000 contract sides in billable manual ADV in the second half of 2017) would have the ability to qualify for the Incentive by executing at least 10,000

contract sides in manual billable ADV increased by the specified percentages. Such a Floor Broker would qualify for each Tier, respectively, by executing billable manual ADV in contract sides of 13,000 (Tier 1), 16,500 (Tier 2), and 20,000 (Tier 3) during April through December 2018.

Similarly, a Floor Broker that executed 50,000 billable manual ADV in the second half of 2017, would qualify for each Tier, respectively, by executing ADV in contracts sides of 65,000 (Tier 1), 82,500 (Tier 2), and 100,000 (Tier 3) during April through December 2018.

The total rebate available for achieving each Tier is the same regardless of whether the Floor Broker relied on its second half of 2017 volume or the minimum 10,000 ADV contract sides as the benchmark. As proposed, Floor Brokers that earn the Percentage Growth Incentive would receive their 2018 rebate in January 2019.⁷

The Exchange proposes to specify the proposed Incentive on the Fee Schedule with the following table:

FB PREPAYMENT PROGRAM INCENTIVES

[based on ADV in contract sides between April 1—December 31, 2018]

| Tier | Percentage growth incentive | Total percentage reduction of eligible fixed costs for April–December 2018 |
|--------------|-----------------------------|--|
| Tier 1 | 30 | 40 |
| Tier 2 | 65 | 75 |
| Tier 3 | 100 | ⁸ 100 |

The Exchange is not proposing any other changes to the Fee Schedule at this time.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁰ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposal to introduce the FB Prepayment Program is reasonable, equitable and not unfairly discriminatory for the following reasons. First, the Program is optional and Floor Brokers can elect to participate (or elect not to participate). In addition, the Exchange is offering two alternative means to achieve the same enhanced discount to ensure that Floor Brokers that are new to the Exchange (or Floor Brokers that did not execute more than 10,000 ADV in contract sides) could nonetheless participate in the Program. The Exchange believes that 10,000 ADV is a reasonable minimum threshold above which a participating Floor Broker would need to increase

volume in order to realize the proposed Incentive (on a similar playing field with Floor Brokers that exceeded this volume requirement in 2017). For Floor Brokers that exceeded the 10,000 ADV in the second half of 2017, the Exchange believes it is reasonable to use each Floor Broker's historical volume as a benchmark against which to measure future growth to achieve the proposed Incentive.

Moreover, the Exchange notes that prepayment programs such as the FB Prepay Program are not new or novel as other options exchanges provide incentives to other specific market participants for prepayment of certain Exchange fees/costs—including the

⁶ The Percentage Growth Incentive would exclude Customer volume, Firm Facilitation and Broker Dealer facilitating a Customer trades, and QCCs. Any volume calculated to achieve the Firm and Broker Dealer Monthly Fee Cap and the Limit of Fees on Options Strategy Executions ("Strategy Cap"), regardless of whether either of these caps is achieved, will likewise be excluded from the Percentage Growth Incentive because fees on such

volume are already capped and therefore such volume does not increase billable manual volume. *See id.*

⁷ The Exchange would not issue any refunds in the event that a Floor Broker's prepaid Eligible Fixed Costs exceeds such actual costs for the nine month period. *See id.*

⁸ Participants in the FB Prepay Program that qualify for Tier 3 (*i.e.*, increased 2018 volume (from

April through December) by 100% over the Floor Broker's volume from the second half of 2017, or the 10,000 ADV in contract sides) would be rebated the greater of 100% of their pre-paid Eligible Fixed Costs, or \$10,000/month for April through December 2018. *See id.*

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4) and (5).

prepayment programs offered to market makers on NYSE American and the Chicago Board of Options Exchange (Cboe).¹¹ Although these market maker prepay programs apply to transaction costs as opposed to fixed costs, the Exchange believes the proposed program would similarly incent Floor Brokers to increase their billable volume executed in open outcry on the Exchange, which would benefit all market participants by expanding liquidity and providing more trading opportunities, even to those market participants that have not committed to the Program. Regardless of which benchmark a participating Floor Broker's growth is measured against, all Floor Broker's [sic] that opt to participate would be required to increase volume executed on the Exchange in order to receive the enhanced discount. Thus, the Exchange believes the proposed Program, is reasonable, equitable and not unfairly discriminatory to others.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed FB Prepayment Program may increase both inter-market and intra-market competition by incenting participants to direct their orders to the Exchange, which would enhance the quality of quoting and may increase the volume of contracts traded on the Exchange. To the extent that there is an additional competitive burden on non-Exchange participants, the Exchange believes that this is appropriate because the proposal should incent market participants to direct additional order flow to the Exchange, and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange would benefit all market

participants and improve competition on the Exchange.

Given the robust competition for volume among options markets, many of which offer the same products, implementing programs to attract order flow, such as the proposed FB Prepayment Program, are consistent with the above-mentioned goals of the Act.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹² of the Act and subparagraph (f)(2) of Rule 19b-4¹³ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁴ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2018-24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca2018-24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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-NYSEArca-2018-24, and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08725 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

¹¹ See NYSE American Fee Schedule, Section I.D. (Prepayment Program), available here, https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf; Cboe fee schedule, Liquidity Provider Sliding Scale, available here, <http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf>.

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(2).

¹⁴ 15 U.S.C. 78s(b)(2)(B).

¹⁵ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83073; File No. SR-NYSEAMER-2018-15]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE American Options Fee Schedule

April 20, 2018.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on April 12, 2018, NYSE American LLC (the “Exchange” or “NYSE American”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (“Fee Schedule”). The Exchange proposes to implement the fee change effective April 12, 2018.⁴ The proposed change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to adopt a prepayment incentive program for Floor Broker organizations (each a “Floor Broker”).

Currently, Floor Brokers that operate on the Exchange incur certain monthly fixed costs that rarely change from month-to-month (and, in some cases, year-to-year). Floor Brokers receive an invoice from the Exchange each month for the fixed cost incurred the prior month. The Exchange proposes to offer Floor Brokers a 10% discount on their “Eligible Fixed Costs” (described in the table below) if Floor Brokers prepay such costs for the remaining nine months of 2018—i.e., April through December (the “FB Prepay Program” or “Program”).⁵

Eligible Fixed Costs

Section III.A. Monthly ATP Fees.
Section III.B. Floor Access Fee.
Section IV. Monthly Floor Communication, Connectivity, Equipment and Booth or Podia Fees as listed below:
Login.
Transport Charges.
Booth Premises.
Telephone Service.
Cellular Phones.
Booth Telephone System—Line Charge.
Booth Telephone System—Single line phone jack and data jack.
Wire Services.

A Floor Broker that commits to the proposed Program would be invoiced in April 2018 for its estimated Eligible Fixed Costs, through the end of 2018, less 10%. The estimated Eligible Fixed Costs for April through December 2018 for each participating Floor Broker would be based on that Floor Broker’s February 2018 invoice for such costs.

⁵ To participate in the FB Prepay Program, Floor Broker organizations would have to notify the Exchange in writing by emailing optionsbilling@nyse.com, indicating a commitment to submit prepayment, by no later than April 13, 2018. The email to enroll in the Program would have to originate from an officer of the Floor Broker organization and, except as provided for below, represents a binding commitment through the end of 2018. To participate in the Program, pre-payment for the balance of the year must be received by the close of business on April 30, 2018. See proposed Fee Schedule, Section III.E., Floor Broker Fixed Cost Prepayment Program (the “FB Prepay Program”).

For example, if a participating Floor Broker incurred \$6,000 in Eligible Fixed Costs in February 2018, that Floor Broker would be invoiced in April 2018 in the amount of \$48,600 to prepay such costs for the balance of the year (i.e., \$54,000 (to pre-pay Eligible Fixed Costs for April through December) minus \$5,400 (10% discount) equals \$48,600).

The Exchange also proposes to offer participants in the FB Prepay Program the opportunity to qualify for larger discounts (i.e., more than 10% of the remaining of 2018 Eligible Fixed Costs) through the Percentage Growth Incentive (the “Incentive”), which is designed to encourage Floor Brokers to increase their average daily volume (“ADV”) in billable manual contract sides by certain percentages (correlated with Tiers) as measured against one of two benchmarks.⁶ Specifically, to qualify for the Incentive, a participating Floor Broker must increase its manual billable ADV in contract sides during the final nine months of 2018 (i.e., April through December) by percentages (set forth below) above the greater of:

- i. 10,000 contract sides in billable manual ADV; or
- ii. The Floor Broker’s total billable manual ADV in contract sides during the second half of 2017—i.e., July through December 2017.

As proposed, a participating Floor Broker would qualify for the proposed Incentive by executing, in the final nine months of 2018, ADV growth in manual billable contract sides that is 30%, 65%, or 100% over the greater of (i) 10,000 contract sides ADV; or (ii) their ADV during the second half of 2017 (i.e., June through December). For example, a Floor Broker that is new to the Exchange (or one that did not execute at least 10,000 contract sides in billable manual ADV in the second half of 2017) would have the ability to qualify for the Incentive by executing at least 10,000 contract sides in manual billable ADV increased by the specified percentages. Such a Floor Broker would qualify for each Tier, respectively, by executing billable manual ADV in contract sides of 13,000 (Tier 1), 16,500 (Tier 2), and 20,000 (Tier 3) during April through December 2018.

Similarly, a Floor Broker that executed 50,000 billable manual ADV in the second half of 2017, would qualify

⁶ The Percentage Growth Incentive would exclude Customer volume, Firm Facilitation trades, and QCCs. Any volume calculated to achieve the Firm Monthly Fee Cap and the Strategy Execution Fee Cap, regardless of whether either of these caps is achieved, will likewise be excluded from the Percentage Growth Incentive because fees on such volume are already capped and therefore such volume does not increase billable manual volume. See *id.*

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ The Exchange originally filed to amend the Fee Schedule on April 2, 2018 (SR-NYSEAMER-2018-12) and withdrew and re-filed on April 3, 2018 (SR-NYSEAMER-2018-13).

for each Tier, respectively, by executing ADV in contracts sides of 65,000 (Tier 1), 82,500 (Tier 2), and 100,000 (Tier 3) during April through December 2018.

The total rebate available for achieving each Tier is the same

regardless of whether the Floor Broker relied on its second half of 2017 volume or the minimum 10,000 ADV contract sides as the benchmark. As proposed, Floor Brokers that earn the Percentage

Growth Incentive would receive their 2018 rebate in January 2019.⁷

The Exchange proposes to specify the proposed Incentive on the Fee Schedule with the following table:

FB PREPAYMENT PROGRAM INCENTIVES

[Based on ADV in contract sides between April 1–December 31, 2018]

| Tier | Percentage growth incentive (percent) | Total percentage reduction of eligible fixed costs for April through December 2018 (percent) |
|--------------|---------------------------------------|--|
| Tier 1 | 30 | 40 |
| Tier 2 | 65 | 75 |
| Tier 3 | 100 | ⁸ 100 |

The Exchange is not proposing any other changes to the Fee Schedule at this time.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁰ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposal to introduce the FB Prepayment Program is reasonable, equitable and not unfairly discriminatory for the following reasons. First, the Program is optional and Floor Brokers can elect to participate (or elect not to participate). In addition, the Exchange is offering two alternative means to achieve the same enhanced discount to ensure that Floor Brokers that are new to the Exchange (or Floor Brokers that did not execute more than 10,000 ADV in contract sides) could nonetheless participate in the Program. The Exchange believes that 10,000 ADV is a reasonable minimum threshold above which a participating Floor Broker would need to increase volume in order to realize the proposed Incentive (on a similar playing field with Floor Brokers that exceeded this volume requirement in 2017). For Floor Brokers that exceeded the 10,000 ADV in the second half of 2017, the Exchange believes it is reasonable to use each Floor Broker's historical volume as a

benchmark against which to measure future growth to achieve the proposed Incentive.

Moreover, the Exchange notes that prepayment programs such as the FB Prepay Program are not new or novel as other options exchanges provide incentives to other specific market participants for prepayment of certain Exchange fees/costs—including the prepayment program offered to market makers on the Chicago Board of Options Exchange (Cboe).¹¹ Although the Cboe market maker prepay program applies to transaction costs as opposed to fixed costs, the Exchange believes the proposed program would similarly incent Floor Brokers to increase their billable volume executed in open outcry on the Exchange, which would benefit all market participants by expanding liquidity and providing more trading opportunities, even to those market participants that have not committed to the Program. Regardless of which benchmark a participating Floor Broker's growth is measured against, all Floor Broker's [sic] that opt to participate would be required to increase volume executed on the Exchange in order to receive the enhanced discount. Thus, the Exchange believes the proposed Program, is reasonable, equitable and not unfairly discriminatory to others.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in

furtherance of the purposes of the Act. The Exchange believes that the proposed FB Prepayment Program may increase both inter-market and intra-market competition by incenting participants to direct their orders to the Exchange, which would enhance the quality of quoting and may increase the volume of contracts traded on the Exchange. To the extent that there is an additional competitive burden on non-Exchange participants, the Exchange believes that this is appropriate because the proposal should incent market participants to direct additional order flow to the Exchange, and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange would benefit all market participants and improve competition on the Exchange.

Given the robust competition for volume among options markets, many of which offer the same products, implementing programs to attract order flow, such as the proposed FB Prepayment Program, are consistent with the above-mentioned goals of the Act.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider

⁷ The Exchange would not issue any refunds in the event that a Floor Broker's prepaid Eligible Fixed Costs exceeds such actual costs for the nine month period. *See id.*

⁸ Participants in the FB Prepay Program that qualify for Tier 3 (*i.e.*, increased 2018 volume (from

April through December) by 100% over the Floor Broker's volume from the second half of 2017, or the 10,000 ADV in contract sides) would be rebated the greater of 100% of their pre-paid Eligible Fixed Costs, or \$10,000/month for April through December 2018. *See id.*

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4) and (5).

¹¹ *See* Cboe fee schedule, Liquidity Provider Sliding Scale, available here, <http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf>.

adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) ¹² of the Act and subparagraph (f)(2) of Rule 19b-4 ¹³ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) ¹⁴ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEAMER-2018-15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEAMER-2018-15. This

file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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-NYSEAMER-2018-15, and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018-08724 Filed 4-25-18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83082; File No. SR-FINRA-2018-013]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Establish a Second Trade Reporting Facility in Conjunction With Nasdaq, Inc.

April 20, 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 19,

2018, Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. 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

FINRA is proposing to adopt rules relating to the establishment of a second Trade Reporting Facility or "TRF" to be operated in conjunction with Nasdaq, Inc. ("Nasdaq"). The second FINRA/Nasdaq Trade Reporting Facility ("FINRA/Nasdaq TRF Chicago") would provide FINRA members with another mechanism for reporting over-the-counter ("OTC") trades in NMS stocks and complying with FINRA's requirements with respect to back-up trade reporting arrangements. The FINRA/Nasdaq TRF Chicago would be governed by the rules applicable to the existing FINRA/Nasdaq Trade Reporting Facility ("FINRA/Nasdaq TRF Carteret"), which were subject to notice and comment and approved by the Commission.³

The text of the proposed rule change is available on FINRA's website at <http://www.finra.org>, at the principal office of FINRA 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, FINRA 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. FINRA 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

FINRA currently has three facilities that allow its members to report OTC

¹² 15 U.S.C. 78s(b)(3)(A).

¹³ 17 CFR 240.19b-4(f)(2).

¹⁴ 15 U.S.C. 78s(b)(2)(B).

¹⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 54084 (June 30, 2006), 71 FR 38935 (July 10, 2006) (order approving SR-NASD-2005-087); and Securities Exchange Act Release No. 54798 (November 21, 2006), 71 FR 69156 (November 29, 2006) (order approving SR-NASD-2006-104).

trades in NMS stocks, as defined in SEC Rule 600(b) of Regulation NMS. These are the FINRA/Nasdaq TRF, the FINRA/NYSE TRF, and the Alternative Display Facility (“ADF”) (collectively, the “FINRA Facilities”).

On January 20, 2016, FINRA published a Trade Reporting Notice (the “Trade Reporting Notice” or the “Notice”) with guidance on firms’ OTC equity trade reporting obligations in the event of a systems issue during the trading day that prevents them from reporting OTC trades in NMS stocks in accordance with FINRA rules.⁴ As set forth in the Notice, a firm that routinely reports its OTC trades in NMS stocks to only one FINRA Facility (a firm’s “primary facility”) must establish and maintain connectivity and report to a second FINRA Facility (a firm’s “secondary facility”) if the firm intends to continue to support OTC trading as an executing broker while its primary facility is experiencing a widespread systems issue.⁵

The proposed FINRA/Nasdaq TRF Chicago would provide FINRA members with an additional mechanism to facilitate compliance with FINRA rules and the Notice. Specifically, a primary user of the FINRA/Nasdaq TRF Carteret could report on a back-up basis to the FINRA/Nasdaq TRF Chicago pursuant to the same rules, pricing, features and performance to which the firm is accustomed as a user of the FINRA/Nasdaq TRF Carteret—and vice versa.

Like the FINRA/Nasdaq TRF Carteret, the FINRA/Nasdaq TRF Chicago will be a facility of FINRA, subject to regulation by FINRA and to FINRA’s registration as a national securities association. FINRA members that match and/or execute orders internally or through proprietary systems may submit reports of these trades, with appropriate information and modifiers, to the FINRA/Nasdaq TRF Chicago, which will then submit them to the appropriate exclusive securities information processor (“SIP”). FINRA/Nasdaq TRF Chicago trade reports will be disseminated with a modifier indicating the source of the transactions that will distinguish them from transactions executed on an exchange or reported to other FINRA Facilities, including the FINRA/Nasdaq

TRF Carteret. The FINRA/Nasdaq TRF Chicago will provide FINRA with a real-time copy of each trade report for regulatory review purposes. At the option of the participant, the FINRA/Nasdaq TRF Chicago, like the FINRA/Nasdaq TRF Carteret, may provide the necessary clearing information regarding transactions to the National Securities Clearing Corporation.

The proposed rule change would establish the FINRA/Nasdaq TRF Chicago on the same terms as the FINRA/Nasdaq TRF Carteret. That is, the new FINRA/Nasdaq TRF would be built with the same technology, provide the same features and performance,⁶ offer the same pricing and be governed by the same substantive rules, policies and procedures. A single set of application materials and clearing arrangements will provide for access to both FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago. Moreover, Nasdaq, as the “Business Member” (defined below), has advised FINRA that these two TRFs will evolve in tandem and remain the same going forward (for example, because the same fee and credit schedule under the Rule 7600A Series will apply to both TRFs, any pricing changes would apply to both TRFs).⁷

Nasdaq, as the Business Member, proposes to structure the FINRA/Nasdaq TRF Chicago to be identical to the FINRA/Nasdaq TRF Carteret (in all respects other than its location) to provide FINRA members with a convenient and efficient option to fulfill their obligations under the Trade Reporting Notice through a set of primary and secondary reporting facilities that share the same rules, pricing, features and performance. Under the proposal, the FINRA/Nasdaq TRF Chicago will not be limited to use

as a back-up reporting facility. FINRA members will also have the option of using the FINRA/Nasdaq TRF Chicago as their primary trade reporting facility. Moreover, members may choose to report some of their trades, on a primary basis, to the FINRA/Nasdaq TRF Carteret and other trades, also on a primary basis, to the FINRA/Nasdaq TRF Chicago (or to one of the other FINRA Facilities). Members may choose to allocate their trade reports to more than one TRF as a means of further increasing resiliency and mitigating their risks, including the risks associated with outages.

The proposed rule change would allow firms to aggregate the volume of trades that they report on the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago. This would enable firms to continue to qualify for any volume-based pricing that they would otherwise qualify for if they limited their trade reporting to one of those facilities only.

It is important to note that although the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago would be structured identically and would allow for aggregated pricing, the two TRFs would physically operate as distinct and independent facilities.⁸ For example, to help ensure that the FINRA/Nasdaq TRF Chicago could effectively serve as a back-up facility for the FINRA/Nasdaq TRF Carteret or vice versa, the front-end technology used to operate the FINRA/Nasdaq TRF Chicago would reside in Chicago, Illinois while the front-end technology used to operate the FINRA/Nasdaq TRF Carteret would continue to reside in Carteret, New Jersey. Geographic dispersion of these two TRFs would lessen the risk of a regional outage affecting them both simultaneously. FINRA also notes that rules that prohibit cross-facility reporting would apply to the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago. For example, FINRA rules generally prohibit the submission to a FINRA Facility of any non-tape report (including clearing reports) associated with a previously executed trade that was not reported to the same Facility, except with respect to the second leg of a riskless principal or agency transaction.⁹

FINRA’s oversight of the proposed FINRA/Nasdaq TRF Chicago would be the same as FINRA’s current oversight with respect to the two existing TRFs.

⁴ See Trade Reporting Notice, January 20, 2016 (OTC Equity Trading and Reporting in the Event of Systems Issues).

⁵ As discussed in the Notice, if a firm chooses not to have connectivity to a secondary facility, it should cease executing OTC trades altogether when its primary trade reporting facility is experiencing a widespread systems issue. In that instance, the firm could route orders for execution to an exchange or another FINRA member (*i.e.*, a member with connectivity and the ability to report to a FINRA Facility that is operational).

⁶ Users of the two FINRA/Nasdaq TRFs may experience latency differences due to their different geographic locations.

⁷ According to Nasdaq, the FINRA/Nasdaq TRF Chicago will include several new components to provide performance improvements and operational efficiencies that Nasdaq intends to incorporate into the FINRA/Nasdaq TRF Carteret shortly after the launch of FINRA/Nasdaq TRF Chicago. Nasdaq will provide participants with notice prior to re-platforming the FINRA/Nasdaq TRF Carteret. After Nasdaq completes this re-platforming, Nasdaq generally intends to perform updates, upgrades, fixes or other modifications to the two FINRA/Nasdaq TRFs in tandem. However, Nasdaq notes that there may be instances in which it will be necessary for Nasdaq to act in sequence. During such instances, there may be disparities between the two TRFs with respect to function or performance. Nasdaq expects that any disparity in function or performance between the two TRFs that arises during sequential changes will be transitory. Nasdaq will provide participants with notice if it anticipates requiring more than a *de minimis* transition period.

⁸ Trades reported to the FINRA/Nasdaq TRF Carteret or FINRA/Nasdaq TRF Chicago will be subject to correction or modification only on the TRF to which the trades were originally reported.

⁹ See, *e.g.*, Rule 7230A(i).

In addition to real-time interaction with Business Member staff when operational issues arise, FINRA currently executes its SRO oversight functions by performing a three-part regularly recurring review of TRF operations. First, before initial operation of the TRF can commence, the Business Member is required to certify in writing that TRF operations will comply with all relevant FINRA rules and federal securities laws, and on a quarterly basis thereafter, the Business Member must submit its current TRF procedures and a certification of compliance with those procedures. Second, FINRA staff conducts monthly conference calls with each Business Member to review TRF operations. These monthly calls follow an established agenda, which includes, among other things, whether there were any system outages or issues since the prior monthly conference call (and if so, to confirm that they were reported to FINRA and the SEC, as applicable), data latency, the status of pending systems changes, TRF market data products and whether the Business Member has or is developing any new products that would use TRF data. Third, FINRA oversees a regular assessment cycle and extensive review of TRF operations, as measured against the TRF business requirements document and coding guidelines established by FINRA, by an outside independent audit firm. FINRA also requires the Business Member to submit on a quarterly basis an attestation that (1) identifies all products that use TRF data, and (2) certifies that the Business Member has no other products that use TRF data and that any future products that use TRF data will be developed in consultation with FINRA.

FINRA/Nasdaq TRF Limited Liability Company Agreement

The Third Amended and Restated Limited Liability Company Agreement of FINRA/Nasdaq Trade Reporting Facility LLC (the “FINRA/Nasdaq TRF LLC Agreement” or the “Agreement”) will govern the establishment of the FINRA/Nasdaq TRF Chicago.

Under the FINRA/Nasdaq TRF LLC Agreement, FINRA is the “SRO Member” and has sole regulatory responsibility for both the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago, including real-time monitoring and T+1 surveillance, development and enforcement of trade reporting rules and submission of proposed rule changes to the Commission. Nasdaq, the Business Member under the FINRA/Nasdaq TRF LLC Agreement, is primarily responsible for the management of the business

affairs of both the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago, which may not be conducted in a manner inconsistent with the regulatory and oversight functions of FINRA. Among other things, the Business Member will establish pricing for both the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago, be obligated to pay the cost of regulation and be entitled to the profits and losses, if any, derived from operation of the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago. The Business Member will also provide the “user facing” front-end technology used to operate both the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago and transmit real-time trade report data directly to the SIPs and to FINRA for audit trail purposes.

The FINRA/Nasdaq TRF LLC Agreement is substantially similar to the existing agreement that governs the FINRA/Nasdaq TRF Carteret (the Second Amended and Restated FINRA/Nasdaq TRF LLC Agreement), which is included in the FINRA Manual. However, it contains several amendments that reflect the fact that the FINRA/Nasdaq Trade Reporting Facility LLC will now operate through two TRFs: FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago.

For example, the FINRA/Nasdaq TRF LLC Agreement provides for separate termination provisions, in Section 20, for each FINRA/Nasdaq TRF. The termination provision applicable to the FINRA/Nasdaq TRF Carteret is substantially the same as under the current agreement, except as noted below. The termination provision applicable to the FINRA/Nasdaq TRF Chicago permits a Member of the LLC to terminate the FINRA/Nasdaq TRF Chicago upon at least one year’s written notice; it also permits the SRO Member to terminate the FINRA/Nasdaq TRF Chicago for any reason that the SRO Member, in its sole discretion, determines could have a negative impact on the maintenance of its status as a preeminent SRO. In addition, the FINRA/Nasdaq TRF LLC Agreement includes a provision in Section 20 that permits either Member of the LLC to terminate either of the TRFs or the entire Agreement due to a material breach by the other Member, if such breach is not cured within 60 days of notification thereof, or if the other Member becomes bankrupt or insolvent, upon 30 days’ written notice.

Finally, the FINRA/Nasdaq TRF LLC Agreement includes a provision, in Section 21, that clarifies that if either FINRA/Nasdaq TRF terminates, the LLC will continue to operate and the terms

of the Agreement relating to the remaining FINRA/Nasdaq TRF will remain in full force and effect. It also clarifies that the LLC will dissolve upon an action by either LLC Member to terminate both FINRA/Nasdaq TRFs or to terminate the last remaining FINRA/Nasdaq TRF.

Rules Applicable to the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago

FINRA proposes to amend the Rule 6300A, 7200A and 7600A Series, which govern the FINRA/Nasdaq TRF Carteret, to accommodate the establishment of the FINRA/Nasdaq TRF Chicago. That is, FINRA proposes to preface each of these Rule Series by noting that within them, any use of the term “FINRA/Nasdaq Trade Reporting Facility” shall mean the FINRA/Nasdaq TRF Carteret or the FINRA/Nasdaq TRF Chicago, as applicable, depending on the facility to which the participant elects to report.

FINRA proposes to amend Rule 6300A to provide that the forms of agreements required under the Rule 6300A Series, including the agreement to allow a Participant to report and lock-in trades on a member’s behalf required under Rule 6380A(h), will be identical for both FINRA/Nasdaq TRFs and a single agreement can be used for purposes of both FINRA/Nasdaq TRFs. Members that elect to participate in both FINRA/Nasdaq TRFs must amend any existing agreements under the Rule 6300A Series to reflect their application to both facilities.

In addition, FINRA proposes to amend Rule 7200A to clarify that application procedures and access requirements for the FINRA/Nasdaq TRF Carteret would also be applicable to the FINRA/Nasdaq TRF Chicago, meaning that an application for access to one of the FINRA/Nasdaq TRFs would provide for access to both of them, and that the requirements for continuing access apply to both TRFs. Members that elect to participate in both FINRA/Nasdaq TRFs must provide written notice to the FINRA/Nasdaq TRFs and FINRA of such election, in the form prescribed by FINRA, and amend any existing agreements under the Rule 7200A Series to reflect their application to both Facilities. Moreover, FINRA proposes to state, in Rules 6300A, 6360A, 6370A, 7200A and 7280A, that any determination to suspend, terminate, restore, reinstate, limit or prohibit access to or participation in one FINRA/Nasdaq TRF with respect to a TRF participant will apply equally to the other FINRA/Nasdaq TRF with respect to that participant.

The proposed rule change would also amend the Rule 7600A Series to state that its schedules of credits and fees will apply to reporting activity that occurs on either or both of the FINRA/Nasdaq TRFs and that a participant's eligibility for any volume-based credits or fee caps will be determined based upon its aggregate reporting volume between the two FINRA/Nasdaq TRFs.¹⁰ That is, Rule 7610A would be amended to state that if a FINRA member reports trades in a given quarter to both the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago, then the amount of the member's Securities Transaction Credits for that quarter will be calculated with respect to the member's combined transactions on both TRFs. Similarly, Rule 7620A would be amended to provide that if a participant reports trades to both the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago during a given month, then the participant's aggregate reporting volume on the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago will be considered for the purpose of determining whether and to what extent charges or caps apply to the participant during that month.¹¹

Rule 7630A would be amended to reflect a technical change that certification of affiliate status for aggregation of activity for purposes of fees and credits will be made to, and subsequent determinations regarding aggregation will be made by, the FINRA/Nasdaq TRFs, not FINRA. FINRA members currently submit their requests for aggregation to the FINRA/Nasdaq TRF Carteret rather than to FINRA, and, as such, the proposed change will better align the rule with current practice.¹²

¹⁰ FINRA notes that Nasdaq, in its capacity as the Business Member and operator of the FINRA/Nasdaq TRFs on behalf of FINRA, will continue to administer the Rule 7600A Series and will collect all fees and issue all credits on behalf of the FINRA/Nasdaq TRF Chicago, as well as the FINRA/Nasdaq TRF Carteret. FINRA's oversight of this function performed by the Business Member will be conducted through the aforementioned assessment and review of TRF operations by an outside independent audit firm.

¹¹ FINRA notes that members will be able to report trades to the FINRA/Nasdaq TRF Chicago via Nasdaq's ACT Workstation, a Financial Information eXchange ("FIX") line or indirectly via third party intermediaries (e.g., service bureaus) and will be required to pay the associated fees under Nasdaq rules. For example, firms that report to the FINRA/Nasdaq TRF Chicago via FIX—either directly or indirectly through third party intermediaries—would pay Nasdaq charges associated with FIX ports to connect to the FINRA/Nasdaq TRF Chicago data center. See, e.g., Nasdaq Rule 7015. Firms will not have the option of connecting to the FINRA/Nasdaq TRF Chicago via a computer-to-computer interface ("CTCI").

¹² As noted above, Nasdaq, as the TRF Business Member, administers this Rule and receives the

The proposed rule change would amend Rule 7640A to state that Nasdaq's license to use, distribute and sell FINRA/Nasdaq TRF Carteret market data to third parties, and to sell such data for fees that Nasdaq charges under its rules, would also extend to FINRA/Nasdaq TRF Chicago market data. In addition, the proposed rule change would amend the rule to state that the list of Nasdaq data products that incorporate FINRA/Nasdaq TRF Carteret market data would also incorporate FINRA/Nasdaq TRF Chicago market data.¹³

Finally, Rule 6184 (Transactions in Exchange-Traded Managed Fund Shares ("NextShares")) would be amended to provide for the reporting of transactions in NextShares to the FINRA/Nasdaq TRF Chicago in the same manner that such transactions currently are reported to the FINRA/Nasdaq TRF Carteret.

If the Commission approves the proposed rule change, the effective date of the proposed rule change will be the date upon which the FINRA/Nasdaq TRF Chicago commences operation, which is currently anticipated to be no earlier than August 1, 2018. FINRA will provide notice of that date upon successful completion of system testing and certification.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,¹⁴ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change is consistent with the Act because it provides members with an alternative for meeting their trade reporting obligations under FINRA rules and will allow members that wish to connect to a secondary FINRA Facility in accordance with the Trade Reporting Notice to continue executing OTC trades in NMS stocks in the event their primary facility is experiencing a widespread systems issue. FINRA believes that an additional facility for the reporting of OTC transactions in NMS stocks in the event a member's

certifications of affiliate status and makes the aggregation determinations thereunder.

¹³ Prior to the date when the FINRA/Nasdaq TRF Chicago becomes operational, Nasdaq intends to file with the Commission a proposal to amend Nasdaq's rules governing its proprietary data products to provide for the inclusion therein of FINRA/Nasdaq TRF Chicago data.

¹⁴ 15 U.S.C. 78o-3(b)(6).

primary facility is experiencing systems issues will enhance the resiliency and promote the integrity of the OTC market.

In addition, FINRA believes that the proposed rule change provides for the equitable allocation of reasonable dues, fees and other charges because the charges and credits that would apply to the FINRA/Nasdaq TRF Chicago are the same as those that apply to the FINRA/Nasdaq TRF Carteret under current FINRA rules. The proposed rule change would also provide for the equitable allocation of reasonable dues, fees and other charges in that it would allow firms that choose to concurrently report trades to the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago to aggregate their reporting volumes on the two TRFs so that they could continue to qualify for volume-based pricing to the extent that they would have otherwise qualified had they reported their trades only to one of those TRFs. As discussed above, Nasdaq, as the Business Member, has advised FINRA that the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago will be subject to identical fees under the amended Rule 7600A Series, thereby allowing members to use either TRF freely in terms of the volume reported to each TRF without providing a disincentive to use one over the other for the sole purpose of maintaining eligibility for any fee caps.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The proposed rule change would apply only to members that have a trade reporting obligation under the FINRA rules¹⁵ and elect to report to the FINRA/Nasdaq TRF Chicago. As noted above, there currently are three FINRA Facilities that allow members to report OTC trades in NMS stocks. There are only several hundred firms that execute and report OTC trades in NMS stocks to the FINRA Facilities on a regular basis. Many firms, including smaller firms, route their order flow to another firm, e.g., their clearing firm, for execution,

¹⁵ FINRA rules for reporting OTC transactions in equity securities require that for transactions between members, the "executing party" report the trade to a FINRA facility. For transactions between a member and a non-member or customer, the member must report the trade. "Executing party" is defined under FINRA Rule 6380A(b) as the member that receives an order for handling or execution or is presented an order against its quote, does not subsequently re-route the order, and executes the transaction.

and as the routing firm, they do not have the trade reporting obligation. Thus, the proposed rule change will have no impact on many members.

As explained above, the proposed rule change provides members with an alternative for meeting their trade reporting obligations under FINRA rules and will allow members that wish to connect to a secondary facility for trade reporting in accordance with the Trade Reporting Notice to continue executing OTC trades in NMS stocks in the event their primary facility is experiencing a widespread systems issue.

The proposed FINRA/Nasdaq TRF Chicago should provide benefits, in particular, for those members that currently report trades to the FINRA/Nasdaq TRF Carteret, as such members would have the opportunity to aggregate their reporting volumes if they choose to concurrently report trades to both FINRA/Nasdaq TRFs. Thus, under the proposed fee structure, if a member chooses to connect to the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago as primary and backup trade reporting facilities, then the member will receive credit for the shares reported to the backup facility. This may create an incentive for members to jointly utilize the two FINRA/Nasdaq TRFs as primary and back-up reporting facilities.

FINRA staff analyzed participation agreements and reporting activity to FINRA/Nasdaq TRF Carteret, FINRA/NYSE TRF and ADF, and found that 430 member firms reported to at least one FINRA Facility in 2017. While 84 firms had participation agreements with at least two FINRA Facilities, only 20 of those firms reported to both the FINRA/Nasdaq TRF Carteret and another FINRA Facility. Based on this one-year sample, FINRA expects the proposal to potentially benefit at least those firms that report to two or more FINRA Facilities; however, more firms can potentially benefit from volume-based pricing in the long-run, provided that reporting trades to more than one FINRA Facility becomes necessary or preferred.

To the extent that members choose to satisfy their reporting obligations via the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago, and cease to maintain connectivity to the FINRA/NYSE TRF or ADF as a back-up FINRA Facility to report trades, the latter two may experience a reduction in reporting activity and hence revenue. Thus, the impact on FINRA Facilities may effectively be an economic transfer between them.

The proposed FINRA/Nasdaq TRF Chicago provides an alternative that

may provide costs savings to those members that choose to report to both the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago instead of spreading trade reporting between the FINRA/Nasdaq TRF Carteret and another FINRA Facility. Members can effectively satisfy the requirement under the Trade Reporting Notice to establish connectivity to a second FINRA Facility to maintain reporting in the event that their primary facility experiences a widespread systems issue during the trading day. As such, members can use one FINRA/Nasdaq TRF as the primary reporting facility and the other FINRA/Nasdaq TRF as the back-up facility. This could mitigate the risks associated with a regional outage that could simultaneously affect them both, as the front-end technology used to operate the FINRA/Nasdaq TRF Chicago would reside in Chicago, Illinois while the front-end technology used to operate the FINRA/Nasdaq TRF Carteret would continue to reside in Carteret, New Jersey.

However, the two FINRA/Nasdaq TRFs would have common technology, computer code and features. As such, a member firm's decision to rely upon the FINRA/Nasdaq TRFs to satisfy both its primary and back-up requirements may not fully mitigate risks if these common technologies, code or features contemporaneously experience problems or otherwise fail. Thus, when member firms consider how they will meet their reporting obligations going forward, they will need to weigh the potential costs if both the FINRA/Nasdaq TRF Carteret and FINRA/Nasdaq TRF Chicago experience common problems or become unavailable simultaneously against the costs of maintaining connectivity to unrelated FINRA Facilities with fewer efficiencies and less attractive aggregate pricing.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-FINRA-2018-013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-FINRA-2018-013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. 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-FINRA-

2018–013, and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08731 Filed 4–25–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83083; File No. SR–GEMX–2018–13]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Incorporate by Reference The Nasdaq Stock Market LLC's Consolidated Audit Trail Rules Into the Rules of Nasdaq GEMX

April 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on April 10, 2018, Nasdaq GEMX, LLC (“GEMX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to incorporate by reference The Nasdaq Stock Market LLC's (“Nasdaq”) rule at General 7, entitled “Consolidated Audit Trail Compliance” into GEMX's General 7.

The text of the proposed rule change is available on the Exchange's website at <http://nasdaqgemx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to incorporate by reference Nasdaq's rule at General 7, entitled “Consolidated Audit Trail Compliance” into GEMX's General 7. The rule sets are identical.³ GEMX proposes to remove the current rule text from General 7 and replace that rule text with the following text:⁴

The rules contained in The Nasdaq Stock Market LLC General 7, as such rules may be in effect from time to time (the “General 7 Rules”), are hereby incorporated by reference into this Nasdaq GEMX General 7, and are thus Nasdaq GEMX Rules and thereby applicable to Nasdaq GEMX Members. Nasdaq GEMX Members shall comply with the General 7 Rules as though such rules were fully set forth herein. All defined terms, including any variations thereof, contained in the General 7 Rules shall be read to refer to the Nasdaq GEMX related meaning of such term. Solely by way of example, and not in limitation or in exhaustion: the defined term “Exchange” in the General 7 Rules shall be read to refer to the Nasdaq GEMX Exchange; the defined term “Rule” in the General 7 Rules shall be read to refer to the Nasdaq GEMX Rule.

Should any rules which impact trading behavior be added to the Consolidated Audit Trail Compliance Rules in Nasdaq General 7 in the future, those rules shall not become subject to the incorporation by reference and shall be placed elsewhere within GEMX's Rulebook. The incorporations by reference of Nasdaq General 7 into GEMX's General 7 Rule are regulatory in nature.⁵ The Exchange notes that as a

condition of an exemption, which the Exchange will request and will need to be approved by the Commission,⁶ GEMX agrees to provide written notice to its members whenever Nasdaq proposes a change to its General 7 Rule.⁷ Such notice will alert GEMX members to the proposed Nasdaq rule change and give them an opportunity to comment on the proposal. GEMX will similarly inform its members in writing when the SEC approves any such proposed change.

Implementation

The Exchange proposes that this rule change become operative at such time as it receives approval for an exemption from the Securities and Exchange Commission, pursuant to its authority under Section 36 of the Exchange Act of 1934 (“Act”) and Rule 0–12⁸ thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend GEMX General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,⁹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by consolidating its rules into a single rule set. The Exchange intends to also file similar proposed rule changes for the Nasdaq PHLX LLC; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; and Nasdaq MRX, LLC markets so that the General 7 Rules

other SROs incorporate by reference certain regulatory rules of another SRO and have received from the Commission similar exemptions from Section 19(b) of the Exchange Act. See e.g., Securities Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008), 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006); 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004).

⁶ The Exchange will request an exemption pursuant to its authority under Section 36 of the Exchange Act of 1934 (“Act”) and Rule 0–121 thereunder, from the Section 19(b) rule filing requirements to separately file a proposed rule change to amend GEMX General 7.

⁷ GEMX will provide such notice via a posting on the same website location where GEMX posts its own rule filings pursuant to Rule 19b–4 within the timeframe require by such Rule. The website posting will include a link to the location on the Nasdaq website where the applicable proposed rule change is posted.

⁸ See 17 CFR 240.0–12; Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹⁶ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release Nos. 82601 (January 30, 2018), 83 FR 4949 (February 2, 2018) (SR–Phlx–2018–11); 82604 (January 30, 2018), 83 FR 5154 (February 5, 2018) (SR–NASDAQ–2018–007); 82597 (January 30, 2018), 83 FR 4942 (February 2, 2018) (SR–BX–2018–007); 82599 (January 30, 2017), 83 FR 4947 (February 2, 2018) (SR–ISE–2018–09); 82598 (January 30, 2018), 83 FR 4936 (February 2, 2018) (SR–GEMX–2018–02); and 82600 (January 30, 2018), 83 FR 4934 (February 2, 2018) (SR–MRX–2018–03).

⁴ GEMX shall include a hyperlink to Nasdaq's General 7 for ease of reference.

⁵ The General 7 Rules are categories of rules that are not trading rules. See 17 CFR 200.30–3(a)(76) (contemplating such requests). In addition, several

which govern Consolidated Audit Trail Compliance are conformed.

Incorporating by reference the Nasdaq General 7 Rules into the GEMX General 7 Rules will provide an easy reference for Members seeking to comply with Consolidated Audit Trail on multiple markets. As noted, the Exchange intends to file similar proposed rule changes for other affiliated markets so that Nasdaq General 7 is the source document for all Nasdaq Consolidated Audit Trail rules. The Exchange notes that the current rule is not changing and GEMX members will be required to continue to comply with the General 7 Rules as though such rules are fully set forth in GEMX's Rulebook. The Exchange desires to conform its rules and locate those rules within the same location in each Rulebook to provide Members the ability to quickly locate rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that this rule change does not impose an undue burden on competition because GEMX is merely incorporating by reference the rules of Nasdaq's General 7 into its own Rulebook. The current General 7 is not being amended and therefore no Member is impacted.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹¹ and subparagraph (f)(6) of Rule 19b-4 thereunder.¹²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-GEMX-2018-13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-GEMX-2018-13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments

as designated by the Commission. The Exchange has satisfied this requirement.

received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-GEMX-2018-13 and should be submitted on or before May 17, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08732 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available

From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:

Rule 11a1-1(T), SEC File No. 270-428, OMB Control No. 3235-0478.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information provided for in Rule 11a1-1(T) (17 CFR 240.11a1-1(T)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

On January 27, 1976, the Commission adopted Rule 11a1-1(T)—Transactions Yielding Priority, Parity, and Precedence (17 CFR 240.11a1-1(T)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act") to exempt certain transactions of exchange members for their own accounts that would otherwise be prohibited under Section 11(a) of the Exchange Act. The rule provides that a member's proprietary order may be executed on the exchange of which the trader is a member, if, among other things: (1) The member discloses that a bid or offer for its account is for its account to any member with whom such bid or offer is placed or to whom it is communicated; (2) any such member through whom that bid or offer

¹¹ 15 U.S.C. 78s(b)(3)(A)(iii).

¹² 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time

¹³ 17 CFR 200.30-3(a)(12).

is communicated discloses to others participating in effecting the order that it is for the account of a member; and (3) immediately before executing the order, a member (other than a specialist in such security) presenting any order for the account of a member on the exchange clearly announces or otherwise indicates to the specialist and to other members then present that he is presenting an order for the account of a member.

Without these requirements, it would not be possible for the Commission to monitor its mandate under the Exchange Act to promote fair and orderly markets and ensure that exchange members have, as the principle purpose of their exchange memberships, the conduct of a public securities business.

There are approximately 592 respondents that require an aggregate total of 17 hours to comply with this rule. Each of these approximately 592 respondents makes an estimated 20 annual responses, for an aggregate of 11,840 responses per year. Each response takes approximately 5 seconds to complete. Thus, the total compliance burden per year is 17 hours ($11,840 \times 5 \text{ seconds} / 60 \text{ seconds per minute} / 60 \text{ minutes per hour} = 17 \text{ hours}$). The approximate internal cost of compliance per hour is \$336, resulting in a total internal cost of compliance of \$5,712 (17 hours @ \$336).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08815 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available

From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Extension:

Form 1-U, SEC File No. 270-660, OMB Control No. 3235-0722.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 1-U (17 CFR 239.93) is used to file current event reports by Tier 2 issuers under Regulation A, an exemption from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form 1-U provides information to the public within four business days of fundamental changes in the nature of the issuer's business and other significant events. We estimate that approximately 97 issuers file Form 1-U annually. We estimate that Form 1-U takes approximately 5.66 hours to prepare. We estimate that 75% of the 5.66 hours per response is prepared by the company for a total annual burden of 412 hours (4.25 hours per response x 97 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: PRA_Mailbox@sec.gov.

Dated: April 23, 2018.

Eduardo A. Aleman,
Assistant Secretary.

[FR Doc. 2018-08819 Filed 4-25-18; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15483 and #15484; Alabama Disaster Number AL-00086]

Administrative Declaration of a Disaster for the State of Alabama

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Alabama dated 04/17/2018.

Incident: Severe Storms and Hurricane Force Winds.

Incident Period: 04/03/2018.

DATES: Issued on 04/17/2018.

Physical Loan Application Deadline Date: 06/18/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 01/17/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Morgan
Contiguous Counties:

Alabama: Cullman, Lawrence,
Limestone, Madison, Marshall
The Interest Rates are:

| | Percent |
|---|---------|
| For Physical Damage: | |
| Homeowners with Credit Available Elsewhere | 3.625 |
| Homeowners without Credit Available Elsewhere | 1.813 |
| Businesses with Credit Available Elsewhere 7 | .160 |
| Businesses without Credit Available Elsewhere | 3.580 |
| Non-Profit Organizations with Credit Available Elsewhere ... | 2.500 |
| Non-Profit Organizations without Credit Available Elsewhere | 2.500 |
| For Economic Injury: | |
| Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere | 3.580 |
| Non-Profit Organizations without Credit Available Elsewhere | 2.500 |

The number assigned to this disaster for physical damage is 15483 B and for economic injury is 15484 0.

The State which received an EIDL Declaration # is Alabama.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: April 17, 2018.

Linda E. McMahon,
Administrator.

[FR Doc. 2018-08706 Filed 4-25-18; 8:45 am]

BILLING CODE 8025-01-P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Reinstatement Without Change: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as

required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) a reinstatement without change of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on the Board's service delivery.

DATES: Comments on this information collection should be submitted by June 25, 2018.

ADDRESSES: Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, or to pra@stb.gov. When submitting comments, please refer to "Paperwork Reduction Act Comments, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery."

FOR FURTHER INFORMATION, CONTACT: For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0284 or at Michael.Higgins@stb.gov. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: For each collection, Comments are requested concerning: (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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2140-0019.

STB Form Number: None.

Type of Review: Reinstatement without change.

Respondents: Customers and stakeholders of the Board.

Number of Respondents, Frequency, Estimated Time per Response, and Total Burden Hours: A variety of instruments and platforms may be used to collect information from respondents. The estimated annual burden hours (277) are based on the number of collections we expect to conduct over the requested period for this clearance, as set forth in the table below.

ESTIMATED ANNUAL REPORTING BURDEN

| Type of collection | Number of respondents | Annual frequency per response | Hours per response | Total hours |
|---------------------------------|-----------------------|-------------------------------|--------------------|-------------|
| Focus Group | 15 | 1 | 2 | 30 |
| Comment Card/Brief Survey | 200 | 2 | .17 | 67 |
| Surveys | 150 | 2 | .6 | 180 |

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner, in accordance with the Administration's commitment to improving service delivery. By

qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into

customer or stakeholder perceptions, experiences, and expectations; provide an early warning with issues about how the Board provides service to the public; or focus attention on areas where communication, training, or changes in operations might improve delivery of

products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Board and its customers and stakeholders. They will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Board's services will be unavailable.

The Board will only process a collection under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- the collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- the collections are non-controversial and do not raise issues of concern to other Federal agencies;
- any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- personally identifiable information is collected only to the extent necessary and is not retained;
- information gathered will be used only internally for general service improvement and program management purposes and not for release outside of the agency;
- information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but will not yield data that can be generalized to the overall population. Such data uses would require more rigorous designs than the collections covered by this notice.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual

behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. Comments submitted in response to this notice may be made available to the public by the Board. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an electronic comment (e-file or email), your email address is automatically captured and may be accessed if your comments are made public. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Dated: April 23, 2018.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2018-08756 Filed 4-25-18; 8:45 am]

BILLING CODE 4915-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2018-0009; Dispute
Number WTO/DS540]

WTO Dispute Settlement Proceeding Regarding United States—Certain Measures Concerning Pangasius Seafood Products From Vietnam

AGENCY: Office of the United States
Trade Representative.

ACTION: Notice with request for
comments.

SUMMARY: On February 22, 2018, Vietnam requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* (WTO Agreement) concerning measures that purportedly affect the import of Pangasius seafood products into the United States. That request is available at www.wto.org in a document designated as WT/DS540/1. The Office of the United States Trade Representative (USTR) invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, you should submit your comment on or before May 20, 2018, to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section III below. The docket number is USTR-2018-0009. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395-9483.

FOR FURTHER INFORMATION CONTACT: Mayur Patel, Associate General Counsel, at (202) 395-3150.

SUPPLEMENTARY INFORMATION:

I. Background

USTR is providing notice that consultations have been requested pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU). If these consultations do not resolve the matter, Vietnam could request that the WTO establish a dispute settlement panel pursuant to the DSU, which would hold its meetings in Geneva Switzerland, and issue a report on its findings.

II. Major Issues Raised by Vietnam

On February 22, 2018, Vietnam requested consultations concerning measures it asserts affect the import, distribution, and sale of Vietnamese Pangasius fish products. Vietnam's request for consultation states that the Pangasius fish that is the subject of its request is sold as "basa," "tra," or "swai." Specifically, Vietnam's consultations request describes the measures at issue in the following terms:

- Section 10016(b) of the Food, Conservation and Energy Act of 2008, Public Law 110-246 (the "2008 Farm Bill"), amending the Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.*
- Section 12106 of the Agriculture Act of 2014, Public Law 113-79 (the "2014 Farm Bill"), amending section 1(w) of the FMIA.
- 9 CFR Subchapter F, parts 530-551, "Mandatory Inspection of the Order Siluriformes and Products Derived from Such Fish" (80 FR 75589) (December 2, 2015) (the "Final Rule").
- The administrative applications of section 10016(b) of the 2008 Farm Bill and section 12106 of the 2014 Farm Bill as implemented by the Final Rule.
- 9 CFR part 541, "Marks, Marketing and Labeling of Products and Containers" (respecting fish and fish products), incorporating requirements in 9 CFR part 317, "Labeling, Marking Devices, and Containers."
- The administrative applications of 9 CFR part 541, including but not limited to those requirements incorporated from 9 CFR part 317 (*see* WT/DS540/1, pp. 2-3).

Vietnam's consultations request states that these measures appear to be inconsistent with the United States obligations under the GATT 1994 and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). Specifically, Vietnam invokes the obligations in Articles 2.2, 2.3, 4.1, 5.1, 5.3, 5.6, 8, and Annex C(1)(a) of the SPS Agreement and Article I:1 of the GATT 1994.

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via www.regulations.gov. For alternatives to electronic submissions, contact Sandy McKinzy at (202) 395-9483.

To submit comments via www.regulations.gov, enter docket number USTR-2018-0009 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Comment Now!" For further information on using the www.regulations.gov website, please consult the resources provided on the website by clicking on "How to Use Regulations.gov" on the bottom of the home page.

The www.regulations.gov website allows users to provide comments by filling in a "Type Comment" field, or by attaching a document using an "Upload File" field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment" field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Type Comment" field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade

secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact Sandy McKinzy at (202) 395-9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than business confidential information, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR-2018-0009, accessible to the public at www.regulations.gov. The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, USTR will make the following documents publicly available at www.ustr.gov: the U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at www.wto.org.

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement, Office of the U.S. Trade Representative.

[FR Doc. 2018-08814 Filed 4-25-18; 8:45 am]

BILLING CODE 3290-F8-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2017-0975]

Agency Information Collection Activities: Submissions for OMB Approval

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

ACTION: 30-day notice and request for comments.

SUMMARY: The Federal Aviation Administration is seeking approval from the Office of Management and Budget (OMB) for a renewal of the existing Information Collection 2120-0768. As required by the Paperwork Reduction Act of 1995 (PRA), the purpose of this notice is to allow 30 days for public comment. The Information Collection was previously published in the **Federal Register** on February 12, 2018 and allowed 60 days for the public comment.

The FAA proposes collecting information related to requests to operate Unmanned Aircraft Systems (UAS) in controlled airspace. The FAA will use the collected information to make determinations whether to authorize or deny the requested operation of UAS in controlled airspace. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

In addition, the FAA proposes collecting information related to requests for waiver from the waivable provisions of the applicable regulations. The proposed information collection is necessary to determine whether the proposed operation is eligible for waiver consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

Several comments received were either positive or pertained to matters not directly addressed in this Information Collection.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: You may submit comments [identified by Docket No. FAA-2017-0975] through one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 1-202-493-2251.
- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey

Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Casey Nair, FAA's UAS Low Altitude Authorization and Notification Capability (LAANC) Program Manager, tel (202) 267–0369 or via email at Casey.Nair@faa.gov.

SUPPLEMENTARY INFORMATION: *Public Comments Invited.* You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the FAA's performance; (b) the accuracy of the estimated burden; (c) ways for the FAA to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

Title: Renewal of Existing Information Collection 2120–0768.

OMB Control Number: 2120–0768.

Form Number(s): There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The FAA has seen increased operations of small Unmanned Aircraft Systems (UAS) flying under 14 CFR part 107. Section 107.41 states that “no person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless that person has prior authorization from Air Traffic Control (ATC).” Such authorization may be obtained in the form of either an airspace authorization issued by the FAA or a waiver of the authorization requirements of 14 CFR 107.41 (airspace waiver). Additionally, operators may request waivers of the other operational requirements listed in § 107.205 (operational waivers).

In order to process authorization and airspace waiver requests, the FAA requires the operator's name, the operator's contact information, and information related to the date, place, and time of the requested small UAS operation. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See 49 U.S.C. 40103 and 44701; Public Law 112–95, Section 333.

Additionally, if the operator is seeking an operational waiver from one of the other regulations listed in 14 CFR 107.205, further information is required related to the proposed waiver and any necessary mitigations. The FAA will use

the requested information to determine if the proposed UAS operation can be conducted safely.

The FAA proposes to use LAANC and a web portal to process authorization requests from the public to conduct part 107 flight operations pursuant to § 107.41. The FAA also proposes to use the web portal to process requests from the public to conduct part 107 flight operations that require an operational waiver or an airspace waiver.

Summary of Comments: The FAA received three comments during the published public comment period that began on February 12, 2018. One commenter asserted that the process for part 107 operators to obtain authorization from ATC is overbearing and that part 107 operators should be allowed to contact ATC directly via the telephone. The large number of potential telephone calls (estimated at over 200,000 from 2018 to 2020) makes this proposed solution unfeasible and such a process would increase the burden on part 107 operators by creating unreasonably long wait times for approval and would increase uncertainty and inconsistency of authorization when ATC cannot be reached. Under the web portal process, which processes individual requests such as the one proposed here, the wait time for a response is 90+ days.

Another comment addressed procedures for implementing Control and Non-Payload Communications Links and does not pertain to the matters addressed in this Information Collection.

The final comment was from the Air Line Pilots Association, International (ALPA), which addressed a number of issues, grouped in two main categories. First, ALPA commented that the use of LAANC and the web portal to process authorization requests to conduct part 107 flight operations in controlled airspace has not been subject to sufficient safety risk evaluation. Both LAANC and the web portal are administrative systems. Neither introduce change to the NAS enterprise architecture or any alteration to any established FAA processes including those that involve safety. LAANC and the web portal provide another means for part 107 operators to comply with part 107's established requirements and safety processes. Both LAANC and the web portal are in alignment with part 107.

Second, ALPA commented that the FAA has not determined through its SMS process the risk that UAS operating in controlled airspace introduce to the NAS and, therefore, ALPA is unable to determine if the

information collected is adequate. This second category of comments was substantially the same as comments that ALPA submitted to the earlier Notice of Proposed Rule Making (NPRM) that was eventually implemented as a final rule at 81 FR 42063 on June 28, 2016 and codified as 14 CFR part 107. Part 107 addresses ALPA's safety concerns. The FAA analyzed the proposed information to be collected from the public for both authorization requests and waivers and determined that the information is sufficient for the FAA to meet the previously established requirements.

Additionally, the FAA has re-reviewed the nine comments that were received in response to the earlier published **Federal Register** notice for the emergency approval of the existing Information Collection 2120–0768, published on October 12, 2017 at 82 FR 47289. Six of these comments were positive and supported the implementation of an automated system to process authorization requests. Two comments discussed the wait times under the non-automated approval process and involved the commenters' disagreement with the requirements of part 107. These comments pertain to matters not directly addressed in this Information Collection. The remaining comment made a recommendation to allow local emergency management officials to create temporary “no fly” zones to support emergency operations. This comment is also not directly related to the matters addressed in this Information Collection.

Affected Public: Small UAS operators seeking to conduct flight operations under 14 CFR part 107 either within controlled airspace or that require waiver from certain provisions of part 107.

Frequency of Submission: The requested information will need to be provided each time a respondent requests an airspace authorization to operate a small UAS under 14 CFR part 107 in controlled airspace. A respondent may reduce the frequency by seeking and obtaining an airspace waiver to conduct recurring operations. For requests for operational waivers, a respondent will only need to provide the information once at the time of the request for waiver. If granted, operational waivers may be valid for up to four (4) years.

Number of Respondents: Between 2018–2020, the FAA estimates it will receive a total of 203,116 requests for airspace authorizations, 24,721 requests for airspace waivers, and 15,169 requests for operational waivers. The FAA has increased the estimated number of requests for airspace

authorizations to 203,116 from the 160,766 that was estimated in the published 60-Day Notice due to the change in the forecast of UAS growth that was published in the FAA Aerospace Forecast for Fiscal Years 2018–2038.

Total Annual Burden: The FAA estimates that the annual burden hours on respondents will be 11,948 hours (4,173 hours for LAANC respondents and 7,775 hours for web portal respondents) for airspace authorizations, 4,120 hours for airspace waivers, and 3,286 hours for operational waivers. The estimated total annual burden hours increased from the 9,953 hours published in the 60-Day Notice to 11,948 hours due to the change in the forecast of UAS growth that was published in the FAA Aerospace Forecast for Fiscal Years 2018–2038.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FAA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on April 20, 2018.

Casey Nair,

UAS LAANC Program Manager.

[FR Doc. 2018–08707 Filed 4–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0008–N–3]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Interested persons are invited to submit comments on or before June 25, 2018.

ADDRESSES: Submit written comments on the ICR activities by mail to either:

Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–497, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W34–212, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, “Comments on OMB Control Number 2130–0505,” and should also include the title of the ICR. Alternatively, comments may be faxed to (202) 493–6216 or (202) 493–6497, or emailed to Mr. Brogan at Robert.Brogan@dot.gov, or Ms. Toone at Kim.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–497, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W34–212, Washington, DC 20590 (telephone: (202) 493–6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8–12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for

FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) Reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Inspection and Maintenance of Steam Locomotives (Formerly Steam Locomotive Inspection).

OMB Control Number: 2130–0505.

Abstract: The Locomotive Boiler Inspection Act (LBIA) of 1911 required each railroad subject to the Act to file copies of its rules and instructions for the inspection of locomotives. The original LBIA was expanded to cover all steam locomotives and tenders, and all their parts and appurtenances. As amended, this Act requires carriers to make inspections and to repair defects to ensure the safe operation of steam locomotives. Currently, the collection of information is used primarily by tourist or historic railroads and by locomotive owners/operators to provide a record for each day a steam locomotive is placed in service, as well as a record that the required steam locomotive inspections are completed. The collection of information is also used by FRA and State rail safety inspectors to verify that necessary safety inspections and tests have been completed and to ensure that steam locomotives are indeed “safe and suitable” for service and are properly operated and maintained.

Type of Request: Extension without Change of a Currently Approved Information Collection.

Affected Public: Businesses.

Form(s): FRA–1, FRA–2, FRA–3, FRA–4, FRA–5.

Respondent Universe: 82 Steam Locomotive Owners/Operators.

Frequency of Submission: On occasion; annually.

Reporting Burden:

| CFR section | Respondent universe | Total annual responses | Average time per response | Total annual burden hours |
|--|----------------------|------------------------|---------------------------|---------------------------|
| 230.6—Waivers | 82 owners/operators. | 2 waiver letters | 1 hour | 2 |
| 230.12—Conditions for movement—Non-Complying Locomotives | 82 owners/operators. | 10 tags | 6 minutes | 1 |
| 230.14—31 Service Day Inspection—Notifications | 82 owners/operators. | 120 reports | 860 minutes | 1,720 |
| | 82 owners/operators. | 120 notifications | 5 minutes | 10 |
| 230.15—92 Service Day Inspection—Form 1 | 82 owners/operators. | 120 reports | 980 minutes | 1,960 |
| 230.16—Annual Inspection—Form 3—Notifications | 82 owners/operators. | 120 reports | 24.5 hours | 2,940 |
| | 82 owners/operators. | 120 notifications | 5 minutes | 10 |
| 230.17—1,472 Service Day Inspection—Form 4 | 82 owners/operators. | 12 forms | 500.5 hours | 6,006 |
| 230.6—Waivers | 82 owners/operators. | 2 waiver letters | 1 hour | 2 |
| 230.12—Conditions for movement—Non-Complying Locomotives | 82 owners/operators. | 10 tags | 6 minutes | 1 |
| 230.20—Alteration Reports—Boilers—Form 19 | 82 owners/operators. | 5 reports | 3 hours | 15 |
| 230.21—Steam Locomotive Number Change | 82 owners/operators. | 1 document | 2 minutes | .033 |
| 230.33—Welded Repairs/Alterations—Written Request to FRA for Approval—Unstayed Surfaces. | 82 owners/operators. | 5 letters | 2 hours | 10 |
| | 82 owners/operators. | 3 letters | 2 hours | 6 |
| 230.34—Riveted Repairs/Alterations | 82 owners/operators. | 2 requests | 2 hours | 4 |
| 230.49—Setting of Safety Relief Valves | 82 owners/operators. | 10 tags | 60 minutes | 10 |
| 230.96—Main, Side, and Valve Motion Rods | 82 owners/operators. | 1 letter | 8 hours | 8 |

Record Keeping Requirements

| | | | | |
|--|----------------------|---------------------|------------------|-------|
| 230.13—Daily Inspection Reports—Form 2 | 82 owners/operators. | 3,650 reports | 60 minutes | 3,650 |
| 230.17—1,472 Service Day Inspection—Form 3 | 82 owners/operators. | 12 reports | 15 minutes | 3 |
| 230.18—Service Day Report: Form 5 | 82 owners/operators. | 150 reports | 15 minutes | 38 |
| 230.19—Posting of Copy—Form 1 & 3 | 82 owners/operators. | 300 forms | 5 minutes | 25 |
| 230.41—Flexible Stay Bolts with Caps | 82 owners/operators. | 20 entries | 120 hours | 2,400 |
| 230.46—Badge Plates | 82 owners/operators. | 3 reports | 2 hours | 6 |
| 230.47—Boiler Number | 82 owners/operators. | 1 stamping | 60 minutes | 1 |
| 230.75—Stenciling Dates of Tests and Cleaning | 82 owners/operators. | 50 tests | 30 minutes | 25 |
| 230.98—Driving, Trailing, and Engine Truck Axles—Journal Diameter Stamped. | 82 owners/operators. | 1 stamp | 15 minutes | .25 |
| 230.116—Oil Tanks | 82 owners/operators. | 30 stencils | 30 minutes | 15 |

Total Estimated Annual Responses:
4,868.

Total Estimated Annual Burden:
18,865 hours.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett Andrew Jortland,

Acting Deputy Chief Counsel.

[FR Doc. 2018–08789 Filed 4–25–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

[Docket No. NHTSA–2017–0106]

Notice and Request for Comments

AGENCY: National Highway Traffic
Safety Administration (NHTSA),
Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995. The notice announces that the Information Collection Request (ICR) abstracted below will be forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on January 9, 2018.

DATES: Comments must be submitted on or before May 29, 2018.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Walter Culbreath, Office of Chief Information Officer, National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE, W51-316, Washington, DC 20590. Walter Culbreath's phone number is 202-366-1566.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2127-0682.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Request: Extension of a currently approved collection.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses

will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data

collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters commonly considered private.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Frequency: Once per request.

Number of Respondents: 113,582.

Estimated Annual Burden Hours: 20,204.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Kevin J. Mahoney,

Director, Office of Information Technology.

[FR Doc. 2018-08753 Filed 4-25-18; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Internal Revenue Service Tax Exempt and Government Entities Division (TE/GE); Meeting

AGENCY: Internal Revenue Service (IRS); Tax Exempt and Government Entities Division, Treasury.

ACTION: Notice.

SUMMARY: The Advisory Committee on Tax Exempt and Government Entities (ACT) will hold a public meeting on Thursday, June 7, 2018.

FOR FURTHER INFORMATION CONTACT:

Mark O'Donnell, TE/GE Communications and Liaison; 1111 Constitution Ave. NW; SE:T:GESS:CL-NCA 676; Washington, DC 20224. Email address: tege.advisory.comm@irs.gov.

SUPPLEMENTARY INFORMATION: By notice herein given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the ACT will be held on Thursday, June 7, 2018, from 2:00 p.m. to 4:00 p.m., at the Internal Revenue Service; 1111 Constitution Ave. NW; Room 3313; Washington, DC. Issues to be discussed relate to Employee Plans, Exempt Organizations and Government Entities. Reports from five ACT subgroups cover the following topics:

- Recommendations Regarding Re-Opening the Determination Letter Program in Certain Circumstances
- Recommendations Regarding Missing Participants
- Recommendations Regarding Incentivizing Universal E-Filing for Form 990
- Recommendations Regarding IRS Sharing of Taxpayer Information with Tribal Government Tax Programs
- Recommendations to Encourage Self Compliance by Issuers of Tax-Advantaged Obligations

Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, attendees need to email attendance request to tege.advisory.comm@irs.gov by May 28, 2018. Attendees are encouraged to arrive at least 30 minutes before the meeting begins to allow sufficient time for security clearance. Photo identification must be presented. Please use the main entrance at 1111 Constitution Ave. NW to enter the building. Should you wish the ACT to consider a written statement, please write to: Internal Revenue Service; 1111 Constitution Ave. NW; SE:T:GESS:CL-NCA 676, Washington, DC 20224, or email tege.advisory.comm@irs.gov.

Dated: April 20, 2018.

Mark F. O'Donnell,

Designated Federal Officer, Tax Exempt and Government Entities Division, Internal Revenue Service.

[FR Doc. 2018-08734 Filed 4-25-18; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Financial Crimes Enforcement Network Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.gov and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing PRA@treasury.gov, calling (202) 622-0489, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Financial Crimes Enforcement Network (FinCEN)

1. *Title:* Suspicious Activity Report by Depository Institutions.

OMB Control Number: 1506-0001.

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

Abstract: Under 31 CFR 1020.320, FinCEN requires depository institutions, to report on a consolidated form, to a single location, reports of suspicious transactions. The form is used by criminal investigators, and taxation and regulatory enforcement authorities, during the course of investigations involving financial crimes. This action renews the regulation only.

Form: FinCEN 111.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1.

2. *Title:* Currency Transaction Reports.

OMB Control Number: 1506-0004.

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

Abstract: Financial institutions file Form 112 (See 1506-0064) for currency transactions in excess of \$10,000 a day pursuant to 31 U.S.C. 5313(a) and 31 CFR 1010.311a(b). The form is used by criminal investigators, and taxation and regulatory enforcement authorities, during the course of investigations involving financial crimes. This action renews the regulation only.

Form: FinCEN Form 112.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1.

3. *Title:* Suspicious Activity Report by Insurance Companies.

OMB Control Number: 1506-0029.

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

Abstract: 31 CFR 1025.320 requires insurance companies to report suspicious activities to the Financial Crimes Enforcement Network. FinCEN Form 111 is an aid to this required reporting providing the filer with a guide in completing this reporting requirement. The form is used by criminal investigators, and taxation and regulatory enforcement authorities, during the course of investigations involving financial crimes. This action renews the regulation only.

Form: FinCEN 111.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 23, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018-08770 Filed 4-25-18; 8:45 am]

BILLING CODE 4810-02-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Treasury International Capital Form SLT—Aggregate Holdings of Long-Term Securities by U.S. and Foreign Residents

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.gov and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing PRA@treasury.gov, calling (202) 622-0489, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Treasury International Capital Form SLT—Aggregate Holdings of Long-Term Securities by U.S. and Foreign Residents.

OMB Control Number: 1505-0235.

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

Abstract: Form SLT is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128) for the purpose of providing timely information on international capital movements. Form SLT is used to collect monthly data on cross-border ownership by U.S. and foreign residents of long-term securities for portfolio investment purposes. These data is used by the U.S. Government in the formulation of international and financial policies and for the preparation of the U.S. balance of payments accounts and the U.S. international investment position. Form SLT is filed by U.S.-resident custodians, U.S.-resident issuers of long-term securities, and U.S.-resident end-investors (including endowments, foundations, pension funds, mutual funds, and other investment managers/

advisors/sponsors) in long-term foreign securities.

Form: Form SLT.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden

Hours: 38,586.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 23, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018-08771 Filed 4-25-18; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a new matching program.

SUMMARY: This re-established computer matching agreement (CMA) sets forth the terms, conditions, and safeguards under which the Internal Revenue Service (IRS) will disclose return information, relating to unearned income, to the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) for the Disclosure of Information to Federal, State and Local Agencies (DIFSLA). The purpose of this CMA is to make available to VBA certain return information needed to determine eligibility for, and amount of benefits for, VBA applicants and beneficiaries of needs-based benefits, and to adjust income-dependent benefit payments, as prescribed by law. Currently, the most cost effective and efficient way to verify annual income of applicants, and recipients of these benefits, is through a computer match.

DATES: Comments on this matching notice must be received no later than 30 days after date of publication in the **Federal Register**. If no public comments are received during the period allowed for comment, the re-established agreement will become effective July 1, 2018, provided it is a minimum of 30 days after the publication date. If VA receives public comments, VA shall review the substance of the comments to determine whether or not VA needs to take other actions. The CMA will be effective 30 days after the publication date even, if public comments are received. This matching program will be valid for 18 months from the effective date of this notice.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to

Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273-9026 (not a toll-free number). Comments should indicate that they are submitted in response to a CMA between the IRS and VBA for DIFSLA. 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, comments may be viewed online at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Nancy C. Williams, Pension Analyst, Pension and Fiduciary Service (21P), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (202) 461-8394.

SUPPLEMENTARY INFORMATION: CMA between VA and IRS DIFSLA, expires June 30, 2018. VBA has a legal obligation to reduce the amount of pension and of parents' dependency and indemnity compensation by the amount of annual income received by the VBA beneficiary. VA will use this information to verify the income information submitted by beneficiaries in VA's needs-based benefit programs and adjust VA benefit payments as prescribed by law. By comparing the information received through the matching program between VBA and IRS, VBA will be able to timely and accurately adjust benefit amounts. The match information will help VBA minimize overpayments and deter fraud and abuse.

The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA such information as VA requests for the purposes of determining eligibility for benefits, or verifying other information with respect to payment of benefits.

The VA records involved in the match are in "Compensation, Pension, Education, and Vocational and Rehabilitation and Employment Records—VA (58 VA 21/22/28)," a system of records which was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012).

The IRS records consist of information from the system records identified as will extract return information with respect to unearned income of the VBA applicant or beneficiary and (when applicable) of such individual's spouse from the

Information Return Master File (IRMF), Treasury/IRS 22.061, at 80 FR 54081–082 (September 8, 2015).

In accordance with the Privacy Act, 5 U.S.C. 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget. This notice is provided in accordance with the provisions of Privacy Act of 1974 as amended by Public Law 100–503.

PARTICIPATING AGENCIES:

The Internal Revenue Service (IRS).

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The Privacy Act, 5 U.S.C. § 552a, and 38 U.S.C. § 6103 authorize VA to enter into this CMA with IRS.

PURPOSE(S):

To re-establish a CMA with IRS to provide VBA with certain return information needed to determine eligibility for and amount of benefits for VBA applicants and beneficiaries of needs-based benefits and to adjust income-dependent benefit payments as prescribed by law.

CATEGORIES OF INDIVIDUALS:

Veterans and beneficiaries who apply for VA income benefits.

CATEGORIES OF RECORDS:

VBA will furnish the IRS with records in accordance with the current IRS Publication 3373, DIFSLA Handbook. The requests from VBA will include: The Social Security Number (SSN) and name Control (first four characters of the surname) for each individual for whom unearned income information is requested. IRS will provide a response record for each individual identified by VBA. The total number of records will be equal to or greater than the number of records submitted by VBA. In some instances, an individual may have more than one record on file. When there is a match of individual SSN and name control, IRS will disclose the following to VBA: Payee account number; payee name and mailing address; payee TIN; payer name and address; payer TIN; and income type and amount.

SYSTEM(S) OF RECORDS:

VBA records involved in this match are in “VA Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA” (58 VA 21/22/28), a system of records that was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012).

IRS will extract return information with respect to unearned income of the

VBA applicant or beneficiary and (when applicable) of such individual’s spouse from the Information Return Master File (IRMF), Treasury/IRS 22.061, as published at 80 FR 54081–082 (September 8, 2015).

SIGNING AUTHORITY:

The Senior Agency Official for Privacy, 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. John Oswalt, Executive Director for Privacy, Department of Veterans Affairs approved this document on March 7, 2018 for publication.

Dated: April 23, 2018.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy Information and Identity Protection, Office of Quality, Privacy and Risk, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2018–08745 Filed 4–25–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974: Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of a new computer matching program.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer matching program. This will match personnel records of the Department of Defense (DoD) with VA records of benefit recipients under the Montgomery GI Bill—Active Duty, Montgomery GI Bill—Selected Reserve, Post-9/11 GI Bill, and Reserve Educational Assistance Program. The goal of these matches is to identify the eligibility status of veterans, servicemembers, and reservists who have applied for or who are receiving education benefit payments under the Montgomery GI Bill—Active Duty, Montgomery GI Bill—Selected Reserve, Post-9/11 GI Bill, and Reserve Educational Assistance Program. The purpose of the match is to enable VA to verify that individuals meet the conditions of military service and eligibility criteria for payment of benefits determined by VA under the Montgomery GI Bill—Active Duty, Montgomery GI Bill—Selected Reserve, Post-9/11 GI Bill, and Reserve Educational Assistance Program.

DATES: Comments on this match must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the match will become effective 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will continue to be in effect for 18 months. At the expiration of 18 months after the commencing date, the Departments may renew the agreement for another 12 months.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026 (not a toll-free number). Comments should indicate that they are submitted in response to CMA VBA/DoD MGIB. All 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 (this is not a toll-free number) for an appointment.

FOR FURTHER INFORMATION CONTACT: Eric Patterson, Strategy, Legislative Development and Implementation Chief, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9830.

SUPPLEMENTARY INFORMATION: This information is required by paragraph 6c of the “Guidelines on the Conduct of Matching Programs” issued by OMB (54 FR 25818), as amended by OMB Circular A–130, 65 FR 77677 (2000). The current matching agreement with the Department of Defense (DoD) expires March 27, 2018. The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA such information as VA requests for the purposes of determining eligibility for benefits, or verifying other information with respect to payment of benefits. A copy of the notice has been provided to both Houses of Congress and OMB. The matching program is subject to their review.

Participating Agencies: This computer match is between the Department of

Veterans Affairs (VA) and the Department of Defense (DoD).

Authority for Conducting the Matching Program: The authority to conduct this match is the Privacy Act, 5 U.S.C. 552a and 38 U.S.C. 3684A(a)(1).

Purpose(s): This agreement establishes the conditions under which the Department of Defense (DoD) agrees to disclose information regarding eligibility to education benefits under the Montgomery GI Bill, Reserve Educational Assistance Program, and the Post-9/11 GI Bill to the Department of Veterans Affairs (VA). The purpose of this computer matching program between VA and DoD is to verify that individuals meet the conditions of military service and eligibility criteria for payment of benefits determined by VA under four enacted programs.

Categories of Individuals: Veterans, Servicemembers, Reservists and Dependents.

Categories of Records: Department of Defense (DoD), as the source agency, will provide to VA the eligibility records on DoD individuals consisting of data elements which contains specific data relating to the requirements for eligibility including data on member contribution amounts, service periods, and transfer of entitlement. VA will match on attributes, including Social Security Number (SSN), DoD Electronic Data Interchange Personal Identifier (EDIPI—or VA_ID), Date-of-Birth, Last Name, and File Identification Number.

System(s) of Records: The records covered include eligibility records extracted from DoD personnel files and benefit records that VA establishes for all individuals who have applied for and/or are receiving, or have received education benefit payments under the Montgomery GI Bill—Active Duty, Montgomery GI Bill—Selected Reserve, Post-9/11 GI Bill, and Reserve Educational Assistance Program. These benefit records are contained in a VA system of records identified as 58VA21/22/28 entitled: Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA, first published in the **Federal Register** at 74 FR 9294 (March 3, 1976), and last amended at 77 F42593 (July 19, 2012), and DoD updated their Defense Enrollment Eligibility Reporting Systems (DEERS) 81 FR 49210 (July 27, 2016) with other amendments as cited therein.

Signing Authority

The Senior Agency Official for Privacy, 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. John Oswalt, Executive Director for Privacy, Department of Veterans Affairs approved this document on March 19, 2018 for publication.

Dated: April 23, 2018.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy Information and Identity Protection, Office of Quality, Privacy and Risk, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2018–08747 Filed 4–25–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a new matching program.

SUMMARY: Pursuant to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a computer matching program with the Social Security Administration (SSA). Data from the proposed match will be used to verify the earned income of nonservice-connected veterans, and those veterans who are zero percent service-connected (noncompensable), whose eligibility for VA medical care is based on their inability to defray the cost of medical care. These veterans supply household income information that includes their spouses and dependents at the time of application for VA health care benefits.

DATES: Comments on this matching program must be received no later than May 29, 2018. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after date of publication in the **Federal Register** or April 9, 2018, whichever is later. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

ADDRESSES: Written comments may be submitted through www.Regulations.gov; by mail or hand-delivery to Director, Regulation Policy

and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420; or by fax to (202) 273–9026 (not a toll-free number). Comments should indicate that they are submitted in response to SSA–VA/VHA CMA #1052. 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, comments may be viewed online at www.Regulations.gov.

FOR FURTHER INFORMATION CONTACT:

LeRoy F. Garcia, Acting Director, Health Eligibility Center (HEC), (404) 848–5300 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has statutory authorization under 38 U.S.C. 5317, 38 U.S.C. 5106, 26 U.S.C. 6103(l)(7)(D)(viii) and 5 U.S.C. 552a to establish matching agreements and request and use income information from other agencies for purposes of verification of income for determining eligibility for benefits. 38 U.S.C. 1710(a)(2)(G), 1710(a)(3), and 1710(b) identify those veterans whose basic eligibility for medical care benefits is dependent upon their financial status. Eligibility for nonservice-connected and zero percent noncompensable service-connected veterans is determined based on the veteran's inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722. This determination can affect their responsibility to participate in the cost of their care through copayments and their assignment to an enrollment priority group. The goal of this match is to obtain SSA earned income information data needed for the income verification process. The VA records involved in the match are "Enrollment and Eligibility Records—VA" (147VA16). The SSA records are from the Earnings Recording and Self-Employment Income System, SSA/OEEAS 09–60–0059 and Master Files of Social Security Number Holders and SSN Applications, SSA/OEEAS, 60–0058, (referred to as "the Numident"). A copy of this notice has been sent to both Houses of Congress and OMB.

Participating Agencies: The Social Security Administration is the source agency, and the Department of Veterans Affairs is the recipient agency.

Authority for Conducting the Matching Program: Public Law 101–508, Omnibus Budget Reconciliation Act, as amended, and Public Law 104–262,

Veterans Health Care Amendments Act, grant VA the authority to verify income data furnished by certain veteran applicants. This agreement is executed under the Privacy Act of 1974, 5 United States Code (U.S.C.) 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, and the regulations and guidance promulgated thereunder. Legal authority for the disclosures under this agreement is 38 U.S.C. 5106 and 5317, and 26 U.S.C. 6103(l)(7)(D)(viii). Under 38 U.S.C. 1710, VA/VHA has a statutory obligation to collect income information from certain applicants for medical care and to use that income data to determine the appropriate eligibility category for the applicant's medical care. 26 U.S.C. 6103(l)(7) authorizes the disclosure of tax return information with respect to net earnings from self-employment and wages, as defined by relevant sections of the Internal Revenue Code (IRC), to Federal, state, and local agencies administering certain benefit programs under Title 38 of the U.S.C.

Purpose(s): This computer matching agreement sets forth the terms, conditions, and safeguards under which SSA will disclose tax return information to VA, Veterans Health Administration (VHA) to be used to verify Veteran's employment status and earnings to determine eligibility for its health benefit programs.

Categories of Individuals: Veterans who have applied for or have received VA health care benefits under Title 38,

United States Code, Chapter 17; Veterans' spouses and other dependents as provided for in other provisions of Title 38, United States Code.

Categories of Records: Federal Tax Information (FTI) and social security information generated as a result of computer matching activity with records from the IRS and SSA. The records may also include, but are not limited to, correspondence between HEC, Veterans, their family members, and Veterans' representatives such as Veterans Service Officers (VSO); copies of death certificates; Notice of Separation; disability award letters; IRS documents (e.g., Form 1040s, Form 1099s, W-2s); workers compensation forms; and various annual earnings statements, as well as pay stubs and miscellaneous receipts.

System(s) of Records: SSA will initially access and verify submitted SSNs through the Master Files of Social Security Number Holders and SSN Applications, 60-0058, (the Enumeration System), last fully published on December 29, 2010 (75 FR 82121), and amended on July 5, 2013 (78 FR 40542), and February 13, 2014 (79 FR 8780) for verification purposes. SSA will subsequently run those verified SSNs against systems records to extract and disclose the necessary tax return information from the Earnings Recording and Self-Employment Income System, 60-0059, last fully published on January 11, 2006 (71 FR 1819), and amended on July 5, 2013 (78 FR 40542). VA/VHA will match SSA information

with information extracted from its system of records (SOR) "Income Verification Records—VA" (89VA10NB). Routine use nineteen (19) permits VA/VHA to disclose identifying information, including SSNs, concerning veterans, their spouses, and dependents of veterans to Federal agencies for purposes of conducting computer matches to determine or verify eligibility of certain veterans who are receiving VA/VHA medical care under Title 38 of the U.S.C. The SORs involved in this computer matching program have routine uses permitting the disclosures needed to conduct this match.

Signing Authority

The Senior Agency Official for Privacy, 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. John Oswalt, Executive Director for Privacy, Department of Veterans Affairs approved this document on March 19, 2018 for publication.

Dated: April 23, 2018.

Kathleen M. Mazwell,

Program Analyst, VA Privacy Service, Office of Privacy Information and Identity Protection, Office of Quality, Privacy and Risk, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2018-08746 Filed 4-25-18; 8:45 am]

BILLING CODE 8320-01-P

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