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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–1054]

RIN 1625–AA08

Special Local Regulation; Chesapeake Bay, Between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations for certain waters of the Chesapeake Bay. This action is necessary to provide for the safety of life on these navigable waters located between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD, during the Bay Bridge Paddle on June 2, 2018 (alternate date of June 3, 2018). This action will prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland—National Capital Region or Coast Guard Patrol Commander.

DATES: This rule is effective from June 2, 2018, through June 3, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–1054 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 Mr. Ronald Houck, U.S. Coast Guard Sector Maryland—National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
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 published a Notice of Proposed Rulemaking on January 12, 2018 (83 FR 1597), proposing to establish a special local regulation for the Bay Bridge Paddle, on June 2, 2018 (rain date of June 3, 2018). The Coast Guard received one comment. The Coast Guard published a Supplemental Notice of Proposed Rulemaking (SNPRM) on April 9, 2018 (83 FR 15096), to amend the proposed special local regulation to increase the size of the paddle race area for the Bay Bridge Paddle, on June 2, 2018 (alternate date of June 3, 2018), and reopened the comment period to account for this change. The comment period closed May 9, 2018. The Coast Guard received three additional comments on the second request for comments for a total of four comments.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233, which authorizes the Coast Guard to establish and define special local regulations to promote the safety of life on navigable waters during regattas or marine parades. The Captain of the Port (COTP) Maryland—National Capital Region has determined that potential hazards associated with the paddle race event would be a safety concern for anyone intending to operate within certain waters of the Chesapeake Bay between Sandy Point and Kent Island, MD. The purpose of this rulemaking is to protect event participants, spectators, and transiting vessels on specified waters of the Chesapeake Bay before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received four comments total on our NPRM published February 12, 2018 and our SNPRM published April 9, 2018. One comment provided support for the Coast Guard's rulemaking. The other three comments addressed issues not related to this rulemaking. Special local regulations are promulgated in conjunction with a marine event to promote safety of life on the navigable waters immediately before, during, and immediately after a marine event. Patrols to prevent dumping, warnings about the inherent dangers of swimming, and other concerns unrelated to the paddle race event, are not appropriate to include in this proceeding. Therefore, there are no substantive changes in the regulatory text of this rule from the proposed rule in the SNPRM.

This rule establishes a special local regulation that will be enforced for approximately 6 hours on either June 2 or June 3, 2018. The regulated area includes all navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N, longitude 076°23′47.93″ W; thence eastward to latitude 39°01′02.08″ N, longitude 076°22′40.24″ W; thence southeastward to eastern shoreline at latitude 38°59′13.70″ N, longitude 076°19′58.40″ W; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N, longitude 076°24′28.36″ W; thence southward to latitude 38°59′38.36″ N, longitude 076°23′59.67″ W; thence eastward to latitude 38°59′26.93″ N, longitude 076°23′25.53″ W; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N, longitude 076°20′10.45″ W, located between Sandy Point and Kent Island, MD. The enforcement and duration of the regulated area is intended to ensure the safety of event participants and vessels within the specified navigable waters before, during, and after the paddle race event lasting from 8 a.m. until 12:30 p.m. Except for Bay Bridge Paddle participants, no vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP Maryland—National Capital Region or Coast Guard Patrol Commander.

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 limited size and duration of the regulated area, which would impact a small designated area of the Chesapeake Bay for 6 hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule will allow vessel operators to request permission to enter the regulated area for the purpose of safely transiting the regulated area if deemed safe to do so by the Coast Guard Patrol Commander.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of a temporary special local regulation lasting for 6 hours. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. It is categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Memorandum for Record for Categorically Excluded Actions supporting this determination is available in the docket where indicated under **ADDRESSES**.

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 § 100.501T05–1054 to read as follows:

§ 100.501T05–1054 Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD.

(a) *Regulated area.* The following location is a regulated area: All navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N, longitude 076°23′47.93″ W; thence eastward to latitude 39°01′02.08″ N, longitude 076°22′40.24″ W; thence southeastward to eastern shoreline at latitude 38°59′13.70″ N, longitude 076°19′58.40″ W; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N, longitude 076°24′28.36″ W; thence southward to latitude 38°59′38.36″ N, longitude 076°23′59.67″ W; thence eastward to latitude 38°59′26.93″ N, longitude 076°23′25.53″ W; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N, longitude 076°20′10.45″ W, located between Sandy Point and Kent Island, MD. All coordinates reference North American Datum 83 (NAD 1983).

(b) *Definitions.* (1) *Captain of the Port (COTP) Maryland—National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland—National Capital Region or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland—National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland—National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels registered with the event sponsor as participating in the Bay Bridge Paddle event or otherwise designated by event sponsor as having a function tied to the event.

(c) *Special local regulations.* (1) The COTP or Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the time it is implemented are to depart the regulated area.

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must first obtain authorization from the COTP Maryland—National Capital Region or Coast Guard Patrol Commander. The COTP Maryland—National Capital Region can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, persons or vessel operators may request permission to transit, moor, or anchor within the regulated area from the Coast Guard Patrol Commander on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(4) The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 7 a.m. to 1:30 p.m. on June 2, 2018, and, if necessary due to inclement weather, from 7 a.m. to 1:30 p.m. on June 3, 2018.

Dated: May 17, 2018.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland—National Capital Region.

[FR Doc. 2018–10990 Filed 5–24–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0416]

RIN 1625–AA00

Safety Zone; Bath Creek, Bath, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of Bath Creek near Bath, North Carolina, in support of a fireworks display on May 26, 2018. This temporary safety zone is intended to restrict vessel traffic from a portion of Bath Creek during the Bath Festival fireworks display to protect the life and property of the maritime public and spectators from the hazards posed by aerial fireworks displays. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) North Carolina or a designated representative.

DATES: This rule is effective from 8:30 p.m. through 9:00 p.m. on May 26, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0416 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 Chief Petty Officer Joshua O'Rourke, Waterways Management Division, U.S. Coast Guard Sector North Carolina, Wilmington, NC; telephone 910–772–2227, email *Joshua.P.Orourke@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
COTP Captain of the Port

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5

U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The publishing of an NPRM would be impracticable and contrary to the public interest since immediate action is needed to minimize potential danger to the participants and the public during the event.

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 contrary to public interest because immediate action is needed to protect persons and vessels from the hazards associated with this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP North Carolina has determined that potential hazards associated with the Bath Festival fireworks display on May 26, 2018, is a safety concern for maritime spectators during the launch of fireworks on Bath Creek in Bath, North Carolina. This rule is necessary to protect persons and vessels from the potential hazards associated with the aerial fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 8:30 p.m. until 9 p.m. on May 26, 2018. The safety zone will include all navigable waters within 150 yard radius of the fireworks barge at approximate position: Latitude 35°28′04″ N, longitude 076°48′55″ W, on Bath Creek, Bath, North Carolina. This safety zone is being established for the safety of the maritime spectators observing the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. All vessels within this safety zone when this section becomes effective must depart the zone immediately. To request permission to remain in, enter, or transit through the safety zone, vessels should contact the COTP North Carolina or the COTP North Carolina's representative through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina, at telephone number 910–343–3882, or on VHF–FM marine band radio channel 13 (165.65 MHz) or channel 16 (156.8 MHz).

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. The half hour regulation enforcement period should not overly burden vessel traffic based on the short duration of the period. Smaller vessels will be able to safely transit around this safety zone, which will impact a designated area of Bath Creek, Bath, NC. Additionally, the rule allows vessels to seek permission to enter the zone. The Coast Guard will issue a Broadcast Notice to Mariners to notify vessels in the region of the establishment of this regulation.

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 the precise number of small entities impacted is unknown, Bath Creek has a low number of vessels transiting the area planned for the safety zone, during the enforcement period. Although, some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you

believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting half an hour that will prohibit entry into a portion of Bath Creek, Bath, NC. 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 supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0416 to read as follows:

§ 165.T05–0416 Safety Zone, Bath Creek, Bath, NC.

(a) *Location.* The following area is a safety zone: All navigable waters within a 150 yard radius of the fireworks barge at approximate position: Latitude 35°28′04″ N, longitude 076°48′55″ W, on Bath Creek, Bath, North Carolina.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port North Carolina (COTP) for the enforcement of the safety zone.

Captain of the Port means the Commander, Sector North Carolina.

(c) *Regulations.* (1) The general regulations governing safety zones in subpart C of this part apply to the area described in paragraph (a) of this section.

(2) With the exception of the fireworks barge and crew, entry into or remaining in this safety zone is prohibited unless authorized by the COTP North Carolina or the COTP North Carolina's designated representative. All other vessels must depart the zone immediately.

(3) All vessels within this safety zone when this section becomes effective must depart the zone immediately.

(4) To request permission to remain in, enter, or transit through the safety zone, contact the COTP North Carolina or the COTP North Carolina's representative through the Coast Guard Sector North Carolina Command Duty Officer, Wilmington, North Carolina, at telephone number 910–343–3882, or on VHF–FM marine band radio channel 13 (165.65 MHz) or channel 16 (156.8 MHz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

Dated: May 16, 2018.

Bion B. Stewart,

Captain, U. S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2018–11259 Filed 5–24–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2009–0436; FRL–9978–30—Region 1]

Air Plan Approval; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. These revisions include regulations to update the enhanced motor vehicle inspection and maintenance (I/M) program in Rhode Island. The revised program includes a test and repair network consisting of on-board diagnostic (OBD2) testing for model year 1996 and newer vehicles and tailpipe exhaust test, using a dynamometer, for model year 1995 and older vehicles. The intended effect of this action is to approve the revised program into the Rhode Island SIP. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on June 25, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2009–0436. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA Region 1 Regional Office, 5 Post Office Square, Suite 100 (mail code:

OEP05–2), Boston, MA 02109–3912, telephone number: (617) 918–1660, email: *garcia.ariel@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose

On November 14, 2017, EPA published a direct final rule (82 FR 52682), as well as an accompanying notice of proposed rulemaking (NPRM) (82 FR 52682), for the State of Rhode Island. The direct final rule intended to approve a SIP revision submitted by the State of Rhode Island updating Rhode Island's enhanced motor vehicle inspection and maintenance program. Due to the receipt of an adverse comment, EPA published a withdrawal of the direct final rule in the **Federal Register** on January 9, 2018 (83 FR 984).

EPA published a second NPRM on March 2, 2018 (83 FR 8961), which reopened the public comment period, and proposed approval of Rhode Island's SIP revision updating the State's enhanced motor vehicle I/M program. The formal SIP revision was submitted in two parts: (1) A submittal made by Rhode Island on January 28, 2009, which included regulations to update the enhanced I/M program in Rhode Island, and (2) a supplemental submittal made by Rhode Island on February 17, 2017, which included the emissions modeling and I/M SIP narrative required by EPA's I/M regulations. A detailed discussion of Rhode Island's SIP revision and EPA's rationale for proposing approval of the SIP revision were provided in the November 14, 2017 NPRM (82 FR 52682) and will not be restated in this document. EPA is approving Rhode Island's enhanced I/M program SIP revision because it is consistent with the Clean Air Act's I/M requirements and EPA's I/M regulations.

II. Response to Comments

The adverse comment received on EPA's November 14, 2017 direct final rule (82 FR 52682) requested that EPA hold a new public comment period, because EPA did not make all relevant documents available in the docket at *www.regulations.gov.*

Prior to the reopening of the public comment period, via the NPRM that published in the **Federal Register** on March 2, 2018 (83 FR 8961), EPA made available all documents, which are compatible with the electronic docket system, at the docket identified by Docket ID No. EPA–R01–OAR–2009–0436 at *www.regulations.gov.* Also, EPA explained that all other documents, including emissions modeling files submitted as part of Rhode Island's enhanced motor vehicles I/M program SIP revision, were available for public review by visiting the EPA New England Regional Office or by contacting the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. The reopening of the public comment period also served as the notice of data availability referenced in the January 9, 2018 withdrawal of direct final rule (83 FR 984).

We received comments during the public comment period reopened by the March 2, 2018 (83 FR 8961) NPRM. However, all but one of those comments were not germane to our proposed approval of Rhode Island's enhanced motor vehicle I/M program SIP revision.

Comment: A single anonymous comment, much of which included information that was not germane to EPA's proposed approval of Rhode Island's enhanced motor vehicle I/M program SIP revision, also stated that ''[t]he Rule created potentially unduly burdensome requirements, Agency [sic] has failed to show a need for Regulations [sic] Given the extremely limited pollutant loadings and relative high costs, according to EPA's own analysis, the requirements appear to be ripe for substantial reduction or elimination. this [sic] entire subcategory would be excluded by rule given the de minimis amount of pollution.''

Response: If ''The Rule'' in the submitted comment refers to EPA's March 2, 2018 (83 FR 8961) proposed rule, EPA disagrees with the comment because this action is merely approving Rhode Island's pre-existing enhanced motor vehicle I/M regulations into the Rhode Island SIP in accordance with pre-existing federal requirements under the CAA. Rhode Island revised its motor vehicle I/M regulations in 2009 to meet the requirements of the CAA by incorporating testing of vehicles equipped with On-Board Diagnostics (OBD) technology for monitoring the proper function of a vehicle's emissions controls.

III. Final Action

EPA is approving the SIP revisions submitted by the State of Rhode Island on January 28, 2009, and supplemented with a SIP revision on February 17, 2017. These SIP revisions contain the State's revised enhanced motor vehicle I/M program. Specifically, EPA is approving the Rhode Island Department of Environmental Management's Air Pollution Control Regulation No. 34 entitled ''Rhode Island Motor Vehicle Inspection/Maintenance Program'' (effective January 5, 2009), and the Rhode Island Department of Motor Vehicles' ''Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1'' (effective January 28, 2009), and incorporating these rules into the Rhode Island SIP. EPA is approving Rhode Island's revised I/M program because it is consistent with the CAA and EPA's I/M regulations and it will strengthen the Rhode Island SIP.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Rhode Island's regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. 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 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);
- 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 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 24, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 17, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is 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 OO—Rhode Island

■ 2. In § 52.2070:

■ a. The table in paragraph (c) is amended by revising the entries ''Air Pollution Control Regulation 34'' and ''Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1''.

b. The table in paragraph (e) is amended by adding the entry ''I/M SIP Narrative'' at the end of the table.

The addition and revisions read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED RHODE ISLAND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
Air Pollution Control Regulation 34.	Rhode Island Motor Vehicle Inspection/ Maintenance Program.	1/5/2009	5/25/2018, [insert **Federal Register** citation].	Department of Environmental Management regulation containing I/M standards. Approving all sections except section 34.9.3 ''Application'' which was excluded from the SIP submittal.
*	*	*	*	*
Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1.	Rhode Island Motor Vehicle Inspection/ Maintenance Program.	1/28/2009	5/25/2018, [insert **Federal Register** citation].	Division of Motor Vehicles regulation for the light-duty vehicle I/M program. Approving all sections except section 1.12.2 ''Penalties'' and section 1.13 ''Proceedings for Enforcement'' which were excluded from the SIP submittal.

EPA-APPROVED RHODE ISLAND REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*

* * * * * (e) * * *

RHODE ISLAND NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Explanations
*	*	*	*	*
I/M SIP Narrative	Statewide	Submitted 2/17/2017	5/25/2018, [insert **Federal Register** citation].	Narrative describing how the Rhode Island I/M program meets the requirements in the federal I/M rule.

[FR Doc. 2018–11201 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2018–0111; FRL–9978–44—Region 6]

Approval and Promulgation of Implementation Plans; Louisiana; 2008 8-Hour Ozone Maintenance Plan Revision for Baton Rouge

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a Louisiana State Implementation Plan (SIP) revision revising the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) maintenance plan for the five-parish Baton Rouge area. The revised maintenance plan allows for relaxation of the Federal Reid Vapor Pressure (RVP) requirements in the Baton Rouge area. EPA has determined that relaxation of the RVP requirement would not interfere with attainment or maintenance of the NAAQS or with any other CAA requirement.

DATES: This rule is effective on June 25, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2018–0111. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Wendy Jacques, 214–665–7395, *jacques.wendy@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our April 13, 2018 proposal (83 FR 16017). In that document we proposed to (1) approve a revision to the 2008 8-hour ozone NAAQS maintenance plan for the Baton Rouge area (Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes) and (2) determine that relaxation of the RVP requirement in the maintenance plan would not interfere with the attainment or maintenance of the NAAQS or with any other CAA requirement. While we did not receive any relevant adverse comments regarding our proposal, we did receive a letter of support from the Louisiana Mid-Continent Oil and Gas Association, and a comment letter from U.S. Senators John Kennedy and Bill Cassidy and U.S. Representative Garrett Graves requesting that we act expeditiously to finalize our proposed approval of the SIP revision. As stated in our proposed rule, we found the State's submission meets all applicable CAA requirements, thus we are finalizing the approval of this SIP revision as proposed.

II. Final Action

We are approving the January 31, 2018 revision to the 2008 8-hour ozone NAAQS maintenance plan for the five-parish Baton Rouge area. We have determined that relaxation of the RVP requirement in the maintenance plan will not interfere with the attainment or maintenance of the NAAQS or with any other CAA requirement. This action is being taken under section 110 of the Act.

III. 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 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 (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 CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 24, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 21, 2018.

Anne Idsal,

Regional Administrator, Region 6.

Title 40 CFR part 52 is 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 T—Louisiana

■ 2. In § 52.970(e), the second table titled ''EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures'' is amended by adding an entry at the end for ''2008 8-hour Ozone NAAQS Revised Maintenance Plan'' to read as follows:

§ 52.970 Identification of plan.

* * * * *

(e) * * *

EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* * * *			* *	*
2008 8-hour Ozone NAAQS Revised Maintenance Plan.	Baton Rouge Area	1/31/2018	5/25/2018, [Insert **Federal Register** citation].	

[FR Doc. 2018–11217 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 370, 371, 373, 375, 376, 378, 379, 380, 382, 387, 390, 391, 395, 396, and 398

[Docket No. FMCSA–2012–0376]

RIN 2126–AB47

Electronic Documents and Signatures; Correction

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule; correction and withdrawal of regulatory guidance.

SUMMARY: FMCSA corrects the electronic documents and signatures final rule published on April 16, 2018 that amended FMCSA regulations to allow the use of electronic records and signatures to satisfy FMCSA's regulatory requirements. This document corrects an amendatory instruction, removes two extra commas at the end of two phrases, and adds ''of this section'' to a cross reference in a paragraph. Finally, FMCSA rescinds its January 4, 2011, interpretations and regulatory guidance.

DATES: This correction is effective June 15, 2018. As of June 15, 2018, the document published at 76 FR 411 on Jan.4, 2011, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. David Miller, Office of Policy, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–5011, *david.miller@dot.gov.*

If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: In FR Doc. 2018–07749, appearing on page 16210 in the **Federal Register** of Monday, April 16, 2018, the following corrections are made:

■ 1. In the preamble, on page 16218, in the second column, under the heading ''49 CFR 390.31,'' following the sentence that reads ''The requirement that the Agency be able to inspect records applies regardless of whether the copy is in paper or electronic form'', add a new paragraph to read as follows: ''In consideration of the final rule on electronic documents and signatures, the Agency rescinds Questions 1 through 13 (76 FR 411, Jan.4, 2011) (*https://www.fmcsa.dot.gov/regulations/title49/section/390.31*).''

§ 376.12 [Corrected]

■ 2. On page 16224, in the third column, in amendment 17, the instruction ''Amend § 376.12 by revising paragraphs (f), (g), and (l) to read as follows:'' is corrected to read ''Amend § 376.12 by revising the section heading and paragraphs (f), (g), and (l) to read as follows:''.

§ 390.5 [Corrected]

■ 3. On page 16226, in the third column, in § 390.5, the phrase ''1701–1710,,'' is corrected to read ''1701–1710,''.

§ 390.5T [Corrected]

■ 4. On page 16226, in the third column, in § 390.5T, the phrase ''1701–1710,,'' is corrected to read ''1701–1710,''.

§ 395.15 [Corrected]

■ 5. On page 16227, in the second column, in § 395.15(b)(5) the phrase ''in paragraph (b)(4)'' is corrected to read ''in paragraph (b)(4) of this section''.

Issued under the authority of delegation in 49 CFR 1.87: May 9, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11127 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 253

[Docket No. 170404355–8455–02]

RIN 0648–BG80

Merchant Marine Act and Magnuson-Stevens Act Provisions; Fishing Vessel, Fishing Facility and Individual Fishing Quota and Harvesting Rights Lending Program Regulations

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

ACTION: Final rule; response to comments.

SUMMARY: NMFS' Fisheries Finance Program (FFP) provides long-term financing to the commercial fishing and aquaculture industries for fishing vessels, fisheries facilities, aquaculture facilities, and certain designated individual fishing quota (IFQ). Section 302 of the Coast Guard Authorization Act of 2015 included new authority to finance the purchase of harvesting rights in a fishery that is federally managed under a limited access system. Through this final rule, the FFP adds a new section to the existing FFP regulations to implement this statutory change. The net effect of this change to the regulations will be to provide additional authority for the program to lend, and providing FFP financing to additional fisheries while leaving the original IFQ authority to Fishery Management Councils to use as needed.

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

FOR FURTHER INFORMATION CONTACT: Earl Bennett, at 301–427–8765 or via email at *earl.bennett@noaa.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of Chapter 537 of Title 46 of the United States Code, 46 U.S.C. 53701, *et seq.,* the FFP may provide long-term financing to the commercial fishing and aquaculture industries for fishing vessels, fisheries facilities, aquaculture facilities, and certain designated individual fishing quota (IFQs). Section 302 of the Coast Guard Authorization Act of 2015 (Pub. L. 114–120) amended Chapter 537, providing the FFP with the authority to finance the purchase of harvesting rights in a fishery that is federally managed under a limited access system. This amendment is codified at 46 U.S.C. 53702(b)(4)(B). On October 31, 2017, NMFS published a proposed rule to add a new section to the existing FFP regulations to implement this statutory change and requested public comment (82 FR 50363). NMFS received eight responses, of which two were not related to the rulemaking five were in support and one was neutral. The net effect of this final rule is to provide additional authority for the program to lend, while leaving the original IFQ authority to Fishery Management Councils (FMCs) to use as needed.

Existing IFQ Loan Authority

46 U.S.C. 53706 authorizes the FFP to finance or refinance the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), now codified at 16 U.S.C. 1853a(g). Under this provision of the MSA, an FMC may submit, and NMFS may approve and implement, a loan program to aid in (1) the acquisition of IFQ by fishermen who fish from ''small vessels,'' and (2) the first time purchase of IFQ by ''entry level fishermen.'' Therefore, under this authority, the FFP cannot initiate or implement a lending program to finance or refinance the purchase of IFQ until the appropriate FMC submits a request to NMFS and provides guidance for the requisite criteria.

NMFS currently administers two loan programs pursuant to the existing IFQ authority: the Northwest Halibut/Sablefish and Bering Sea and Aleutian Islands Crab IFQ loan programs. NMFS anticipates no changes to either of these existing loan programs as a result of this action. However, the availability of the new loan authority may affect fishers in the existing IFQ loan programs by providing an additional source of financing which would not be limited by existing quota share ownership.

New Loan Authority

The new authority provided by Public Law 114–120 broadens the FFP's existing authority, and authorizes the Program to finance the purchase of harvesting rights in a fishery that is federally managed under a limited access system. NMFS interprets ''limited access system'' in accordance with section 3(27) of the MSA for purposes of this authority. The MSA defines ''limited access system'' as ''a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.'' 16 U.S.C. 1802(27). Such definition includes, but is not limited to, IFQ fisheries.

The new authority provided by Public Law 114–120 does not require FMCs to initiate a request to establish a loan program in a fishery that is federally managed under a limited access system in order for the FFP to provide financing in such a fishery. However, under the MSA, FMCs are primarily responsible for developing fishery management plans (FMPs) for fisheries within their authority that require conservation and management. It is possible that the availability of fisheries loans may have unanticipated effects on the achievement of FMP goals and objectives. Therefore, NMFS believes it appropriate to allow the FMCs to comment on the potential or actual effect of a loan program for harvesting rights in fisheries under their authority. An FMC may provide an explanation to NMFS at any time, in writing, why the potential or continuing availability of financing for harvesting rights in a fishery under its authority would harm the achievement of the goals and objectives of the FMP applicable to the fishery. If NMFS accepts the Council's reasoning, harvesting rights loans would not be provided, or would cease to be provided, in that fishery. In such a scenario, NMFS would publish a notice in the **Federal Register** notifying the public that new loans will not be made in that fishery. If there were already loan applications under consideration, the exceptional circumstances would justify NMFS returning any loan fees submitted with loan applications. The opportunity for FMC input will help ensure that loans made by the FFP do not undermine or conflict with the goals and objectives of specific FMPs.

Extent of Financing

Section 302 of the Coast Guard Authorization Act of 2015 imposes no limitations on the extent of financing to be provided by the FFP for the purchase of harvesting rights. The new authority is also silent on any other limitations, such as those in the existing IFQ loan programs limiting quantities of quota share eligible for financing. However, it does reserve $59 million of direct loan authority for historical uses, defined at 46 U.S.C. 53701(8). Thus, NMFS anticipates that the balance of annual direct loan authority—currently $41 million—may be available to finance or refinance the purchase of harvesting rights in federally managed fisheries under a limited access system. This action will allow NMFS to fully use the program's loan authority either for historical purposes or for any authorized new purposes should it be determined that demand or lack of demand in either area would result in unused loan authority.

Response to Comments

NMFS received eight comments during the comment period. Two of these comments were not directly responsive to the rule. One of these included statements asserting general regulatory overreach and shortcomings of the regulatory process. The other comment was directed at overall agency policies regarding aquaculture. A rule on financing harvesting rights is not the appropriate venue for comments on national regulatory or other general policies.

The remaining six comments were either supportive of the new authority, or neutral. Of these, three mentioned support for allowing FMCs to comment on potential lending for harvesting rights in their respective fisheries. Two supported retaining protections for the traditional uses of the loan program and reserving the current funding level ($59 million) for such uses, taking into account annual demand for the loan authority. One also supported not applying additional loan program limitations to the new harvesting rights lending authority.

Specific points raised in comments included: Requesting further guidance on what constitutes acceptable objections from FMCs for not allowing financing of harvesting rights in fisheries under their jurisdictions; assuring that traditional uses of the FFP loan program are protected; and not limiting the new harvesting rights authority or restricting lending to fisheries or borrowers outside of the fisheries in the existing IFQ loan programs.

Adaptive Program Management—One commenter suggested that NOAA should apply adaptive program management controls to allow lending in excess of $59 million in years where demand for traditional loan uses is high, and in years when historic usage is lower, NOAA could allow lending in excess of the $41 million for harvesting rights.

Response—NOAA concurs, and is planning to institute such flexibility.

FMC Comments on Harvesting Rights Loans—Two commenters supported the provision allowing FMCs to provide input on the potential effects of harvesting rights loans on fisheries under their jurisdiction. One commenter suggested that while FMCs may have fisheries expertise, they may not have similar financial expertise that would help them predict potential effects of a loan program for fisheries under their jurisdiction. The commenter suggested that NMFS provide additional guidance as what constitutes an acceptable objection from a FMC that would justify a veto of a new loan program in a particular fishery.

Response—First, to clarify for the commenter, the regulations give FMCs an opportunity to comment but do not give them veto power. The ultimate decision on any harvesting rights loan will be made by NMFS. NMFS considered whether to attempt to provide additional guidance as to what would constitute an acceptable objection from a FMC, but concluded that additional guidance is not possible or necessary at this time. Each FMP has its own goals and objectives, and each fishery has its own unique scientific and financial circumstances, and therefore, attempting to provide additional, practical general guidance for all fisheries is not feasible. NMFS will carefully consider any input it receives from a FMC as to why the FMC believes the availability of financing for harvesting rights in a fishery would harm the achievement of the goals and objectives of the FMP applicable to the fishery, and NMFS will reach a reasoned decision after considering all of the relevant information regarding the fishery.

Historical Loan Purposes—Two commenters encouraged NMFS to protect the historical loan purposes in the implementation of the harvesting

rights rule, by reserving $59 million of loan authority for loans for those historical purposes and using the current balance of $41 million in loan authority for loans for harvesting rights. An additional commenter similarly requested that the final rule not cause a redistribution away from, or additional limitations on, lending for historical uses in the Northwest Halibut/Sablefish Loan Program.

Response—NMFS generally agrees with these comments. As explained in the proposed rule, Section 302 of the Coast Guard Authorization Act of 2015 imposes no limitations on the extent of financing to be provided by the FFP for the purchase of harvesting rights. However, it does require that the Secretary make a minimum of $59 million available each fiscal year for historical uses, as defined at 46 U.S.C. 53701(8). 46 U.S.C. 53702(b)(3). NMFS anticipates that the balance of annual direct loan authority—currently $41 million—may be available to finance or refinance the purchase of harvesting rights in federally managed fisheries under a limited access system. This action will allow NMFS to fully use the program's loan authority either for historical purposes or for any authorized new purposes should it be determined that demand or lack of demand in either area would result in unused loan authority. The loan program currently operates on a ''first come, first served'' basis. The loan projects that are proposed with complete documentation and commitment fee earliest, are the first approved. However, for the harvesting rights program, $41 million will be reserved for harvesting rights loans until later in the lending year, to facilitate the receipt and processing of harvesting rights proposals. NMFS understands that early in the program's implementation it may take more time to complete harvesting rights loan approvals, and loan scheduling should support that. However, in keeping with the direction in the Coast Guard Authorization Act of 2015, NMFS will generally reserve $59 million for traditional loans until later in the lending year, prior to obligating the funds to loans for harvesting rights.

Limitations in IFQ Loan Programs—One comment letter noted that IFQ loan programs contain certain restrictive provisions, relating to entry-level and small vessel fishermen, that were not included in the statute or proposed rule for the harvesting rights program, and suggested that participants, specifically including crew, in these existing IFQ loan fisheries (Northwest Halibut/Sablefish and Bering Sea and Aleutian Islands Crab) be allowed to obtain loans under the harvesting rights authority.

Response—NMFS agrees. We note that the Coast Guard Authorization Act of 2015 does not establish ownership limitations or include the same limitations that apply to the IFQ lending programs, and it places no restriction on the application of this new authority to any federally-managed limited access fisheries. Furthermore, Section 302 of the Coast Guard Authorization Act of 2015 says the new lending authority is ''[i]n addition to the other eligible purposes and uses of direct loan obligations provided for in'' 46 U.S.C. Chapter 537, which includes the authority for the IFQ lending programs in 46 U.S.C. 53706, meaning the new authority is intended to operate in addition to the IFQ lending authority. 46 U.S.C. 53702. Therefore, NMFS will consider applications from all fishers and owners of harvesting rights, including those who presently participate in the existing IFQ loan fisheries or participate (or would participate except for certain limitations) in the IFQ loan programs. As provided for in the new regulations, NMFS will accept and consider any input the North Pacific Fishery Management Council might have regarding the availability of the new harvesting rights loans in the existing IFQ loan fisheries. The existing IFQ loan fisheries (Northwest Halibut/Sablefish and Bering Sea and Aleutian Islands Crab) programs will also continue as provided by 50 CFR 253.28 and 50 CFR 253.30, respectively.

Fostering smaller-scale and entry-level fishers—One commenter urged NOAA to continue fostering the growth and success of smaller-scale and entry-level fishing communities, as is the case under the current IFQ loan programs, and to prioritize sustainable fish farmers and wild-caught fishing communities when selecting beneficiaries of its grants and aid programs.

Response—While this rule does not affect grant programs, NMFS will continue to follow its statutory and regulatory obligations with respect to the FFP, and will continue to provide loans to applicants who meet all of the statutory and regulatory requirements of the FFP, including loans for smaller-scale and entry-level fishers under the current IFQ loan programs.

Harvesting Rights Lending

Lending for harvesting rights will follow existing FFP lending procedures and guidelines. Borrowers must be U.S. citizens or entities eligible to document a vessel for coastwise trade under 46 U.S.C. 50501, meet all general FFP requirements, and meet all requirements to hold the harvesting rights under the applicable FMP at the time of loan closing. The FFP may require additional lending conditions and security terms such as loan guarantees or security interests in other collateral to bring credit risk to acceptable levels. Affiliated businesses, the borrower's principals or majority shareholders, persons or entities with a financial interest in the borrower, or any individuals holding community property rights may also be required to provide a guaranty.

In addition, all loan applicants are subject to background and credit investigations, which may include, but are not limited to, reviews for unresolved fishing violations, criminal background checks, delinquent debt investigations, and credit reports. Like other FFP loan programs, lending for harvesting rights is subject to a statutory loan limit of up to 80 percent of the actual cost of the transaction, set as the purchase price or, in the case of refinancing, the current market value. The FFP retains sole discretion to determine the transaction's actual cost or current market value.

Harvesting rights loan amounts can carry up to a 25-year term and can be used to either purchase new rights or refinance the debt associated with the prior purchase(s) of harvesting rights. In addition to maintaining a 20 percent minimum equity stake, borrowers refinancing existing debt will only receive the lesser of the outstanding amount of debt to be refinanced or 80 percent of the current market value of the harvesting right.

If a borrower seeking refinancing fails to have the requisite 20 percent equity stake (measured as the difference between the current market value of the primary collateral and the amount of the loan), that borrower will need to pay down debt to meet the required level. In addition, under FFP standards, borrowers are only eligible for refinancing if their initial purchase would have been eligible for financing. The program will refinance harvesting rights acquired prior to this regulation if the buyer's original purchase would have been eligible for FFP financing under the terms of this action.

Prospective borrowers may apply for a loan through any of the NOAA Fisheries Service regional FFP offices (St. Petersburg, FL; Gloucester, MA; Seattle, WA). They must pay the appropriate application fee, set by 46 U.S.C. 53713(b) as one-half of one percent of the loan amount requested, which is made up of two parts. Half is the ''filing fee,'' and is nonrefundable

when the FFP officially accepts the application. The other half, known as the ''commitment fee,'' becomes nonrefundable when the FFP executes and mails an Approval-in-Principle (AIP) letter to the applicant. The FFP may refund the commitment fee if the FFP declines the application or the application is withdrawn prior to the issuance of an AIP letter.

Summary and Explanation of Regulatory Changes

NMFS did not make any changes from the proposed to final regulations in response to public comments. This action adds the following section, as explained here.

Harvesting Rights Loans (253.31)

This new section provides regulatory provisions specific to the harvesting rights loans. At the time a borrower submits an application, he or she must satisfy the criteria listed in this new section in order to be eligible to receive financing under the program. The borrower must comply with any limitations on the quantity of harvesting rights that may be owned by one holder, as specified in the applicable FMP and implementing regulations. The FFP will not finance harvesting rights in excess of FMP-imposed ownership limitations. However, the FFP may finance harvesting rights in the existing IFQ loan program fisheries in excess of the ownership limitations in the current IFQ loan program regulations, though the FFP would accept comments on that from the applicable FMC, if the FMC chooses to comment.

Classification

This final rule is published under the authority of, and is consistent with, Chapter 537 of Title 46 of the United States Code and the Magnuson-Stevens Act, as amended. The NMFS Assistant Administrator has determined that this final rule is consistent with Chapter 537 of Title 46 of the U.S. Code, the Magnuson-Stevens Act, as amended, and other applicable law.

NEPA

NMFS has determined that this rule qualifies to be categorically excluded from further NEPA review. This action is consistent with categories of activities identified in CE G7 of the Companion Manual for NOAA Administrative Order 216–6A, and we have not identified any extraordinary circumstances that would preclude this categorical exclusion.

Executive Order 12866

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

This final rule does not duplicate, overlap, or conflict with any other relevant Federal rules.

Paperwork Reduction Act

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

This final rule contains collections-of-information subject to the PRA, which have been approved by OMB under control number 0648–0012. The application requirements contained in these rules have been approved under OMB control number 0648–0012. Public reporting burden for placing an application for FFP financing is estimated to average eight 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. No comments were received regarding the paperwork aspects of this rule.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule will not have a significant economic impact on a substantial number of small entities.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, *et seq.,* requires that, whenever an agency is required by 5 U.S.C. 553, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on small entities. 5 U.S.C. 603(a). However, where an agency can certify ''that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities'' then an agency need not undertake a full regulatory flexibility analysis. 5 U.S.C. 605(b).

Participation in the FFP is entirely voluntary. This action imposes no mandatory requirements on any business. This rule will implement programs authorized by law. Specifically, the rule enacts regulatory additions to create a new lending purpose authorized by Section 302 of the Coast Guard Authorization Act of 2015 (Pub. L. 114–120) and will be implemented in accordance with 50 CFR part 253, subpart B. This action creates new § 253.31.

As defined by NMFS for RFA purposes, this rule may affect small fishing entities that have annual revenues of $11.0 million or less, including, but not limited to, vessel owners, vessel operators, individual fishermen, small corporations, and others engaged in commercial fishing activities regulated by NOAA. Borrowers under this authority may also include large businesses. Notably, because the FFP is a voluntary program that provides loans to qualified borrowers, non-borrowers—large or small—would not be regulated by this rule.

Although the FFP requires certain supporting documentation during the life of a loan, the requirements do not impose unusual burdens when compared to the burdens imposed by other lenders. Moreover, because the basic need for financing would continue to exist without the FFP, the individuals seeking financing would still need to comply with similar, if not identical, requirements imposed by another lender. Records required to participate in the FFP are usually within the normal records already maintained by fishermen. It should take fewer than eight hours per application to meet these requirements.

The information required from borrowers, such as income tax returns, insurance policies, permits, licenses, etc., is already available to them. Depending on circumstances, the FFP may require other supporting documents, including financial statements, property descriptions, and other documents that can be acquired at reasonable cost if they are not already available.

FFP lending is a source of long-term, fixed rate capital financing and imposes no regulatory requirements on anyone other than those applying for loans. FFP borrowers make a voluntary decision to use the available lending.

These loan programs will only have positive impacts on borrowers. Because participation is voluntary and requires effort and the outlay of an application fee, borrowers for harvesting rights financing are assumed to have made a determination that using FFP financing provides a benefit, such that the FFP's

long-term, fixed rate financing provides only a positive economic impact. Importantly, the FFP does not regulate or manage the affairs of its borrowers, and the regulations impose no additional compliance, operating or other fees or costs on small entities other than a financing relationship would require.

As a result of this certification, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 253

Aquaculture, Community development groups, Direct lending, Financial assistance, Fisheries, Fishing, Individual fishing quota, Harvesting rights (privileges).

Dated: May 21, 2018.

Samuel D. Rauch III,

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

For the reasons set forth in the preamble, NMFS amends 50 CFR part 253, subpart B, as follows:

PART 253—FISHERIES ASSISTANCE PROGRAMS

■ 1. The authority citation for part 253 continues to read as follows:

Authority: 46 U.S.C. 53701 and 16 U.S.C. 4101 *et seq.*

Subpart B—Fisheries Finance Program

■ 2. Section 253.31 is added to read as follows:

§ 253.31 Harvesting rights loans.

(a) *Specific definitions.* For the purposes of this section, the following definitions apply:

(1) *Harvesting right(s*) means any privilege to harvest fish in a fishery that is federally managed under a limited access system.

(2) *Limited access system* has the same meaning given to that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(b) *Loan requirements and limitations.* These loan requirements and limitations apply to individuals or entities who seek to finance or refinance the acquisition of harvesting rights.

(1) The borrower must meet all regulatory and statutory requirements to hold the harvesting rights at the time any such loan or refinancing loan would close.

(2) NMFS will accept and consider the input of a Regional Fishery Management Council at any time regarding the availability of loans in a fishery under the Council's authority.

(i) The Council may submit an explanation to NMFS, in writing, as to why the availability of financing for harvesting rights in a fishery would harm the achievement of the goals and objectives of the Fishery Management Plan applicable to the fishery. If NMFS accepts the Council's reasoning, harvesting rights loans will not be provided, or will cease to be provided, in that fishery.

(ii) If NMFS determines that harvesting rights loans will not be provided in a fishery, NMFS will publish a notice in the **Federal Register** notifying the public that new loans will not be made in that fishery.

(iii) In such a scenario, pending applications will be returned and loan fees returned as exceptional circumstances justify the action.

(3) The harvesting rights to be financed must be issued in a manner in which they can be individually identified such that a valid and specific security interest can be recorded. This determination shall be solely made by the Program.

(c) *Refinancing.* (1) The Program may refinance any existing debts associated with harvesting rights a borrower currently holds, provided that:

(i) The harvesting rights being refinanced would have been eligible for Program financing at the time the borrower purchased them, if Program financing had been available;

(ii) The borrower meets all other applicable lending requirements; and

(iii) The refinancing is in an amount up to 80 percent of the harvesting rights' current market value, as determined at the sole discretion of the Program, and subject to the limitation that the Program will not disburse any amount that exceeds the outstanding principal balance, plus accrued interest (if any), of the existing harvesting rights' debt being refinanced or its fair market value, whichever is less.

(2) In the event that the current market value of harvesting rights and principal loan balance do not meet the 80 percent requirement in paragraph (c)(1)(iii) of this section, borrowers seeking refinancing may be required to provide additional down payment.

(d) *Maturity.* Loan maturity may not exceed 25 years, but may be shorter depending on credit and other considerations.

(e) *Repayment.* Repayment will be by equal quarterly installments of principal and interest.

(f) *Security.* Although harvesting right(s) will be the primary collateral for a loan, the Program may require additional security pledges to maintain the priority of the Program's security interest. The Program, at its option, may also require all parties with significant ownership interests to personally guarantee loan repayment for any borrower that is a corporation, partnership, or other entity, including collateral to secure the guarantees. Some projects may require additional security, collateral, or credit enhancement as determined, in the sole discretion, by the Program.

(g) *Program credit standards.* Harvesting rights loans, regardless of purpose, are subject to all Program general credit standards and requirements. Collateral, guarantee and other requirements may be adjusted to individual credit risks.

[FR Doc. 2018–11207 Filed 5–24–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 102
Friday, May 25, 2018

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

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 6

[Docket ID OCC–2018–0002]

RIN 1557–AE35

FEDERAL RESERVE SYSTEM

12 CFR Parts 208, 217, and 252

[Docket No. R–1604]

RIN 7100 AF–03

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

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

ACTION: Notice; extension of comment period.

SUMMARY: On April 19, 2018, the Board of Governors of the Federal Reserve System (Board) and the Office of the Comptroller of the Currency (OCC) published in the **Federal Register** a proposal to modify the enhanced supplementary leverage ratio standards for U.S. top-tier bank holding companies identified as global systemically important bank holding companies, or GSIBs, and certain of their insured depository institution subsidiaries. The proposal also included conforming modifications to the Board's total-loss absorbing capacity and long-term debt rules. The Board and the OCC have determined that an extension of the comment period until June 25, 2018, is appropriate.

DATES: Comments must be received by June 25, 2018.

ADDRESSES: You may submit comments by any of the methods identified in the proposal.

FOR FURTHER INFORMATION CONTACT:

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

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

SUPPLEMENTARY INFORMATION: On April 19, 2018, the Board of Governors of the Federal Reserve System (Board) and the Office of the Comptroller of the Currency (OCC) published in the **Federal Register** a proposal to amend the enhanced supplementary leverage ratio (eSLR) standards of the Board and the OCC.[1] The proposal stated that the comment period would close on May 21, 2018. Commenters have requested that the Board and the OCC extend the comment period. An extension of the comment period will provide additional opportunity for the public to consider the proposal and prepare comments, including to address the questions posed by the Board and the OCC. Therefore, the Board and the OCC are extending the end of the comment period for the proposal from May 21, 2018 to June 25, 2018.

Dated: May 22, 2018

Joseph M. Otting,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, May 17, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–11336 Filed 5–24–18; 8:45 am]

BILLING CODE 4810–33–6210–01–P

[1] 83 FR 17317 (April 19, 2018).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0448; Product Identifier 2017–NM–129–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This proposed AD was prompted by a report of cracks, in various directions, in the lower portion of a main landing gear (MLG) piston. This proposed AD would require a detailed visual inspection of the MLG, and replacement if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 9, 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.

For service information identified in this NPRM, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone: +31 (0)88–6280–350; fax: +31 (0)88–6280–111; email: *technicalservices@fokker.com;* internet: *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0448; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriquez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0448; Product Identifier 2017–NM–129–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0163, dated September 4, 2017; corrected September 5, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. The MCAI states:

> An occurrence was reported where, during a walk around check, a number of cracks, in various directions, were discovered in the lower portion of a MLG piston, Part Number (P/N) 41141–5. No technical investigation results are available as yet, but based on a previous event, as a result of which EASA issued AD 2009–0221R1, later superseded by [EASA] AD 2011–0159, stress corrosion is suspected to have caused these cracks.
>
> This condition, if not detected and corrected, could lead to MLG failure during the landing roll-out, possibly resulting in damage to the aeroplane and injury to occupants.
>
> To address this potential unsafe condition, Fokker Services published Service Bulletin (SB) SBF100–32–169 to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time detailed visual inspection (DVI) of the MLG pistons for cracks and, depending on findings, replacement. This [EASA] AD also requires the reporting of inspection results to Fokker Services.
>
> This [EASA] AD has been republished to correct wrong P/N references in paragraphs (1) and (4).
>
> This [EASA] AD is considered an interim measure and further [EASA] AD action may follow.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0448.

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–32–169, dated August 23, 2017. The service information describes procedures for a detailed visual inspection of the MLG, and replacement if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 5 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed visual inspection	3 work-hours × $85 per hour = $255	$0	$255	$1,275
Reporting	1 work-hour × $85 per hour = $85	0	85	425

We estimate the following costs to do any necessary replacement that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
MLG Replacement	12 work-hours × $85 per hour = $1,020	$95,000	$96,020

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this NPRM is 2120–0056. The paperwork cost associated with this NPRM has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this NPRM is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Fokker Services B.V.: Docket No. FAA–2018–0448; Product Identifier 2017–NM–129–AD.

(a) Comments Due Date

We must receive comments by July 9, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, certificated in any category, all manufacturer serial numbers, if equipped with Goodrich main landing gear (MLG).

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracks, in various directions, in the lower portion of a MLG piston. We are issuing this AD to detect and correct cracks in the lower portion of the MLG, which could lead to MLG failure during the landing roll-out, and possibly result in damage to the airplane and injury to occupants.

(f) Compliance

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

(g) One-Time Detailed Visual Inspection

Within 30 days after the effective date of this AD, do a detailed visual inspection of each MLG piston part number 41141–5, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(h) Corrective Actions

If any crack is found, during any inspection required by paragraph (g) of this AD, before further flight, replace the MLG piston with a serviceable piston (*i.e.,* a new piston, a piston that has not accumulated any flight cycles since overhaul, or a piston that has been inspected as required by paragraph (g) of this AD and has no cracks), in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(i) Reporting

(1) Submit a report of the findings (both positive and negative) of the inspection required by paragraph (g) of this AD to Fokker Services B.V., Technical Services, fax: +31 (0)25–2627–211; email: *technicalservices@fokker.com,* at the applicable time specified in paragraph (i)(1)(i) or (i)(1)(ii) of this AD. The report must include the information specified in the questionnaire of Fokker Service Bulletin SBF100–32–169, dated August 23, 2017.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(2) Although Fokker Service Bulletin SBF100–32–169, dated August 23, 2017, specifies to submit certain information to Goodrich, this AD does not include that requirement.

(j) Parts Installation Limitations

As of the effective date of this AD, it is allowed to install a piston P/N 41141–5, or a replacement MLG with a piston P/N 41141–5, on any airplane, provided the piston is new, or has not accumulated any flight cycles since overhaul, or has been inspected as required by paragraph (g) of this AD and has no cracks.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

directly to the International Section, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0163, dated September 4, 2017; corrected September 5, 2017; for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0448.

(2) For more information about this AD, contact Tom Rodriquez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone: +31 (0)88–6280–350; fax: +31 (0)88–6280–111; email: *technicalservices@fokker.com;* internet: *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 15, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11135 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0416; Product Identifier 2017–NM–164–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and certain Model C–295 airplanes. This proposed AD was prompted by a report that cracks were found on the stabilizer-to-fuselage rear attachment fitting. This proposed AD would require a detailed inspection of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting, repair if necessary, and a report of findings. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 9, 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.

For service information identified in this NPRM, contact Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0416; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0416; Product Identifier 2017–NM–164–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0218, dated November 8, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and

certain Model C–295 airplanes. The MCAI states:

Cracks were reportedly found on the stabilizer-to-fuselage rear attachment fitting of a CN–235 aeroplane. Subsequent investigation determined that the affected horizontal attachment fitting was a reworked part.

This condition, if not detected and corrected, could lead to reduced structural integrity of lugs of the stabilizer-to-fuselage rear attachment fittings and consequent lug or fitting failure, possibly resulting in reduced control of the aeroplane.

To address this potentially unsafe condition, Airbus Defence and Space (D&S) issued Alert Operators Transmission (AOT) AOT–C295–55–0005 and AOT–CN235–55–0004 to provide inspection instructions.

For the reasons described above, this [EASA] AD requires a one-time detailed inspection (DET) of the upper and lower lugs of the horizontal stabilizer-to-fuselage rear attachment fittings on the left hand (LH) and right hand (RH) sides and, depending on findings, accomplishment of applicable corrective action(s) [repairs]. This [EASA] AD also requires reporting of all findings, including none.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0416.

Related Service Information Under 1 CFR Part 51

Airbus Defense and Space S.A. has issued Alert Operators Transmission (AOT) AOT–CN235–55–0004, Revision 1, dated October 24, 2016; and AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016. This service information describes a detailed inspection of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting (left- and right-hand sides), repair if necessary, and sending inspection results to the manufacturer. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 14 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	8 work-hours × $85 per hour = $680	$0	$680	$9,520
Reporting	1 work-hour × $85 per hour = $85	0	85	1,190

We estimate the following costs to do any necessary repair that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need this repair:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	15 work-hours × $85 per hour = $1,275	$0	$1,275

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this NPRM is 2120–0056. The paperwork cost associated with this NPRM has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this NPRM is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2018–0416; Product Identifier 2017–NM–164–AD.

(a) Comments Due Date

We must receive comments by July 9, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. Model airplanes, certificated in any category, specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes, all manufacturer serial numbers (MSN).

(2) Model C–295 airplanes, MSN 001 through 148 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 55, Horizontal stabilizer.

(e) Reason

This AD was prompted by a report that cracks were found on the stabilizer-to-fuselage rear attachment fitting. We are issuing this AD to address such cracking, which could lead to reduced structural integrity of the lugs on the stabilizer-to-fuselage rear attachment fittings and consequent lug or fitting failure, and could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Inspection

Within the compliance times specified in figure 1 or figure 2 to paragraph (g) of this AD, as applicable, accomplish a detailed inspection for cracks or rework of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting (left- and right-hand sides), in accordance with the instructions of Airbus Defence and Space Alert Operators Transmission (AOT) AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable.

Figure 1 to paragraph (g) of this AD – *Compliance time for Detailed Inspection of Model C-295 Airplanes*

Compliance Time (A or B, whichever occurs later)	
A	Before exceeding 7,400 flight cycles or 7,400 flight hours, whichever occurs first since the airplane's first flight.
B	Within 50 flight cycles or 50 flight hours, whichever occurs first after the effective date of this AD.

Figure 2 to paragraph (g) of this AD – *Compliance time for Detailed Inspection of Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes*

Compliance Time (A or B, whichever occurs later)		
A	Airplanes engaged in Maritime Patrol Operations	MSN 235, 239, and 241: Before exceeding 1,500 flight cycles or 1,500 flight hours, whichever occurs first since the airplane's first flight.
	Airplanes engaged in Logistic Transport Operations	MSN 001 to 154 inclusive: Before exceeding 5,500 flight cycles or 5,500 flight hours, whichever occurs first since the airplane's first flight.
		MSN 155 and up, excluding MSN 235, 239, and 241: Before exceeding 4,500 flight cycles or 4,500 flight hours, whichever occurs first since the airplane's first flight.
B	Within 50 flight cycles or 50 flight hours, whichever occurs first after the effective date of this AD.	

(h) Corrective Action

If, during the detailed inspection required by paragraph (g) of this AD, any discrepancy (*i.e.,* cracking or rework) is detected, as specified in Airbus Defence and Space AOT AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable: Before further flight, contact the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA), for approved repair instructions. If approved by the DOA, the approval must include the DOA-authorized signature. Accomplish the repair accordingly within the compliance time specified in those instructions, including any repetitive post-repair inspections, if applicable.

(i) Reporting Requirement

Submit a one-time report of the findings (both positive and negative) of the inspection required by paragraph (g) of this AD to Airbus Defense and Space S.A., in accordance with Airbus Defence and Space AOT AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable; at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 60 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 60 days after the effective date of this AD.

(j) Parts Installation Limitations

As of the effective date of this AD, no person may install, on any airplane, a horizontal stabilizer-to-fuselage rear attachment fitting, unless the part is new or it has been inspected in accordance with instructions of Airbus Defence and Space AOT AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable; and no discrepancy was found. Before installation of the horizontal stabilizer-to-fuselage rear attachment fitting, contact the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus Defense and Space S.A.'s EASA DOA, for approved instructions and do those instructions accordingly. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using Airbus Defence and Space AOT AOT–CN235–55–0004, dated December 22, 2015; or Airbus Defence and Space AOT AOT–C295–55–0005, December 22, 2015; as applicable.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Paperwork Reduction Act Burden Statement:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0218, dated November 8, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0416.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

(3) For service information identified in this AD, contact Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 11, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11142 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0414; Product Identifier 2017–NM–159–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 series airplanes. This proposed AD was prompted by a revision of a certain airworthiness limitations item (ALI) document, which specifies new or more restrictive instructions and airworthiness limitations. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 9, 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.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0414; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0414; Product Identifier 2017–NM–159–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0207, dated October 12, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes. The MCAI states:

> The airworthiness limitations for the Airbus A300 aeroplanes, which are approved by EASA, are currently defined and published in the Airbus A300 Airworthiness Limitations Section (ALS) documents. The Damage Tolerant Airworthiness Limitation Items are specified in the A300 ALS Part 2. These instructions have been identified as mandatory for continuing airworthiness. Failure to accomplish these instructions could result in an unsafe condition.
>
> EASA previously issued [EASA] AD 2015–0115 [which corresponds to FAA AD 2017–04–05, Amendment 39–18800 (82 FR 11134, February 21, 2017) (''AD 2017–04–05'')] to require compliance with the maintenance requirements and associated airworthiness limitations defined in Airbus A300 ALS Part 2 Revision 02.
>
> Since that [EASA] AD was issued, new or more restrictive maintenance requirements and airworthiness limitations were approved by EASA. Consequently, Airbus published Revision 03 of the A300 ALS Part 2, compiling all ALS Part 2 changes approved since previous Revision 02.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0115, which is superseded, and requires accomplishment of the actions specified in Airbus A300 ALS Part 2 Revision 03.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0414.

Relationship Between Proposed AD and AD 2017–04–05

This NPRM would not supersede AD 2017–04–05. Rather, we have determined that a stand-alone AD would be more appropriate to address the changes in the MCAI. This NPRM would require revising the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements. Accomplishment of the proposed actions would then terminate all of the requirements of AD 2017–04–05.

Related Service Information Under 1 CFR Part 51

Airbus has issued A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017. The service information describes airworthiness limitations applicable to the DT–ALI. This service information is reasonably available because the interested parties have access to it through their normal course of business

or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued damage tolerance of the affected structure.

Difference Between This Proposed AD and the MCAI or Service Information

The MCAI specifies that if there are findings from the airworthiness limitations section (ALS) inspection tasks, corrective actions must be accomplished in accordance with Airbus maintenance documentation. However, this proposed AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 6 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Airbus: Docket No. FAA–2018–0414; Product Identifier 2017–NM–159–AD.

(a) Comments Due Date

We must receive comments by July 9, 2018.

(b) Affected ADs

This AD affects AD 2017–04–05, Amendment 39–18800 (82 FR 11134, February 21, 2017) (''AD 2017–04–05'').

(c) Applicability

This AD applies to all Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a revision of a certain airworthiness limitations item (ALI) document, which specifies new or more restrictive instructions and airworthiness limitations. We are issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the

information specified in Airbus A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017. The initial compliance times for doing the tasks are at the applicable times specified in Airbus A300 Airworthiness Limitations Section (ALS), Part 2—Damage Tolerant Airworthiness Limitation Items (DT–ALI), Revision 03, dated August 28, 2017, or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions or Intervals

After accomplishment of the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals, may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action

Accomplishing the action in paragraph (g) of this AD terminates the requirements of AD 2017–04–05.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0207, dated October 12, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0414.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 11, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11140 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0415; Product Identifier 2017–NM–149–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, –500 series airplanes. This proposed AD was prompted by the results of a fleet survey that revealed cracking in the bulkhead frame web at a certain body station. This proposed AD would require repetitive inspections of the bulkhead frame web at a certain station, and repair if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 9, 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.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0415.

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–2018–0415; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0415; Product Identifier 2017–NM–149–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 proposed AD.

Discussion

We have received a report indicating that the results of a fleet survey revealed cracking in the bulkhead frame web at a certain body station. Boeing performed a fleet survey on retired Model 737–300 airplanes and inspected the upper bulkhead frame at station (STA) 259.5. One airplane had two cracks in the bulkhead frame web at fasteners connecting the bulkhead frame web to the outer chord between stringers S–11 and S–12 on the right side of the airplane. The cracks measured 0.45 inch and 1.7 inches in length, and the airplane had accomplished 73,655 total flight cycles at the time of inspection. A second airplane, which had accomplished 73,290 total flight cycles at the time of inspection, had two cracks in the right side bulkhead frame web measuring 1.772 inches and 0.219 inch in length, and one crack in the left side bulkhead frame web measuring 1.64 inches. Cracks have been reported on a total of five airplanes that had accomplished 60,640 to 73,655 total flight cycles. The cracks are a result of fatigue caused by cyclic pressurization of the fuselage. This condition, if not corrected, could result in reduced structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017. The service information describes procedures for repetitive high frequency eddy current inspections and low frequency eddy current inspections and repair of the STA 259.5 bulkhead frame web from the first stiffener above stringers S–10 to S–13, on the left and right sides of the airplane. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing 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.

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in the Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0415.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Costs of Compliance

We estimate that this proposed AD affects 411 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	57 work-hours × $85 per hour = $4,845 per inspection cycle.	$0	$4,845 per inspection cycle	$1,991,295 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

The Boeing Company: Docket No. FAA–2018–0415; Product Identifier 2017–NM–149–AD.

(a) Comments Due Date

We must receive comments by July 9, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53; Fuselage.

(e) Unsafe Condition

This AD was prompted by the results of a fleet survey that revealed cracking in the bulkhead frame web at a certain body station. We are issuing this AD to detect and correct cracking in the station 259.5 bulkhead frame web from the first stiffener above stringers S–10 to S–13. Such cracking could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as required by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017.

Note 1 to paragraph (g) of this AD: Guidance for accomplishing the actions required by this AD is included in Boeing Alert Service Bulletin 737–53A1369, dated October 12, 2017, which is referred to in Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017, uses the phrase ''the original issue date of Requirements Bulletin 737–53A1369,'' this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–53A1369 RB, dated October 12, 2017, specifies contacting Boeing, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (j)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-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, Los Angeles 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.

(j) Related Information

(1) For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 11, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11269 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0417; Product Identifier 2017–NM–132–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2016–25–03, which applies to certain Airbus Model A300 F4–600R series airplanes. AD 2016–25–03 requires repetitive high frequency eddy current (HFEC) inspections of the aft lower deck cargo door (LDCD) frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. Since we issued AD 2016–25–03, we have determined that accomplishing a new frame fork repair or reinforcement would allow an extension of the repetitive inspection intervals as would a frame fork replacement. This proposed AD would retain the actions required by AD 2016–25–03, with revised corrective actions and compliance times. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 9, 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.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0417; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0417; Product Identifier 2017–NM–132–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued AD 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016) (''AD 2016–25–03''), for certain Airbus Model A300 F4–600R series airplanes. AD 2016–25–03 requires repetitive HFEC inspections of the aft LDCD frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. AD 2016–25–03 resulted from a report of two adjacent frame forks that were found cracked on the aft LDCD of two Model A300–600F4 airplanes during scheduled maintenance. We issued AD 2016–25–03 to detect and correct cracked or ruptured aft LDCD frames, which could allow loads to be transferred to the remaining structural elements. This condition could lead to the rupture of one or more vertical aft LDCD frames, which could result in reduced structural integrity of the aft LDCD.

Actions Since AD 2016–25–03 Was Issued

Since we issued AD 2016–25–03, we have determined that accomplishing a new frame fork repair or reinforcement would allow an extension of the repetitive inspection intervals as would the existing frame fork replacement.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0152R1, dated May 23, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 F4–600R series airplanes. The MCAI states:

> During scheduled maintenance at frames (FR) 61 and FR61A on the aft lower deck cargo door (LDCD) of two A300–600F4 aeroplanes, two adjacent frame forks were found cracked. Subsequent analysis determined that, in case of cracked or ruptured aft cargo door frame(s), loads will be transferred to the remaining structural elements. However, these secondary load paths will be able to sustain the loads for a limited number of flight cycles only.
>
> This condition, if not detected and corrected, could lead to the rupture of one or more vertical aft cargo door frame(s), resulting in reduced structural integrity of the aft cargo door.
>
> To address this unsafe condition, Airbus issued Alert Operators Transmission (AOT) A52W011–15 to provide inspection instructions, and, consequently, EASA issued AD 2015–0152 [which corresponds to FAA AD 2016–25–03] to require repetitive inspections of the aft LDCD frame forks and, depending on findings, the accomplishment of applicable corrective action(s).
>
> Since that AD was issued, Airbus published Service Bulletin (SB) SB A300–52–6085 which provides frame fork reinforcement instruction and SB A300–52–6086 which provides instruction to inspect the cargo door for cracks as well as frame fork replacement instructions having the inspection interval extended from 600 flight cycles (FC) to 1,200 FC.
>
> For the reason described above, this [EASA] AD is revised to introduce frame forks replacement or repair [or reinforcement] as an allowance to extend the inspection interval.

Required actions include repetitive HFEC inspections of the aft LDCD frame forks and repair, reinforcement, or replacement if necessary; a one-time check of the LDCD clearances and adjustment if necessary; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops for wear, and corrective actions if necessary. Corrective actions include blend-out, adjustment, and replacement of hooks, bushes and x-stops. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0417.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015, which describes procedures for a check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at frame (FR)60 through FR64A and an adjustment of the latching hook; a detailed inspection to detect signs of wear of the hooks, eccentric bushes, and x-stops and corrective actions; and an HFEC inspection to detect cracking at all frame fork stations of the aft LDCD and a replacement of the frame fork.
- Service Bulletin A300–52–6085, Revision 00, dated December 22, 2016. This service information describes procedures for reinforcing frame fork fastener holes, which include related investigative and corrective actions. The related investigative actions include a rotating probe inspection for cracking of the fastener holes and a check to determine the hole diameter. Corrective actions include repair and cold working the fastener holes.
- Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016, which describes procedures for a check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at FR60 through FR64A and an adjustment of the latching hook; and HFEC inspection to detect cracking at all frame fork stations of the aft LDCD and a repair of the frame fork.

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

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 58 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
17 work-hours × $85 per hour = $1,445	$0	$1,445	$83,810

We estimate the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. We have no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 65 work-hours × $85 per hour = $5,525	$10,000	$15,525

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 removing Airworthiness Directive (AD) 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016), and adding the following new AD:

Airbus: Docket No. FAA–2018–0417; Product Identifier 2017–NM–132–AD.

(a) Comments Due Date

We must receive comments by July 9, 2018.

(b) Affected ADs

This AD replaces AD 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016) (''AD 2016–25–03'').

(c) Applicability

This AD applies to Airbus Model A300 F4–605R and A300 F4–622R airplanes, certificated in any category, on which Airbus modification 12046 has been embodied in production. Modification 12046 has been embodied in production on manufacturer serial numbers (MSNs) 0805 and above, except MSNs 0836, 0837, and 0838.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report of two adjacent frame forks that were found cracked on the aft lower deck cargo door (LDCD) of two airplanes during scheduled maintenance, and the introduction of frame fork

reinforcement or repair procedures that, when done, allow an extension of repetitive inspection intervals. We are issuing this AD to address cracked or ruptured aft LDCD frames, which could allow loads to be transferred to the remaining structural elements. This condition could lead to the rupture of one or more vertical aft LDCD frames, which could result in reduced structural integrity of the aft LDCD.

(f) Compliance

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

(g) Retained Inspection Requirements and On-Condition Actions, With Revised Compliance Times and New Service Information

This paragraph restates the requirements of paragraph (g) of AD 2016–25–03, with revised compliance times and new service information. At the applicable time specified in paragraph (h) of this AD, or before exceeding the threshold defined in table 1 to paragraph (g) of this AD, whichever occurs later: Do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD. Repeat the high frequency eddy current (HFEC) inspection specified in paragraph (g)(3) of this AD thereafter at intervals not to exceed the applicable times specified in table 1 to paragraph (g) of this AD.

(1) A one-time check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at FR60 through FR64A, in accordance with the instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016. If any value outside tolerance is found, adjust the latching hook before further flight, in accordance with the instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016.

(2) A one-time detailed inspection to detect signs of wear of the hooks, eccentric bushes, and x-stops, in accordance with the instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015. If any wear is found, do all applicable corrective actions before further flight, in accordance with the instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015.

(3) An HFEC inspection to detect cracking at all frame fork stations of the aft LDCD, in accordance with the instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016. If any crack is found, before further flight, replace the cracked frame fork, in accordance with the instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015; repair the cracked frame fork, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016; or reinforce the cracked frame fork, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6085, Revision 00, dated December 22, 2016, except as required by paragraph (i) of this AD.

Table 1 to paragraph (g) of this AD – *Initial and repetitive HFEC inspections*

Frame Forks Status	Threshold	Interval
Frame forks installed since first flight of the airplane	Before exceeding 4,500 flight cycles since first flight of the airplane	600 flight cycles
Frame forks replaced per Airbus Alert Operators Transmission - AOT A52W011-15, or repaired per Airbus Service Bulletin A300-52-6086	Within 6,800 flight cycles after frame forks repair or replacement	1,200 flight cycles
Frame forks reinforced per Airbus Service Bulletin A300-52-6085	Within 6,800 flight cycles after frame forks reinforcement	1,200 flight cycles

(h) Retained Compliance Times, With No Changes

At the later of the times specified in paragraphs (h)(1) and (h)(2) of this AD, do the actions required by paragraph (g) of this AD.

(1) Before the accumulation of 4,500 total flight cycles.

(2) At the applicable time specified by paragraph (h)(2)(i) or (h)(2)(ii) of this AD.

(i) For airplanes that have accumulated 8,000 or more total flight cycles as of January 26, 2017 (the effective date of AD 2016–25–03): Within 100 flight cycles after January 26, 2017.

(ii) For airplanes that have accumulated fewer than 8,000 total flight cycles as of January 26, 2017 (the effective date of AD 2016–25–03): Within 400 flight cycles after January 26, 2017.

(i) Service Information Exception

Where Airbus Service Bulletin A300–52–6085, Revision 00, dated December 22, 2016, specifies to contact Airbus for appropriate action: Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (m)(2) of this AD.

(j) No Terminating Action

Accomplishment of corrective actions on an airplane as required by paragraph (g)(1) or (g)(2) of this AD, or repair, reinforcement, or replacement of a frame fork as required by paragraph (g)(3) of this AD, on the aft LDCD of an airplane does not constitute terminating action for the repetitive HFEC inspections required by paragraph (g)(3) of this AD for that airplane.

(k) Compliance Time Clarification

After replacement, repair, or reinforcement of any frame fork on the aft LDCD of an airplane, as specified in paragraph (g)(3) of this AD, the next HFEC inspection as required by paragraph (g)(3) of this AD can be deferred for any frame fork that is replaced, repaired, or reinforced, but must be accomplished before exceeding 6,800 flight cycles after the replacement, repair, or reinforcement of that frame fork.

(l) No Reporting

Although the Accomplishment Instructions of Airbus Alert Operators Transmission—AOT A52W011–15, Revision 00, dated July 23, 2015; and Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016, specify to submit certain information to

the manufacturer, this AD does not include that requirement.

(m) Other FAA AD Provisions

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i) and paragraph (l) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0152R1, dated May 23, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0417.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 11, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11134 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0449; Product Identifier 2018–NM–042–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model DHC–8–400 series airplanes. This proposed AD was prompted by a report of uncommanded deployment of the ground spoilers when the power levers were advanced for takeoff, which was caused by faulty switches in the power lever module. This proposed AD would require revising the maintenance or inspection program, as applicable. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 9, 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.

For service information identified in this NPRM, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0449; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: John P. DeLuca, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7369; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0449; Product Identifier 2018–NM–042–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2017–35, dated November 29, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model

DHC–8–400 series airplanes. The MCAI states:

> There has been an incident of uncommanded deployment of the ground spoilers when the power levers were advanced for take-off. The warning horn sounded and the pilot rejected the take-off. The subsequent investigation determined the root cause of the spoiler deployment was faulty switches in the power lever module. An uncommanded deployment of the ground spoilers may lead to a runway excursion.
>
> This [Canadian] AD mandates the incorporation of a new Certification Maintenance Requirement (CMR) task to check the ground spoiler switches in the power lever module.

Required actions include revising the maintenance or inspection program, as applicable. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0449.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Q400 Dash 8 (Bombardier) Temporary Revision ALI–0173, dated March 14, 2017, to Section 1–27, Certification Maintenance Requirements of the Maintenance Requirements Manual (MRM) Part 2, of Product Support Manual (PSM) 1–84–7. This service information describes CMR Task 276000–110, ''Operational Check of the Ground Spoiler Switches in the Power Lever Module.'' This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 86 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

We have determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Bombardier, Inc.: Docket No. FAA–2018–0449; Product Identifier 2018–NM–042–AD.

(a) Comments Due Date

We must receive comments by July 9, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 and subsequent.

(d) Subject

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

(e) Reason

This AD was prompted by a report of uncommanded deployment of the ground spoilers when the power levers were advanced for takeoff, which was caused by faulty switches in the power lever module. We are issuing this AD to address faulty switches in the power lever module, which could result in uncommanded deployment of the ground spoilers and a possible runway excursion.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the information specified in Certification Maintenance Requirements

(CMR) Task 276000–110 of Q400 Dash 8 (Bombardier) Temporary Revision ALI–0173, dated March 14, 2017, to Section 1–27, Certification Maintenance Requirements of the Maintenance Requirements Manual (MRM) Part 2, of Product Support Manual (PSM) 1–84–7.

(h) Initial Compliance Time

The initial compliance time for doing the CMR Task 276000–110 specified in paragraph (g) of this AD is within 8,000 flight hours after the effective date of this AD.

(i) No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–35, dated November 29, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0449.

(2) For more information about this AD, contact John P. DeLuca, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7369; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 15, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11141 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Parts 600 and 668

[Docket ID ED–2018–OPE–0041]

RIN 1840–AD39

Program Integrity and Improvement

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to delay, until July 1, 2020, the effective date of the final regulations entitled Program Integrity and Improvement published in the **Federal Register** on December 19, 2016 (the final regulations). The current effective date of the final regulations is July 1, 2018. The Secretary proposes the delay based on concerns recently raised by regulated parties and to ensure that there is adequate time to conduct negotiated rulemaking to reconsider the final regulations, and as necessary, develop revised regulations. The provisions for which the effective date is being delayed are listed in the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: We must receive your comments on or before June 11, 2018. As previously indicated, we are establishing a 15-day public comment period for the proposed delay in effective date. We are doing so because the 2016 rule is scheduled to take effect on July 1, 2018, and a final rule delaying the effective date must be published prior to that date. A longer comment period would not allow sufficient time for the Department to review and respond to comments, and publish a final rule.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the notice of proposed rulemaking, address them to Jean-Didier Gaina, U.S. Department of Education, 400 Maryland Ave. SW, Mail Stop 294–20, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Sophia McArdle, Ph.D., U.S. Department of Education, 400 Maryland Ave. SW, Mail Stop 290–44, Washington, DC 20202. Telephone: (202) 453–6318. Email: *sophia.mcardle@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice of proposed rulemaking. See **ADDRESSES** for instructions on how to submit comments.

During and after the comment period, you may inspect all public comments about this notice of proposed rulemaking by accessing *Regulations.gov.* You may also inspect the comments in person at 400 Maryland Avenue SW, Washington, DC, between 8:30 a.m. and 4:00 p.m. Washington, DC time, Monday through Friday of each week, except Federal holidays. If you want to schedule time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the

Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public-rulemaking record for this notice of proposed rulemaking. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Based on additional concerns recently raised by regulated parties related to implementation of the final regulations, the Secretary proposes to delay, until July 1, 2020, the effective date of the final regulations. The Department proposes this delay to hear from the regulated community and students about these concerns and to consider, through negotiated rulemaking, possible revisions to the final regulations.

Two letters in particular prompted this proposed delay. The Department received a letter dated February 6, 2018 (February 6 letter), from the American Council on Education (*http://www.acenet.edu/news-room/Documents/ACE-Letter-on-State-Authorization-Concern.pdf*), which represents nearly 1,800 college university presidents from all types of U.S. accredited, degree-granting institutions and the executives at related associations. That letter expressed concerns that, ''students who are residents of certain states may be ineligible for federal financial aid if they are studying online at institutions located outside their states. This is related to the requirement imposed by the state authorization regulations that mandates institutions disclose to students the appropriate state complaint process for their state of residence. A number of states, including California, do not currently have complaint processes for all out-of-state institutions.'' On February 7, 2018, the Department also received a letter from the Western Interstate Commission for Higher Education (WICHE) Cooperative for Educational Technologies, the National Council for State Authorization Reciprocity, and the Distance Education Accrediting Commission, all of which represent regulated parties (February 7 letter). In the letter, these entities stated that there is widespread concern and confusion in the higher education community regarding the implementation of the final regulations, particularly with respect to State authorization of distance education and related disclosures. The authors of the February 7 letter argued that the new regulations will be costly and burdensome for most colleges and universities that offer distance education and that some States have not implemented the necessary policies and procedures to conform to the student complaint procedures required by the regulations. The authors also expressed that institutions need additional information from the Department to better understand how to comply with the new regulations. They stated, for instance, that the way the term ''residence'' is described in the preamble of the 2016 rule may conflict with State laws and common practice among students for establishing residency. These issues are more complex than we understood when we considered them in 2016. Therefore, we believe that a more precise definition of ''residence''—which can be defined by States in different ways for different purposes—should be established through rulemaking to ensure institutions have the clarity needed to determine a student's residence (81 FR 92236). The Department does not believe guidance would be sufficient to address the complexities institutions have encountered, even prior to the rule's effective date. Specifically, we believe that we will need significant detail to properly operationalize this term and will need to work with impacted stakeholders to determine how best to address a concern that is complex and potentially costly to institutions and students.

The authors of the two letters also asked the Department to clarify the format in which they should make public and individualized disclosures of the State authorization status for every State, the complaint resolution processes for every State, and details on State licensure eligibility for every discipline that requires a license to enter a profession. The authors suggested that the Department should delay the rules and submit the issues to additional negotiated rulemaking or, alternatively, clarify the final regulations through guidance. We believe that these disclosure issues, particularly those regarding individualized student disclosures, also require further review and the consideration of whether more detailed requirements are necessary for proper implementation. For instance, what disclosures would need to be made to a student when the student changes his or her residence? How would an institution know that a student has changed his or her residence so that individualized disclosures could be made? For how long must a student reside at the new address to be considered a resident of that State for the purposes of State authorization disclosures (and how will this answer vary State by State and be further complicated by the fact that each State's definition may have been originally developed for a variety of purposes)? What if a student enrolls in a program that meets the licensure requirements of the State in which the student was living at the time, but then the student relocates to a new State where the program does not fulfill the requirements for licensure? What is the obligation of the university if the program no longer meets the licensure requirements, due to a student's move, not a change in the program?

Finally, to add further complexity, students may not always notify their institution if they change addresses, or if they relocate temporarily to another State. While the preamble of the 2016 regulation did state that institutions may rely on the student's self-determination of residency unless it has information to the contrary, there may need to be additional clarification or safeguards for institutions in the event that a student does not notify the institution of a change in residency.

For both of the residency and disclosure issues, guidance is not the appropriate vehicle to provide the clarifications needed. Guidance is inherently non-binding and, therefore, could not be used to establish any new requirements. More importantly, due to the complexity of these issues, we are not confident that we could develop a workable solution through guidance and without the input of negotiators who have been engaged in meeting these requirements. Additionally, the necessary changes may impose a greater burden on some regulated parties, or could significantly minimize burden to institutions, which would require an updated estimate of regulatory impact. In sum, the Department believes that the clarifications requested are so substantive that they would require further rulemaking including negotiated rulemaking under the Higher Education Act of 1965, as amended (HEA).

We believe that delaying the final regulations would benefit students and that many students will still receive sufficient disclosures regarding distance education programs during the period of the delay due to steps institutions have already taken in this area.

Since the final regulations are currently scheduled to go into effect in July, we believe the delay will benefit those students who are planning to take coursework via online programs during the summer months, or who may be making plans to do internships in other States. Many institutions and students

ordinarily not heavily engaged in distance education do provide and take online courses in the summer. If the final regulations were to go into effect on July 1, 2018, an institution may be hesitant to offer these courses outside the State in which the institution is located, because the uncertainty of how to determine students' residency, and the associated requirements, may make a State unwilling to pursue State authorization in all of the possible locations its students may reside during the summer. Students will also depend on their institution taking the necessary and involved steps to come into compliance in each State. Some institutions, especially those with limited resources, could simply determine that the cost of obtaining State authorization, of ensuring the relevant states have complaint procedures, and assessing licensure requirements, is simply not worth the benefit of eligibility for title IV aid if only a small number of students enroll online from a particular State, which would mean that some students could not continue their education during the summer if during those months they return to their parents' home to save money or because dormitory facilities on campus are closed. Thus, students would lose the opportunity to use title IV aid for these courses. By contrast, institutions that routinely provide distance education to large numbers of students from all 50 States may have already taken the initiative to obtain State authorization and assess the complaint systems and licensure requirements since the cost-benefit ratio favors such an action. As a result, the delay will not adversely affect students attending those institutions.

In addition, DCL GEN–12–13 provides guidance regarding student complaints and student consumer disclosures as related to distance education, ensuring that during the delay institutions will be aware of their existing obligations and that students will receive these protections. Under 34 CFR 668.43(b), an institution is required to provide to students its State approval or licensing and the contact information for filing complaints. DCL GEN–12–13 clarifies this requirement with respect to distance education.

The negotiated rulemaking process could not be completed with final regulations that would go into effect before July 1, 2020. To comply with section 482 of the HEA (20 U.S.C. 1089), also known as the ''master calendar requirement,'' a regulatory change that has been published in final form on or before November 1 prior to the start of an award year—which begins on July 1 of any given year—may take effect only at the beginning of the next award year, or in other words, on July 1 of the next year. Because November 1 has already passed, there is no way for the Department to publish a final rule that would be effective by July 1 of this year. Moreover, for the reasons explained below, any negotiated rulemaking process would not be finished until sometime in 2019, so regulations resulting from that process could not be effective before July 1, 2020 at the earliest. It would be confusing and counterproductive for the final regulations to go into effect before the conclusion of this reconsideration process. We thus propose delaying the current effective date—July 1, 2018—until July 1, 2020.

The Department has not had sufficient time to effectuate this delay through negotiated rulemaking. Negotiated rulemaking requires a number of steps that typically takes the Department well over 12 months to complete. The HEA requires the Department to hold public hearings before commencing any negotiations. Based upon the feedback the Department receives during the hearings, the Department then identifies those issues on which it will conduct negotiated rulemaking, announces those, and solicits nominations for non-Federal negotiators. Negotiations themselves are typically held over a 3-month period. Following the negotiations, the Department prepares a notice of proposed rulemaking and submits the proposed rule to the Office of Management and Budget (OMB) for review. The proposed rules are then open for public comment for 30–60 days. Following the receipt of public comments, the Department considers those comments and prepares a final regulation that is reviewed by OMB before publication.

In this instance, the catalysts for the delay are the February 6 and February 7 letters. The Department could not have completed the well-over 12-month negotiated rulemaking process, described in the previous paragraph, between February 6, 2018, and the July 1, 2018, effective date. Thus, the Department has good cause to waive the negotiated rulemaking requirement with regard to its proposal to delay the effective date of the final regulations to July 1, 2020, in order to complete a new negotiated rulemaking proceeding to address the concerns identified by some of the regulated parties in the higher education community.

Based on the above considerations, the Department is proposing to delay until July 1, 2020, the effective date of the following provisions of the final regulations in title 34 of the Code of Federal Regulations (CFR):

- § 600.2 Definitions (definition of State authorization reciprocity agreement).
- § 600.9(c) (State authorization distance education regulations).
- § 600.9(d) (State authorization of foreign locations of domestic institution regulations).
- § 668.2 (addition of ''Distance education'' to the list of definitions).
- § 668.50 (institutional disclosures for distance or correspondence programs regulations).

Waiver of Negotiated Rulemaking: Under section 492 of the HEA (20 U.S.C. 1098a), all regulations proposed by the Department for programs authorized under title IV of the HEA are subject to negotiated rulemaking requirements. However, section 492(b)(2) of the HEA provides that negotiated rulemaking may be waived for good cause when doing so would be ''impracticable, unnecessary, or contrary to the public interest.'' Section 492(b)(2) of the HEA requires the Secretary to publish the basis for waiving negotiations in the **Federal Register** at the same time as the proposed regulations in question are first published.

For the reasons stated above, it would not be practicable, before the July 1, 2018 effective date specified in the final regulations published December 19, 2016 (81 FR 92232), to engage in negotiated rulemaking and publish a notice of final regulations to delay the effective date. The Department also believes it will be in the public interest to delay the effective date of these regulations so that these issues can be resolved before the regulations go into effect. The approach may also benefit from input from States that are in the process of changing requirements for distance education programs. There is, therefore, good cause to waive negotiated rulemaking pertaining to this delay. Note, we are only waiving negotiated rulemaking and are providing this notice and opportunity to comment on the proposed delay.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or

adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866. The quantified economic effects and net budget impact associated with the delayed effective date are not expected to be economically significant. Institutions will be relieved of an expected Paperwork Reduction Act burden of approximately $364,801 in annualized cost savings or $5.2 million in present value terms for the delay period, though it is possible some States have already incurred these costs preparing for the current effective date. The Department is interested in comments on whether costs have already been expended in this area and estimates of costs still needed to be incurred.

We have also reviewed this proposed delay under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency:

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select 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 the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed delay only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected the approach that would maximize net benefits. In particular, the Department believes avoiding the compliance costs for institutions and the potential unintended harm to students if institutions decide not to offer distance education courses to students who switch locations for a semester or do not allow students to receive title IV aid for such courses because the definition of residency needs additional clarification outweighs any negative effect of the delayed disclosures. Based on the analysis that follows, the Department believes that this proposed delay of the final regulations is consistent with the principles in Executive Order 13563.

Consistent with Executive Order 13771 (82 FR 9339, February 3, 2017), we have estimated that this proposed rule has a potential upper bound effect of estimated annualized cost savings of $705,737, or $10,081,963 in present value terms, using a 7 percent discount rate over a perpetual time horizon, in administrative and information disclosure costs. This is an upper bound estimate of these cost savings, since some institutions may have begun development of disclosures to meet the proposed regulatory requirements. As a central estimate, the Department estimates institutions will be relieved of an expected Paperwork Reduction Act burden of approximately $364,801 in annualized cost savings or $5.2 million in present value terms for the delay period; though it is possible some States have already incurred these costs preparing for the current effective date.

Because of these savings, this proposed rule, if finalized, would be considered an Executive Order 13771 deregulatory action. The Department explicitly requests comments on whether these administrative cost savings and foregone benefits calculations and discussions are accurate and fully capture the impacts of this rule delay.

Effects of Delay

The Regulatory Impact Analysis of the final regulations stated that the regulations would have the following primary benefits: (1) Updated and clarified requirements for State authorization of distance education and foreign additional locations, (2) a process for students to access complaint resolution in either the State in which the institution is authorized or the State in which they reside, and (3) increased transparency and access to institutional and program information.

As a result of the proposed delay, students might not receive disclosures of adverse actions taken against a particular institution or program. Students also may not receive other information about an institution, such as information about refund policies or whether a program meets certain State licensure requirements. Increased access to such information could help students identify programs that offer credentials that potential employers recognize and value, so delaying the requirement to provide these disclosures may require students to obtain this information from another source or may lead students to choose sub-optimal programs for their preferred courses of study. On the other hand, students who attend on-ground campuses may find that, while the program they completed meets licensure requirements in that State, it does not meet licensure requirements in other States. The Department has never required ground-based campuses to provide this information to students, including campuses that enroll large numbers of students from other States.

Additionally, the delay of the disclosures related to the complaints resolution process could make it harder for students to access available consumer protections. Some students may be aware of Federal Student Aid's Ombudsman Group, State Attorneys General offices, or other resources for potential assistance, but the disclosure would help affected students be aware of these options.

The Department also recognizes a potential unintended effect of the final regulation on students from institutions reacting to uncertainty in the definition of residency and other aspects of the 2016 final regulation by refusing enrollment or title IV aid to distance education students as a safeguard against unintentional non-compliance. A variety of other possible scenarios

described herein, resulting from confusion about the rule or an institution's inability or unwillingness to comply, could also result in loss of title IV aid to students. For example, if a student pursues a summer internship and relocates to another State for the summer semester, institutions may choose not to allow them to take courses online because their residency is unclear. The Department believes the possibility of this outcome and the disruption it could have to students' education plans counts in favor of delaying the rule to prevent institutions from taking such actions while negotiated rulemaking clears up lingering and widespread uncertainty. A student who is unable to take classes during the summer months may be unable to complete his or her program on time, especially if the student is working or raising children and cannot manage a 15 credit course load during the regular academic terms.

Delay may, however, better allow institutions to address the costs of complying with the final regulations. In promulgating those regulations, the Department recognized that institutions could face compliance costs associated with obtaining State authorization for distance education programs or operating foreign locations. But the Department did not ascribe specific costs to the State authorization regulations and associated definitions because it presumed that institutions were already complying with applicable State authorization requirements and because nothing in the final regulations requires institutions to have distance education programs.

Although the Department did not ascribe specific costs to this aspect of the regulation, it provided examples of costs ranging from $5,000 to $16,000 depending on institution size, for a total estimated annual cost for all institutions of $19.3 million. Several commenters stated that the Department underestimated the costs of compliance with the regulations, noting that extensive research may be required for each program in each State. One institution reported that it costs $23,520 to obtain authorization for a program with an internship in all 50 States and $3,650 to obtain authorization for a new 100 percent online program in all 50 States. To renew the authorization for its existing programs, this institution estimated a cost of $75,000 annually including fees, costs for surety bonds, and accounting services, and noted these costs have been increasing in recent years. The Department believes this institution's estimate is credible; however, we request comment on whether this example provides a typical or accurate level of expected compliance costs across a representative population, and the extent to which institutions have already incurred these costs. In practice, actual costs to institutions vary based on a number of factors including an institution's size, the extent to which an institution provides distance education, and whether it participates in a State authorization reciprocity agreement or chooses to obtain authorization in specific States.

Delay may also allow institutions to postpone incurring costs associated with the disclosure requirements. As indicated in the *Paperwork Reduction Act of 1995* section of the final regulations, those costs were estimated to be 152,565 hours and $5,576,251 annually.

Net Budget Impact: As noted in the final regulations, in the absence of evidence that the regulations would significantly change the size and nature of the student loan borrower population, the Department estimated no significant net budget impact from these regulations. While the updated requirements for State authorization and the option to use State authorization reciprocity agreements may expand the availability of distance education, student loan volume will not necessarily expand greatly. Additional distance education could provide convenient options for students to pursue their educations and loan funding may shift from physical to online campuses. Distance education has expanded significantly already and the final regulations are only one factor in institutions' plans within this field. The distribution of title IV, HEA program funding could continue to evolve, but the overall volume is also driven by demographic and economic conditions that are not affected by these regulations and State authorization requirements were not expected to change loan volumes in a way that would result in a significant net budget impact. Likewise, the availability of options to study abroad at foreign locations of domestic institutions offers students flexibility and potentially rewarding experiences, but was not expected to significantly change the amount or type of loans students use to finance their education. Therefore, the Department did not estimate that the foreign location requirements in 34 CFR 600.9(d) would have a significant budget impact on title IV, HEA programs. As the final regulations were not expected to have a significant budget impact, delaying them to allow for reconsideration and renegotiation of the final rule is not expected to have a significant budget impact. This analysis is limited to the effect of delaying the effective date of the final regulations to July 1, 2020, and does not account for any potential future substantive changes in the final regulations.

Regulatory Flexibility Analysis

The final regulations would affect institutions that participate in the title IV, HEA programs, many of which are considered small entities. The U.S. Small Business Administration (SBA) Size Standards define ''for-profit institutions'' as ''small businesses'' if they are independently owned and operated and not dominant in their field of operation with total annual revenue below $7 million. The SBA Size Standards define ''not-for-profit institutions'' as ''small organizations'' if they are independently owned and operated and not dominant in their field of operation, or as ''small entities'' if they are institutions controlled by governmental entities with populations below 50,000. Under these definitions, approximately 4,267 of the IHEs that would be subject to the paperwork compliance provisions of the final regulations are small entities. Accordingly, we have reviewed the estimates from the 2016 final rule and prepared this regulatory flexibility analysis to present an estimate of the effect on small entities of the delay in the final regulations.

In the Regulatory Flexibility Analysis for the final regulations, the Department estimated that 4,267 of the 6,890 IHEs participating in the title IV, HEA programs were considered small entities— 1,878 are not-for-profit institutions, 2,099 are for-profit institutions with programs of two years or less, and 290 are for-profit institutions with four-year programs. Using the definition described above, approximately 60 percent of IHEs qualify as small entities, even if the range of revenues at the not-for-profit institutions varies greatly. Many small institutions may focus on local provision of specific programs and would not be significantly affected by the delay in the 2016 regulations because they do not offer distance education. As described in the analysis of the 2016 final rule, distance education is a growing area with potentially significant effects on the postsecondary education market and the small entities that participated in it, including an opportunity to expand and serve more students than their physical locations can accommodate but also increased competitive pressure from online options. Overall, as of Fall 2016,

approximately 15 percent of students receive their education exclusively through distance education while 68.3 percent took no distance education courses. However, at proprietary institutions almost 59.2 percent of students were exclusively distance education students and 30.4 percent had not enrolled in any distance education courses.[1] The delay in a clear State authorization rule for distance education may slow the reshuffling of the postsecondary education market or the increased participation of small entities in distance education, but that is not necessarily the case. Distance education has expanded over recent years even in the absence of a clear State authorization regime.

In the analysis of the 2016 final rule, we noted that the Department estimated total State Authorization Reciprocity Agreement (SARA) fees and additional State fees of approximately $7 million annually for small entities, but acknowledged that costs could vary significantly by type of institution and institutions' resources and that these considerations may influence the extent to which small entities operate distance education programs. Small entities that do participate in the distance education sector may benefit from avoiding these fees during the delay period. If 50 percent of small entities offer distance education, the average annual cost savings per small entity during the delay would be approximately $3,280, but that would increase to $6,560 if distance education was only offered by 25 percent of small entities. This estimate assumes small entities have not already taken steps to comply with the State authorization requirements in the 2016 final rule. The Department welcomes comments on the distribution of small entities offering distance education, the estimated costs to obtain State authorization for their programs, and the extent to which small entities have already incurred costs to comply with the 2016 final rule.

The Department also estimated that small entities would incur 13,981 hours of burden in connection with information collection requirements with an estimated cost of $510,991 annually. Small entities may be able to avoid some of the anticipated burden during the delay. To the extent small entities would need to spend funds to comply with State authorization requirements for distance education, the proposed delay would allow them to postpone incurring those costs. And although institutions may have incurred some of the $510,991 annual costs to prepare for the information collection requirements, it is possible that institutions could avoid up to that amount during the period of the delay.

Paperwork Reduction Act of 1995

As indicated in the Paperwork Reduction Act section published in the 2016 final regulations, the assessed estimated burden was 152,565 hours affecting institutions with an estimated cost of $5,576,251.

The table below identifies the regulatory sections, OMB Control Numbers, estimated burden hours, and estimated costs of those final regulations.

Regulatory section	OMB control No.	Burden hours	Estimated cost $36.55/hour institution
600.9	1845–0144	160	5,848
668.50(b)	1845–0145	151,715	5,545183
668.50(c)	1845–0145	690	25,220
Total	.....	152,565	5,576,251
Cost savings due to delayed effective date	.....	152,565	5,576,251

This notice proposes to delay the effective date of the all of the cited regulations.

Accessible Format: Individuals with disabilities may obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects

34 CFR Part 600

Colleges and universities, Foreign relations, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: May 22, 2018.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2018–11262 Filed 5–24–18; 8:45 am]

BILLING CODE 4000–01–P

[1] 2017 Digest of Education Statistics Table 311.15: Number and percentage of students enrolled in degree-granting postsecondary institutions, by distance education participation, location of student, level of enrollment, and control and level of institution: Fall 2015 and fall 2016. Available at *https://nces.ed.gov/programs/digest/d17/tables/dt17_311.15.asp?current=yes.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 30

[EPA–HQ–OA–2018–0259; FRL–9978–31–ORD]

RIN 2080–AA14

Strengthening Transparency in Regulatory Science; Extension of Comment Period and Notice of Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period; notice of public hearing.

SUMMARY: On April 30, 2018, the Environmental Protection Agency (EPA) proposed a rule titled, ''Strengthening Transparency in Regulatory Science.'' The EPA is extending the comment period on the proposed rule, which was scheduled to close on May 30, 2018, until August 16, 2018. The EPA is also announcing a public hearing to be held for the proposed rule. The hearing will be held on July 17, 2018 in Washington, DC. The EPA is making these changes in response to public requests for an extension of the comment period and for a public hearing.

DATES: The public comment period for the proposed rule published in the **Federal Register** on April 30, 2018 (83 FR 18768), is being extended. Written comments must be received on or before August 16, 2018. The public hearing will be held on July 17, 2018.

ADDRESSES: The EPA has established a docket for the proposed rulemaking (available at *http://www.regulations.gov*). The Docket ID No. is EPA–HQ–OA–2018–0259. Submit your comments, identified by the appropriate Docket ID, to the *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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. If you need to include CBI as part of your comment, please visit *http://www.epa.gov/dockets/comments.html* for instructions. 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.

For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/comments.html*.

Public hearing: The public hearing will be held at the Environmental Protection Agency, William Jefferson Clinton East Building, Main Floor Room 1153, 1201 Constitution Avenue NW, in Washington, DC 20460. The public hearing will convene at 8:00 a.m. EST and continue until 8:00 p.m. EST or one hour after the last registered speaker has spoken, whichever is earlier. The EPA will make every effort to accommodate all speakers that arrive and register. Because this hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff to gain access to the meeting room. No large signs will be allowed in the building, cameras may only be used outside of the building, and demonstrations will not be allowed on federal property for security reasons.

If you would like to present oral testimony at the public hearing, please register online at *https://www.epa.gov/osa/strengthening-transparency-regulatory-science* or contact Tom Sinks, Environmental Protection Agency, Office of the Science Advisor, (MC 8105R), 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone (202) 564–0221, *staff_osa@epa.gov,* no later than 2 business days prior to the public hearing. The last day to register will be July 15, 2018. If using email, please provide the following information: Time of day you wish to speak (8:00 a.m.–12:00 p.m., 12:00 p.m.–4:00 p.m., 4:00 p.m.–8:00 p.m.), name, affiliation, address, email address, and telephone and fax numbers.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed rule, ''Strengthening Transparency in Regulatory Science'' should be addressed to Tom Sinks, Office of the Science Advisor, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; (202) 564–0221; email address: *staff_osa@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period for the proposed rule to ensure that the public has sufficient time to review and comment on the proposal. EPA is proposing this rule under authority of 5 U.S.C. 301, in addition to the authorities listed in the April 30th document.

The public hearing provides the public with an opportunity to present oral comments regarding EPA's proposed regulation entitled ''Strengthening Transparency in Regulatory Science.'' This proposed regulation is intended to strengthen the transparency of EPA regulatory science. The proposed regulation provides that, for the science pivotal to its significant regulatory actions, EPA will ensure that the data and models underlying the science is publicly available in a manner sufficient for validation and analysis. EPA is proposing this rule under authority of 5 U.S.C. 301, in addition to the authorities listed in the April 30th document.

The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. EPA solicits comments on all aspects of the proposal and specifically on the issues identified in Section III of the April 30th document. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing.

Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide EPA with a copy of their oral testimony electronically via email or in hard copy form.

The hearing schedules, including lists of speakers, will be posted on EPA's website *https://www.epa.gov/osa/strengthening-transparency-regulatory-science.* Verbatim transcripts of the hearings and written statements will be included in the docket for the rulemaking. EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

Dated: May 21, 2018.

Tom Sinks,

Director, Office of the Science Advisor.

[FR Doc. 2018–11316 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2018–0008; FRL–9978–63-Region 5]

Air Plan Approval; Wisconsin; Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a January 4, 2018, request by the Wisconsin Department of Natural Resources (Wisconsin) to revise its state implementation plan (SIP) for fine particulate matter ($PM_{2.5}$). Wisconsin updated its ambient air quality standards for $PM_{2.5}$ to be consistent with EPA's 2012 revisions to the $PM_{2.5}$

national ambient air quality standards (NAAQS). Wisconsin also revised its incorporation by reference rule to update references to the EPA monitoring methods.

DATES: Comments must be received on or before June 25, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2018–0008 at *http://www.regulations.gov,* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@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. Background

On January 15, 2013, EPA revised the primary (protective of human health) annual $PM_{2.5}$ NAAQS to a level of 12.0 micrograms per cubic meter ($\mu g/m^3$). EPA also retained the annual $PM_{2.5}$ secondary (protective of public welfare) NAAQS set at a level of 15.0 $\mu g/m^3$, along with the 24-hour primary and secondary NAAQS for $PM_{2.5}$ at a level of 35 $\mu g/m^3$. 40 CFR 50.13 and 40 CFR 50.18.

Wisconsin revised its ambient air quality rules in chapter NR 404 such that its $PM_{2.5}$ standards are consistent with EPA's revision. Wisconsin modified NR 404.04(9) by splitting the $PM_{2.5}$ standards into separate sections for the primary and secondary standards. Wisconsin added NR 404.04(9)(am) for the primary $PM_{2.5}$ standard and NR 404.04(9)(bm) for the secondary $PM_{2.5}$ standard. In NR 404.04(9)(am), the primary annual $PM_{2.5}$ standard was revised from 15.0 to 12.0 $\mu g/m^3$ with the 24-hour primary $PM_{2.5}$ standard remaining at 35 $\mu g/m^3$. Wisconsin retained the current secondary standard, 15.0 $\mu g/m^3$ annual and 35 $\mu g/m^3$ 24-hour, in the new NR 404.04(9)(bm).

Wisconsin also included monitoring method requirements in both NR 404.04(9)(am) and (bm). The ambient $PM_{2.5}$ is to be measured by the methods of 40 CFR part 50, appendices L and N, for both standards. 40 CFR part 50, appendix L, is the Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere, while, 40 CFR part 50, appendix N, is the Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$.

Wisconsin also revised its incorporation by reference rules in chapter NR 484. Wisconsin altered NR 484.04(6g) and NR 484.04(6r). The state amended NR 484.04(6g) by incorporating by reference 40 CFR part 50, appendix L, Reference Method for the Determination of Particulate Matter as $PM_{2.5}$ in the Atmosphere, into NR 404.04(9). The state amended NR 484.04(6r) by incorporating by reference 40 CFR part 50, appendix N, Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$, into NR 404.04(9).

Wisconsin held a public comment period for these revisions from July 14, 2016, to August 31, 2016, and a public hearing on August 25, 2016. No comments were received.

II. What is EPA's Analysis?

Wisconsin's revisions to NR 404.04(9) make its ambient air quality standard consistent with the 2012 $PM_{2.5}$ NAAQS. Wisconsin revised the primary $PM_{2.5}$ annual standard following EPA's revisions, while retaining the current secondary annual and 24-hour $PM_{2.5}$ primary and secondary standards. Wisconsin changed its rule to separate the primary and secondary $PM_{2.5}$ standards into separate sections. Separating the primary and secondary standards allows one to easily determine what the primary $PM_{2.5}$ standards are and what methods are used to determine if those standards are met. This is also true for the secondary $PM_{2.5}$ standards.

Wisconsin's revisions to NR 484.04(6g) and NR 484.04(6r) are acceptable. The EPA monitoring methods referenced are consistent with the requirements of the 2012 $PM_{2.5}$ NAAQS. The incorporation by reference revisions keep the references current.

III. What Action is EPA Taking?

EPA is proposing to approve revisions to NR 404.04(9), NR 484.04(6g), and NR 484.04(6r), as submitted on January 4, 2018. The revisions to the ambient air quality standards and the incorporation by reference rules make Wisconsin's standards consistent with 2012 $PM_{2.5}$ NAAQS.

IV. Incorporation by Reference

In this rule, 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, EPA is proposing to incorporate by reference NR 404.04(9), NR 484.04(6g), and NR 484.04(6r), effective January 1, 2018. 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).

V. 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 (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 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 16, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–11315 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0701; FRL–9978–65—Region 5]

Air Plan Approval; Wisconsin; Modification of Greenhouse Gases Language

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Wisconsin State Implementation Plan (SIP) submitted by the Wisconsin Department of Natural Resources (WDNR) to EPA on November 28, 2017. In this revision, WDNR makes modifications to the language associated with how greenhouse gases are evaluated in the Prevention of Significant Deterioration (PSD) program. These revisions were made to reflect changes required by the United States Supreme Court in its June 23, 2014 decision, *Utility Air Regulatory Group (UARG)* v. *EPA),* 134 S. Ct. 2427.

DATES: Comments must be received on or before June 25, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2017–0701 at *http://www.regulations.gov,* or via email to *damico.genevieve@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Radhica Kanniganti, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–8097, *kanniganti.radhica@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. Review of State Submittals

This proposed rulemaking addresses the November 28, 2017, WDNR submittal for SIP revision, revising the rules in the Wisconsin SIP to reflect the changes required by *UARG* v. *EPA,* 134 S. Ct. 2427, on how greenhouse gases are evaluated in the PSD program. The Clean Air Act's (CAA) PSD provisions make it unlawful to construct or modify a ''major emitting facility'', in any area to which the PSD program applies, without a permit, 42 U.S.C. 7475(a). A ''major emitting facility'' is a stationary source with the potential to emit 250 tons per year of ''any air pollutant'' (or 100 tons per year for certain types of sources). 42 U.S.C. 7479(1).

In *Massachusetts* v. *EPA,* 549 U.S. 497 (2007), the Supreme Court held that greenhouse gases, including carbon dioxide, fit within the definition of air pollutant in the CAA. In 2010 and 2011, EPA promulgated a series of greenhouse gas emission standards for new motor vehicles, and made stationary sources subject to the PSD and title V permit programs based on their potential to emit greenhouse gases. Recognizing, however, that requiring all sources with greenhouse gas emissions above the statutory thresholds would expand these permit programs and make them unadministrable, EPA ''tailored'' the programs by adopting a ''phase-in'' approach. The Tailoring Rule (75 FR 31514), published on June 3, 2010, phased in permitting requirements for greenhouse gas emissions. Step 1 of this rule applied to sources that were subject to the PSD and title V programs before greenhouse gases were regulated under the CAA. In Step 1, from January 2 through June 30, 2011, no source would become newly subject to the PSD or title V program solely based on its greenhouse gas emissions; however, sources that were subject to PSD review anyway due to their non-greenhouse gas regulated pollutants would need to

comply with the Best Available Control Technology (BACT) emission standards for greenhouse gases if they emitted these gases in significant amounts, defined as at least 75,000 tons per year of carbon dioxide equivalent (CO2e). During Step 2, from July 1, 2011, through June 30, 2012, sources with the potential to emit at least 100,000 tons per year of CO2e would be subject to PSD and Title V permitting for their construction and operation and to PSD permitting for modifications that would increase their greenhouse-gas emissions by at least 75,000 tons per year. EPA codified Steps 1 and 2 at 40 CFR 51.166(b)(48) and 40 CFR 52.21(b)(49) for the purpose of PSD applicability and at 40 CFR 70.2 and 40 CFR 71.2 for title V, in the definition of ''subject to regulation''.

This action was challenged by numerous parties, including several states. On June 23, 2014, in *UARG* v. *EPA,* the Supreme Court ruled that the CAA neither compels nor permits EPA to adopt an interpretation of the CAA requiring a source to obtain a PSD or title V permit solely based on its potential greenhouse gas emissions. The ruling, however, supported EPA's decision to require sources otherwise subject to PSD review to comply with BACT emission standards for greenhouse gases. In other words, with respect to PSD, the ruling upheld PSD permitting requirements for greenhouse gases under Step 1 of the Tailoring rule for ''anyway'' sources, and invalidated PSD permitting requirement for Step 2 sources.

In a subsequent rulemaking, on August 19, 2015 (80 FR 50199), EPA removed from the CFR several provisions of the PSD and title V permitting regulations that were originally promulgated as part of the Tailoring Rule. Specifically, the provisions that were removed included regulations under review that required sources to obtain a permit based only upon their potential greenhouse gas emissions (40 CFR 51.166(b)(48)(v) and 40 CFR 52.21(b)(49)(v)), and regulations under review that required EPA to consider further phasing-in the greenhouse gas permitting requirements at lower greenhouse gas emission thresholds. 40 CFR 52.22, 40 CFR 70.12, and 40 CFR 71.13.

The WDNR is modifying its PSD rules in NR 405.07(9) to establish the conditions under which greenhouse gases at a stationary source shall be subject to the PSD regulations. Following the *UARG* v. *EPA* decision on how greenhouse gas emissions are evaluated, WDNR's modification clarifies that only Step 1 sources will be subject to PSD permitting.

IV. What action is EPA taking?

EPA is proposing to approve WDNR's submittal for revision of the SIP to incorporate the holding in *UARG* v. *EPA* decision regarding when greenhouse gas emissions must be controlled. EPA has reviewed Wisconsin's November 28, 2017, submittal to approve Wisconsin Administrative Code provision NR 405.07(9) into Wisconsin's SIP, and has found it to be consistent with the June 23, 2014, *UARG* v. *EPA* ruling.

V. Incorporation by Reference

In this rule, EPA is proposing to include a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Wisconsin Administrative Code provision NR 405.07(9) as published in the Register, July 2015, No. 715, effective August 1, 2015. 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 CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely 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 (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 CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 16, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–11197 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2018–0178; A–1–FRL–9978–28—Region 1]

Air Plan Approval; Connecticut; 1997 8-Hour Ozone Attainment Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing action on the ozone attainment portion of a State Implementation Plan (SIP) revision submitted by the State of Connecticut to meet the Clean Air Act (CAA) requirements for attaining the 1997 8-hour ozone national ambient air quality standard (NAAQS). The EPA is proposing to approve Connecticut's demonstration of attainment of the 1997 8-hour ozone NAAQS for the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate 1997 8-hour ozone nonattainment area (hereafter, the NY-NJ-CT area or the NY-NJ-CT nonattainment area). In addition, the EPA is proposing to approve Connecticut's reasonably available control measures (RACM) analysis. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before June 25, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2018–0178 at *www.regulations.gov,* or via email to *wortman.eric@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact 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 *www.epa.gov/dockets/commenting-epa-dockets*. Publicly available docket materials are available at *www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100 Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Eric Wortman, Air Permits, Toxics, and Indoor Programs Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100 (Mail Code OEP05–2), Boston, MA 02109–3912, phone number: (617) 918–1624, fax number: (617) 918–0624, email: *wortman.eric@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. What action is the EPA proposing?

On August 8, 2017, Connecticut submitted comprehensive revisions to its SIP for the 8-hour ozone NAAQS. The SIP revisions included, among other things, an attainment demonstration for the Connecticut portion of the NY-NJ-CT nonattainment area for the 1997 and 2008 ozone NAAQS. The EPA's review of this material indicates that the NY-NJ-CT nonattainment area is attaining the 1997 ozone NAAQS. The EPA is proposing to approve the portion of the Connecticut SIP revision which demonstrates attainment of the 1997 ozone NAAQS. The EPA is also proposing to approve the associated RACM analysis for the same area. The EPA will address other components of the August 8, 2017 SIP submittal in separate forthcoming actions.

The EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register** document.

II. What is the background for the EPA's proposed action?

A. History of Connecticut Ozone Attainment Demonstrations

In 1997, the EPA revised the health-based NAAQS for ozone, setting it at 0.08 (parts per million) ppm averaged over an 8-hour time frame. The EPA set the 8-hour ozone standard based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone standard was set. EPA determined that the 8-hour standard would be more protective of human health, especially with regard to children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

On April 30, 2004 (69 FR 23858), the EPA finalized its attainment/nonattainment designations for areas across the country with respect to the 1997 8-hour ozone standard of 0.08 ppm. These actions became effective on June 15, 2004. Among those nonattainment areas is the NY-NJ-CT area. The NY-NJ-CT nonattainment area is composed of: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties in New Jersey; Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester Counties in New York; and Fairfield, Middlesex, and New Haven Counties in Connecticut. *See* 40 CFR 81.307, 81.331, and 81.333. In addition, the remaining five counties in Connecticut were also designated nonattainment, as the Greater Connecticut moderate ozone nonattainment area. *See* 40 CFR 81.307.

Also, on April 30, 2004 (69 FR 23951), the EPA promulgated the Phase 1 8-hour ozone implementation rule which provided how areas designated nonattainment for the 1997 8-hour ozone standard would be classified. These designations triggered the CAA requirements under section 182(b) for moderate nonattainment areas, including a requirement to submit an attainment demonstration. The EPA's Phase 2 8-hour ozone implementation rule (Phase 2 rule), published on November 29, 2005 (70 FR 71612),

specifies that states must submit attainment demonstrations for their nonattainment areas to the EPA by no later than three years from the effective date of designation, that is, by June 15, 2007. *See* 40 CFR 51.908(a). Subsequently, Connecticut submitted attainment demonstrations and associated SIP revisions for the Connecticut portion of the NY-NJ-CT nonattainment area and Greater Connecticut nonattainment area on February 1, 2008.

Section 182(j) of the CAA requires each state within a multi-state ozone nonattainment area to specifically use photochemical grid modeling and take all reasonable steps to coordinate, substantively and procedurally, the revisions and implementation of SIPs applicable to the nonattainment area. Under this subsection of the CAA, the EPA may not approve any SIP revision for a State that fails to comply with these requirements. Among other things, Connecticut's February 1, 2008 SIP submittal contained photochemical grid modeling to demonstrate attainment of the 1997 ozone NAAQS for the NY-NJ-CT nonattainment area. On May 8, 2009 (74 FR 21568), the EPA proposed to disapprove Connecticut's 8-hour ozone attainment demonstration for the NY-NJ-CT nonattainment area, because the EPA determined the photochemical modeling did not demonstrate attainment and the weight of evidence analysis that Connecticut used to support the attainment demonstration did not include sufficient evidence to provide confidence that the area would attain the 1997 ozone NAAQS by the June 15, 2010 deadline. The May 2009 proposal was never finalized.

On June 18, 2012 (77 FR 36163), the EPA issued a clean data determination (CDD) for the NY-NJ-CT area with respect to the 1997 8-hour ozone NAAQS and determined the area attained the 1997 standard by the June 15, 2010 attainment deadline. In a separate action, the EPA made a determination of attainment of the 1997 ozone NAAQS for the Greater Connecticut nonattainment area based on three years of monitoring data. *See* 75 FR 53219 (August 31, 2010). On May 9, 2013, the EPA proposed to approve the February 1, 2008 SIP submittal consisting of the ozone attainment demonstrations and RACM analysis for the 1997 ozone NAAQS. *See* 78 FR 27161 (May 9, 2013). In this action, the EPA proposed to approve the demonstrations of attainment of the 1997 ozone standard and RACM analysis for Connecticut's portion of the NY-NJ-CT nonattainment area and the Greater Connecticut nonattainment area. On December 26, 2013, the EPA issued a final rule approving the portion of Connecticut's February 1, 2008 ozone attainment demonstration of the 1997 ozone NAAQS and RACM analysis for the Greater Connecticut nonattainment area. *See* 78 FR 78272 (December 26, 2013). However, the May 2013 proposed approval for the NY-NJ-CT nonattainment area portion of the February 1, 2008 SIP submittal was never finalized.

On March 12, 2008 (73 FR 16436), the EPA revised the ozone NAAQS to a level of 0.075 ppm to provide increased protection of public health and the environment. State and Federal emission reduction efforts adopted to meet the 1997 8-hour ozone standard continued with the implementation of the 2008 ozone NAAQS. On May 21, 2012 (77 FR 30088), the EPA designated as nonattainment any area that was violating the 2008 8-hour ozone NAAQS based on the three most recent calendar years of air quality data. The NY-NJ-CT nonattainment area was designated as a marginal ozone nonattainment area for the 2008 ozone NAAQS. *See* 40 CFR 81.307, 81.331, and 81.333. The boundaries of the 2008 ozone nonattainment area were identical to the 1997 ozone nonattainment area. As a result of its ''marginal'' classification, the area was required to attain the 2008 ozone standard by July 20, 2015 [1] but was not required to submit an attainment demonstration for the 2008 ozone standard. 42 U.S.C. 7511a(a). Furthermore, the EPA again revised the ozone NAAQS in 2015, setting the level for both the primary and secondary NAAQS at 0.070 ppm. *See* 80 FR 65292 (October 26, 2015). On November 16, 2017, the EPA published a document in the **Federal Register** to establish area designations for the 2015 ozone NAAQS for 2,646 counties as Attainment/Unclassifiable or Unclassifiable. *See* 82 FR 54232 (November 16, 2017). The EPA responded to certain state and tribal area designation requests for the 2015 ozone NAAQS on or about December 20, 2017 and published a document in the **Federal Register** on January 5, 2018. *See* 83 FR 651 (January 5, 2018). On April 30, 2018, the EPA finalized designations for the 2015 ozone NAAQS for the remaining areas of the country, except for eight counties in the San Antonio, Texas area.[2] At this time, the EPA has not finalized implementation guidelines for the 2015 ozone NAAQS.

The June 18, 2012 CDD for the NY-NJ-CT area with respect to the 1997 8-hour ozone NAAQS suspended the three states' obligations to submit attainment-related planning requirements, including the obligation to submit attainment demonstrations, RACM and reasonable further progress (RFP) plans, and contingency measures. On May 15, 2014 (79 FR 27830), the EPA proposed to rescind this CDD for the area based on the fact that the area was no longer attaining the 1997 8-hour ozone standard based on 2010–2012 and 2011–2013 air quality data, and proposed a SIP Call for submittals from the three states of new ozone attainment demonstrations for the NY-NJ-CT area for the 1997 ozone NAAQS. The EPA also proposed that the states could opt to respond to the SIP Call for a new 1997 ozone NAAQS attainment demonstration by requesting a voluntary reclassification, or ''bump-up'', to moderate nonattainment for the 2008 ozone NAAQS (*See* CAA section 181(b)(3)) and submit an attainment demonstration for the more stringent 2008 standard. Before taking final action on the rescission of the CDD for the NY-NJ-CT area, the EPA issued a proposal on August 27, 2015 to determine, among other things, that the NY-NJ-CT area failed to attain the 2008 NAAQS by the applicable attainment deadline of July 20, 2015. *See* 80 FR 51992 (August 27, 2015). The EPA also determined that the area was not eligible for a 1-year attainment date extension because the 4th highest daily maximum 8-hour average for at least one monitor in the area was greater than 0.075 ppm for 2014, the year preceding the attainment year.

On May 4, 2016, the EPA finalized the determination that the NY-NJ-CT nonattainment area failed to attain the 2008 standard by the Marginal nonattainment area attainment date of July 20, 2015, and reclassified the area to moderate for that standard by

[1] The EPA originally established the attainment deadline to meet the 2008 ozone NAAQS to be December 31, 2015. *See* 77 FR 30167, May 21, 2012. Pursuant to a challenge of the EPA's interpretation of the attainment deadlines, on December 23, 2014, the D.C. Circuit issued a decision rejecting, among other things, the Classifications Rule's attainment deadlines for the 2008 ozone nonattainment areas. The court found that the EPA did not have statutory authority under the CAA to extend those deadlines to the end of the calendar year. *NRDC* v. *EPA*, 777 F.3d 456, 464–69 (D.C. Cir. 2014). Accordingly, as part of the final 2008 ozone NAAQS SIP Requirements Rule (*See* 80 FR 12264, March 6, 2015), the EPA modified the maximum attainment dates for all nonattainment areas for the 2008 ozone NAAQS, consistent with the court's decision. The rule established a deadline for marginal attainment areas of 3 years from the effective date of the designation, or July 20, 2015 to attain the 2008 ozone NAAQS.

[2] Additional Information on the EPA's regulatory actions regarding designations for the 2015 ozone NAAQS is available on the EPA's website at *www.epa.gov/ozone-designations/ozone-designations-regulatory-actions*.

operation of law in accordance with CAA section 181(b)(2)(A). *See* 81 FR 26697 (May 4, 2016). The action also finalized the proposed rescission of the CDD for the NY-NJ-CT area with respect to the 1997 ozone NAAQS, and also finalized the accompanying SIP Call. The SIP Call found that the SIPs for New Jersey, New York, and Connecticut were substantially inadequate for demonstrating attainment of the 1997 standard and required the three states to submit new attainment plans. Since the area was reclassified by operation of law, the option to request a voluntary reclassification under section 182(b)(2)(A) of the CAA was eliminated. However, the EPA determined that the three affected states could meet their obligations under the SIP Call for the 1997 ozone NAAQS with their moderate nonattainment area SIP submittal for the 2008 standard. The EPA explained that because the 2008 standard is more stringent than the 1997 standard, the area would necessarily attain the 1997 standard once the area adopted a control strategy designed to achieve the tighter standard. Moreover, where state planning resources were constrained, those resources were better used focused on attaining the more stringent standard. The deadline for submitting the moderate nonattainment area SIP revisions for the 2008 standard was January 1, 2017. Connecticut submitted a combined attainment demonstration and RACM analysis for the 1997 and 2008 ozone standards for the Connecticut portion of the NY-NJ-CT area on August 8, 2017.

B. Moderate Nonattainment Area and Anti-Backsliding Requirements

The EPA's November 29, 2005 Phase 2 ozone implementation rule addresses, among other things, the control obligations that apply to areas designated nonattainment for the 1997 8-hour ozone NAAQS. The Phase 1 and Phase 2 ozone implementation rules outline the SIP requirements and deadlines for various requirements in areas designated as moderate nonattainment. For such areas, modeling and attainment demonstrations with projection year emission inventories were due by June 15, 2007, along with RFP plans, RACM, motor vehicle emissions budgets and contingency measures (40 CFR 51.908(a) and (c), 51.910, 51.912). In addition, moderate nonattainment areas were also required to submit a reasonably available control technology (RACT) SIP. Connecticut submitted an initial attainment demonstration for the 1997 ozone NAAQS for the Connecticut portion of the NY-NJ-CT area on February 1, 2008. Although the EPA did not take final action on the February 1, 2008 attainment demonstration for the 1997 ozone NAAQS for the Connecticut portion of the NJ-NJ-CT area, the EPA approved Connecticut's RFP plan and 2002 Base Year Emission Inventories in 2012, as well as the 2008 motor vehicle emission budgets and contingency measures associated with the RFP plan. *See* 77 FR 50595 (August 22, 2012). The EPA approved Connecticut's RACT submittals in 2013 and 2014. *See* 78 FR 38587 (July 9, 2013) and 79 FR 32873 (July 9, 2014).

In the 2008 ozone NAAQS SIP Requirements rule, the EPA revoked the 1997 ozone NAAQS for all purposes and established anti-backsliding requirements for that NAAQS, which include submittal of an attainment demonstration. *See* 80 FR 12296 (March 6, 2015).[3] The EPA retained a listing of the designated areas for the revoked 1997 NAAQS in 40 CFR part 81, for identifying anti-backsliding requirements that may apply to those areas. Accordingly, in an area designated nonattainment for the 2008 ozone NAAQS and nonattainment for the 1997 ozone NAAQS, as is the case with the NY-NJ-CT nonattainment area, Connecticut was obligated to implement the applicable requirements set forth in 40 CFR 51.1100(o), including the requirement to submit an attainment demonstration.

III. What are we proposing to approve?

On February 1, 2008, Connecticut submitted a SIP revision that included, among other things, an ozone attainment demonstration for the 1997 8-hour ozone standard and RACM analysis for the Connecticut portion of the NY-NJ-CT area. On August 8, 2017, Connecticut submitted comprehensive revisions to the SIP to satisfy the May 4, 2016 SIP Call. The SIP submittal included an ozone attainment demonstration for the 2008 ozone standard for the Connecticut portion of the NY-NJ-CT area, which also served as an ozone attainment demonstration for the revoked 1997 ozone NAAQS per the SIP Call. Connecticut's August 8, 2017 submittal also included 2011 base year emission inventories, RFP plans, RACM analysis, motor vehicle emission budgets and contingency measures.

This proposed action addresses Connecticut's demonstrations of attainment of the 1997 8-hour ozone standard and associated RACM analysis for the Connecticut portion of the NY-NJ-CT area, submitted by Connecticut on February 1, 2008 and August 8, 2017. The EPA is taking separate action on the 2011 base year emission inventories, RFP plans, motor vehicle emission budgets, and contingency measures submitted as part of the August 8, 2017 SIP revisions in a forthcoming **Federal Register** document.

IV. What is the EPA's basis for proposing to approve the 1997 attainment demonstration and RACM analysis?

A. Air Quality Data and Attainment Determinations

Under the regulations at 40 CFR part 50, the 1997 ozone NAAQS is attained at a monitoring site when the three-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.08 ppm. This three-year average is referred to as the design value. When the design value is less than or equal to 0.08 ppm at each ambient air quality monitoring site within a nonattainment area, then the area is deemed to be meeting the 1997 standard. According to 40 CFR part 50, Appendix I, the number of significant figures in the level of the standard dictates the rounding convention for comparing the computed 3-year average annual fourth-highest daily maximum 8-hour average ozone concentration with the level of the standard. The third decimal place of the computed value is rounded, with values equal to or greater than 5 rounding up. Thus, a computed 3-year average ozone concentration of 0.085 ppm is the lowest value that is greater than 0.08 ppm.

On May 23, 2017, Connecticut submitted an exceptional events demonstration[4] claiming that emissions from a 2016 wildfire near Fort McMurray in Alberta, Canada caused elevated ozone levels at air quality monitors throughout Connecticut, exceeding the 8-hour ozone NAAQS at four monitoring stations on May 25 and 26, 2016. The ozone concentrations exceeded the 2015 ozone NAAQS at all four of the monitoring locations, and in some cases exceeded the 1997 and 2008 ozone NAAQS. One of the monitoring locations, the Westport monitoring

[3] In *South Coast Air Quality Management District* v. *EPA,* the D.C. Circuit vacated a number of provisions in the 2008 Ozone SIP Requirements Rule, but that decision did not affect the rule's anti-backsliding requirement to submit an attainment demonstration for the 1997 ozone NAAQS. *South Coast Air Quality Management District* v. *EPA,* No. 15–1115 (D.C. Cir. February 16, 2018).

[4] Connecticut's exceptional event demonstration was submitted in accordance with the revised Exceptional Events Rule found in §§ 50.14 and 51.930 of 40 CFR parts 50 and 51. *See* 81 FR 68216 (October 3, 2016).

station, is located in the NY-NJ-CT nonattainment area. The EPA concurred on Connecticut's exceptional events demonstration on July 31, 2017, finding that Connecticut demonstrated a clear causal relationship between the Fort McMurray wildfire and the ozone exceedances at the Westport monitoring station on May 25 and 26, 2016, and that wildfires are natural events that are not reasonably preventable and not reasonably controllable.[5] As a result of the EPA's concurrence, the 2014–2016 design value at the Westport monitoring location was reduced from 0.085 ppm to 0.083 ppm, and the NY-NJ-CT nonattainment area therefore attained the 1997 ozone NAAQS.

The EPA has reviewed the 8-hour ozone ambient air quality monitoring data for the 2014–2016 monitoring period for the NY-NJ-CT area, as recorded in the EPA's Air Quality System (AQS) database. Air quality monitoring data from each year for 2014–2016 has been certified by Connecticut, New Jersey and New York in accordance with 40 CFR 58.15, and AQS reflects this. Based on that review, the EPA has concluded that the NY-NJ-CT area has a 2014–2016 design value of 0.083 ppm [6] and is in attainment for the 1997 ozone NAAQS.[7] Certified data for 2017 in the NY-NJ-CT area and the 2015–2017 design value are consistent with continued attainment. The EPA has a continuing obligation to review the air quality data each year to determine whether areas are meeting the NAAQS and will continue to conduct that review in the future after data is complete, quality-assured, certified and submitted to the EPA.

As previously discussed, Connecticut submitted an attainment demonstration and RACM analysis for the 1997 8-hour ozone NAAQS for the Connecticut portion of the NY-NJ-CT area on February 1, 2008. On June 18, 2012 (77 FR 36163), the EPA determined the area had attained the standard by the June 15, 2010 attainment deadline and issued a CDD for the NY-NJ-CT nonattainment area. The CDD suspended Connecticut's obligation to submit attainment-related planning requirements, including the obligation to submit attainment demonstrations. The EPA rescinded the CDD on May 4, 2016 based on the fact that the area was no longer attaining the standard, and issued a SIP Call for a new attainment demonstration for the 1997 8-hour ozone NAAQS for the NY-NJ-CT area. As previously discussed, the EPA determined that the submission of a moderate nonattainment area attainment plan for the more stringent 2008 ozone NAAQS would satisfy the SIP Call for the NY-NJ-CT area in relation to the 1997 ozone standard. Connecticut submitted a combined attainment demonstration and RACM analysis for the 1997 and 2008 8-hour ozone NAAQS on August 8, 2017.

Section 110(k)(2) of the CAA requires the EPA to take action on any administratively complete SIP revision submittal within 12 months of the SIP being deemed complete. Although the June 2012 CDD temporarily suspended Connecticut's obligation to submit an attainment demonstration and RACM analysis, it did not suspend the EPA's obligation to take action on the February 1, 2008 SIP submittal. The EPA is proposing to take such final action in this document. This proposed rulemaking is intended to address EPA's obligations to act on Connecticut's attainment demonstration and RACM analysis for the State's portion of the NY-NJ-CT area submitted on February 1, 2008, and also is intended to approve the portion of the August 8, 2017 SIP submittal regarding the updated attainment demonstration and RACM analysis for the 1997 8-hour ozone NAAQS for the Connecticut portion of the NY-NJ-CT area.

B. Components of the Modeled Attainment Demonstration

Section 110(a)(2)(k) of the Act requires states to prepare air quality modeling to demonstrate how they will meet ambient air quality standards. The SIP must demonstrate that the ''measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard.'' *See* 40 CFR 51.112(a). The EPA determined that states must use photochemical grid modeling, or any other analytical method determined by the Administrator to be at least as effective, to demonstrate attainment of the ozone health-based standard in areas classified as ''moderate'' or above, and to do so by the required attainment date. *See* 40 CFR 51.908(c). The EPA requires an attainment demonstration using air quality modeling that meets the EPA's guidelines. The model analysis can be supplemented by a ''weight of evidence'' analysis in which the state can use a variety of information to enhance the conclusions reached by the photochemical model analysis. In the case of the August 8, 2017 submittal for the Connecticut portion of the NY-NJ-CT area, the weight of evidence also included monitoring evidence that the area design value is attaining the 1997 standard. The EPA has determined that the photochemical grid modeling conducted by the State is consistent with the EPA's guidelines and the model performed acceptably. *See* 40 CFR 51.908(c).

C. The EPA's Evaluation

In its attainment demonstration, Connecticut included results from the Ozone Transport Commission's (OTC's) SIP air quality modeling as well as EPA's modeling study used in support of the final update to the Cross-State Air Pollution Rule (CSAPR Update).[8] [9] The model used by the OTC was the Community Multi-scale Air Quality Model version 5.0.2 (CMAQ) and the model used by EPA in the CSAPR Update was the Comprehensive Air Quality Model with Extensions version 6.2 (CAMx). Each of these models is a photochemical grid model capable of simulating ozone production on a regional or national scale. Both the OTC CMAQ model and the EPA's CAMx model projected 2017 design value results that all air quality monitors in Southwest Connecticut will attain the 1997 ozone NAAQS in 2017. In addition, modeling results predict all monitors in the NY-NJ-CT

[5] The EPA's concurrence on an exceptional events demonstration is a preliminary step in the regulatory process for actions that may rely on the dataset containing the event-influenced data and does not constitute final Agency action. This proposed approval of Connecticut's attainment demonstration is a regulatory action affected by exclusion of the ozone data for May 25 and 26, 2016. The EPA is publishing this document of its proposed action in the **Federal Register**. The EPA's concurrence letter and accompanying technical support document on the exceptional events demonstration, as well as the exceptional events demonstration submitted by Connecticut, are included in the docket as part of the technical basis for this proposal.

[6] The regulations at 40 CFR part 50, Appendix I specify that the design value shall be based on three consecutive, complete calendar years of air quality monitoring data. This requirement is met for the three-year period at a monitoring site if daily maximum 8-hour average concentrations are available for at least 90%, on average, of the days during the designated ozone monitoring season, with a minimum data completeness in any one year of at least 75% of the designated sampling days. Air quality monitoring data for 2016 does not meet the completeness criteria in 40 CFR part 50 and the EPA has not conducted a missing data analysis. This action is not making a formal determination of attainment or clean data determination.

[7] The 2014–2016 design values are available on the EPA's website at: *www.epa.gov/air-trends/air-quality-design-values#report.*

[8] The OTC modeling results are available in the ''Technical Support Document for the 2011 Ozone Transport Commission/Mid-Atlantic Northeastern Visibility Union Modeling Platform'', November 15, 2016 in the docket for this action.

[9] The EPA's final rule titled Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS was published in the **Federal Register** on October 26, 2016. *See* 81 FR 74504 (October 26, 2016).

nonattainment area will attain the 1997 ozone NAAQS in 2017.[10]

In summary, the photochemical grid modeling used by Connecticut in its August 8, 2017 SIP submittal to demonstrate attainment of the 1997 ozone NAAQS meets the EPA's guidelines and is acceptable to the EPA. Air quality monitoring data for 2014–2016 also demonstrates attainment of the 1997 8-hour ozone standard throughout the NY-NJ-CT area. The purpose of the attainment demonstration is to demonstrate how, through enforceable and approvable emission reductions, an area will meet the standard by the attainment date. The purpose of the RACM analysis is to show that the State has considered all reasonable available control measures to achieve attainment of the 1997 8-hour ozone standard. All necessary ozone control measures have already been adopted, submitted, approved and implemented. Based on (1) the State following the EPA's modeling guidance, (2) the modeled attainment of 1997 standard, (3) the air quality monitoring data for 2014–2016, and (4) the implemented SIP-approved control measures, the EPA is proposing to approve the attainment demonstration and RACM analysis for the 1997 ozone NAAQS for the Connecticut portion of the NY-NJ-CT area. The EPA is not taking action on the attainment demonstration and RACM analysis for the 2008 ozone NAAQS at this time.

V. Proposed Action

The EPA has evaluated the information provided by Connecticut and has considered all other information it deems relevant to attainment of the 1997 8-hour ozone standard, *i.e.,* statewide RACT analysis approval, RFP plan approvals, continued attainment of the 1997 8-hour ozone standard based on quality assured and certified monitoring data, and the implementation of the more stringent 2008 8-hour ozone standard. The EPA is therefore proposing to approve the attainment demonstration and RACM analysis for the Connecticut portion of the NY-NJ-CT area for the 1997 ozone NAAQS. This proposed rulemaking is intended to address the EPA's obligations to act on Connecticut's February 1, 2008 SIP revision for the 1997 ozone NAAQS, as well as the attainment demonstration and RACM analysis portion of the August 8, 2017 SIP submittal for the 1997 ozone NAAQS for the Connecticut portion of the NY-NJ-CT area.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register** document.

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 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 proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant 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 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 17, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

[FR Doc. 2018–11199 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

[10] The OTC CMAQ and EPA CAMx modeling results for all monitors in the NY-NJ-CT nonattainment area predict all monitors will attain the 1997 NAAQS in 2017. In addition, the OTC CMAQ modeling analysis was used to demonstrate attainment with the 1997 ozone NAAQS in the November 2017 attainment demonstration submitted by the New York Department of Conservation and the December 2017 attainment demonstration submitted by the New Jersey Department of Environmental Protection.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2018–0269; FRL–9977–87—Region 1]

Air Plan Approval; Maine; Infrastructure Requirement for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a February 21, 2018, State Implementation Plan (SIP) revision submitted by the State of Maine. This revision addresses the interstate transport requirements of the Clean Air Act (CAA) with respect to the 2010 primary nitrogen dioxide (NO_2) National

Ambient Air Quality Standard (NAAQS). This action proposes to approve Maine's demonstration that the State is meeting its obligations regarding the interstate transport of NO_2 emissions into other states. This action is being taken under the CAA.

DATES: Written comments must be received on or before June 25, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2018–0269 at *www.regulations.gov,* or via email to *bird.patrick@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact 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 *www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Patrick Bird, Office of Ecosystem Protection, 5 Post Office Square—Suite 100 (Mail Code OEP 05–2), Boston, MA 01209–3912, tel. (617) 918–1287, email *bird.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background

On February 9, 2010, EPA promulgated a new 1-hour primary NAAQS for NO_2 at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474. This NAAQS is designed to protect against exposure to the entire group of nitrogen oxides (NO_X). NO_2 is the component of greatest concern and is used as the indicator for the larger group of NO_X Emissions that lead to the formation of NO_2 generally also lead to the formation of other NO_X Therefore, control measures that reduce NO_2 can generally be expected to reduce population exposures to all gaseous NO_X which may have the co-benefit of reducing the formation of ozone and fine particles, both of which pose significant public health threats.

Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS, or within such shorter period as EPA may prescribe.[1] These SIPs, which EPA has historically referred to as ''infrastructure SIPs,'' are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS, and the requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. A detailed history, interpretation, and rationale of these SIPs and their requirements can be found in, among other documents, EPA's May 13, 2014 proposed rulemaking titled, ''Infrastructure SIP Requirements for the 2008 Lead NAAQS,'' in the section ''What is the scope of this rulemaking?'' *See* 79 FR 27241 at 27242–45. As noted above, section 110(a) of the CAA imposes an obligation upon states to submit to EPA a SIP submission for a new or revised NAAQS. The content of individual state submissions may vary depending upon the facts and circumstances, and may also vary depending upon what provisions the state's approved SIP already contains.

On June 7, 2013, the Maine Department of Environmental Protection (ME DEP) submitted for EPA approval revisions to its SIP, certifying that its SIP meets all but one of the requirements of section 110(a)(2) of the CAA with respect to the 2010 primary NO_2 NAAQS. The State did not include in its submittal a certification for the transport element of CAA section 110(a)(2)(D)(i)(I). On March 26, 2018, EPA proposed to approve ME DEP's certification that its SIP was adequate to meet most of the program elements required by section 110(a)(2) of the CAA with the exception of subsection (E) regarding state boards, for which EPA proposed a conditional approval. *See* 83 FR 12905.

On February 21, 2018, ME DEP submitted an analysis addressing the transport elements of CAA section 110(a)(2)(D)(i)(I) for the 2010 primary NO_2 NAAQS.

II. Section 110(a)(2)(D)(i)(I)—Interstate Transport

Section 110(a)(2)(D)(i)(I) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from emitting any air pollutant in amounts that will contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in another state. The two clauses of this section are referred to as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance of the NAAQS).

III. State Submittal

Maine presents several facts in its SIP submittal concerning the current and future impact of in-state NO_2 emissions on nonattainment, and interference with maintenance, of the NO_2 NAAQS in another state. The approach used to analyze the effects of transport for NO_2 emissions from Maine consists of three elements: (1) The fact that all areas in the United States have been designated unclassifiable/attainment for the 2010 primary NO_2 NAAQS; (2) monitoring data continue to show no violations of that standard at any monitoring station in New England; and (3) that major stationary sources of NO_X in Maine are subject to a variety of federally-enforceable regulations (*e.g.,* prevention of significant deterioration (PSD) permitting requirements under ME DEP's 06–096 CMR 115, Major and Minor License Regulations and 06–096

[1] This requirement applies to both primary and secondary NAAQS, but EPA's approval in this notice applies only to the 2010 primary NAAQS for NO_2 because EPA did not revise the secondary NAAQS for NO_2 in 2010. *See* 75 FR 35521 & n.2.

CMR Chapter 135, Reasonably Achievable Control Technology for Facilities that Emit Nitrogen Oxides [2]).

Due to these facts, Maine asserts that the State does not contribute to nonattainment, or interfere with maintenance, of the NO_2 NAAQS in another state nor will new sources of NO_2 emissions in Maine have such an impact in other states. Furthermore, Maine notes that statewide NO_X emissions have declined from 95,471 tons per year in 2000 to 45,214 tons per year in 2016. ME DEP expects the downward trend to continue as both stationary and mobile sources continue to advance NO_X controls.

IV. EPA's Evaluation

EPA evaluated Maine's analysis as contained in the State's February 21, 2018, infrastructure SIP submittal concerning interstate transport of NO_2 emissions as it pertains to CAA section 110(a)(2)(D)(i)(I) for the 2010 primary NO_2 NAAQS.[3] With respect to designations of the 2010 primary NO_2 NAAQS, Maine correctly asserts that the entire country is designated unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532 (February 17, 2012). Those designations are based on three-year design values [4] for the 2008–2010 time period that showed that all ambient air quality monitoring stations monitoring for NO_2 in the United States met the NAAQS. The most recent three-year design value period, spanning 2014–2016, indicate continued attainment of the 2010 primary NO_2 NAAQS at all NO_2 monitoring stations in the country.[5] Furthermore, measurements from the most recent three-year design value period showed that all ambient air quality monitoring sites in Maine and the other New England states were well below the standard at no more than 54% of the NO_2 NAAQS.

ME DEP has an EPA-approved PSD permitting program and its regulations, found at 06–096 CMR 115, ''Major and Minor License Regulations,'' contain appropriate measures to address NO_X emissions from major new and modified stationary sources in the State. Similarly, 06–096 CMR Chapter 138, ''Reasonably Achievable Control Technology for Facilities that Emit Nitrogen Oxides,'' are EPA-approved regulations that apply to major existing stationary sources of NO_X in Maine. For these reasons, EPA proposes that Maine does not significantly contribute to nonattainment in, or interfere with maintenance by, any other state with respect to the 2010 NO_2 NAAQS and that its SIP contains adequate measures prohibiting such contribution or interference.

V. Proposed Action

In light of the above evaluation, EPA is proposing to approve Maine's February 21, 2018 infrastructure submittal for the 2010 primary NO_2 NAAQS as it pertains to Section 110(a)(2)(D)(i)(I) of the CAA. EPA is soliciting public comments on the issues discussed in this notice. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting comments to this proposed rulemaking by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

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 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 proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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 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, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: May 17, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

[FR Doc. 2018–11200 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

[2] EPA notes that Maine's NO_X reasonably available control technology rule is located at 06–096 CMR Chapter 138, not 06–096 CMR Chapter 135.

[3] EPA notes that the evaluation of other states' satisfaction of section 110(a)(2)(D)(i)(I) for the 2010 NO_2 NAAQS can be informed by similar factors found in this proposed rulemaking, but may not be identical to the approach taken in this or any future rulemaking for Maine and depends on available information and state-specific circumstances.

[4] A ''design value'' is a statistic that describes the air quality status of a given location relative to the level of the NAAQS. The interpretation of the 2010 primary NO_2 NAAQS (set at 100 ppb) including the data handling conventions and calculations necessary for determining compliance with the NAAQS can be found in Appendix T to 40 CFR part 50.

[5] See *www.epa.gov/air-trends/air-quality-design-values* for NO_2 design values.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0279; FRL–9978–64—Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; VOC Definition Update and Removal of Obsolete Gasoline Vapor Recovery Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request submitted by the Wisconsin Department of Natural Resources (WDNR) on May 16, 2017, to revise the Wisconsin State Implementation Plan (SIP). The submission includes amendments to the Wisconsin Administrative Code updating the definition of ''volatile organic compound (VOC)'' to add eight compounds to the list of exempted compounds. These revisions are based on EPA rulemakings in 2012, 2013, and 2014, which added these compounds to the list of chemical compounds that are excluded from the Federal definition of VOC because, in their intended used, they make negligible contributions to tropospheric ozone formation. In addition, WDNR is also requesting to withdraw several previously approved provisions of the Wisconsin Administrative Code from the SIP concerning the State's Stage II vapor recovery (Stage II) program that terminated in 2012. EPA approved the removal of the Stage II program as a component of the Wisconsin SIP in 2013, including the approval of a demonstration under section 110(l) of the Clean Air Act (CAA) that addressed emissions impacts associated with the removal of the program.

DATES: Comments must be received on or before June 25, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2017–0279 at *http://www.regulations.gov,* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Mobile Source Program Manager, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@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?

A. When did the State submit the SIP revision to EPA?

WDNR submitted to EPA a revision to the Wisconsin SIP for approval on May 16, 2017. The SIP revision primarily updates the definition of VOC at Wisconsin Administrative Code Chapter NR 400.02(162) and removes obsolete State provisions concerning the State's Stage II program that terminated in 2012 in Southeast Wisconsin.

B. Did Wisconsin hold public hearings on this SIP revision?

WDNR conducted a public hearing in Madison, Wisconsin on November 5, 2015.

II. What is EPA proposing to approve?

EPA is proposing to approve a Wisconsin SIP revision that updates the definition of VOC at Wisconsin Administrative Code Chapter NR 400.02(162) to add Trans-1,3,3,3-tetrafluoropropene (HFO-1234ze), HCF_2OCF_2H (HFE-134), $HCF_2OCF_2OCF_2H$ (HFE-236cal2), $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13), $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galaden 1040X or H-Galden ZT 130 (or 150 or 180), Trans-1-chloro-3,3,3-triflouroprop-1-ene (SolsticeTM 1233zd(E)), 2,3,3,3-tetraflouropropene (HFO-1234yf), and 2-amino-2-methyl-1-propanol (AMP; CAS number 124–68–5) to the list of excluded compounds at NR 400.02(162). Wisconsin took this action based on EPA's 2012, 2013, and 2014 rulemakings in which EPA determined that these compounds have a negligible contribution to tropospheric ozone formation and thus should be excluded from the definition of VOC codified at 40 CFR 51.100(s). *See* 77 FR 37610 (June 22, 2012); 78 FR 9823 (February 12, 2013); 78 FR 62451 (October 22, 2013); 78 FR 53029 (August 28, 2013); and 79 FR 18037 (March 27, 2014). This action also proposes to approve minor grammatical edits for clarity in NR 420.02(39), NR 420.03(4)(b)3, NR 420.04(1)(b)4, and NR 420.04(3)(c)1.

EPA is also proposing to approve the withdrawal of several remaining provisions from the Wisconsin SIP that are related to the Stage II vapor recovery program that was terminated by Wisconsin in 2012. Wisconsin originally submitted a SIP revision to EPA on November 18, 1992, to satisfy the requirement of section 182(b)(3) of the CAA. The revision applied to the counties of Kenosha, Kewanee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha, and was incorporated into the WDNR's 1993–94 ozone 15% Control Plan. EPA fully approved Wisconsin's Stage II program on August 13, 1993 (53 FR 43080), including the program's legal authority and administrative requirements found in Section 285.31 of the Wisconsin Statutes and Chapter NR 420.045 of the Wisconsin Administrative Code.

On November 12, 2012, WDNR submitted a SIP revision requesting the removal of Stage II requirements under NR 420.045 of the Wisconsin Administrative Code from the Wisconsin SIP. To support the removal of the Stage II requirements, the revision included a section 110(l) demonstration addressing the emissions impacts associated with the removal of the program. On November 4, 2013 (78 FR 65875), EPA approved the removal of the Stage II requirements under NR 420.045 of the Wisconsin Administrative Code from the Wisconsin SIP. In this action EPA proposes to approve the removal of the

residual Stage II provisions that remained in place after the program was decommissioned. These provisions are NR 420.02(8m), 420.02(26), 420.02(32), 420.02(38m), NR 425.035, NR 439.06(3)(i), NR 484.05(4), NR 484.05(5), and NR 494.04.

III. What is EPA's analysis of the SIP revision?

In 2005, EPA received a petition asking EPA to exempt HCF_2 OCF_2H (HFE-134), $HCF_2OCF_2OCF_2H$ (HFE-236cal2), $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13), and $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)) from the definition of VOC. Based on the level of reactivity of these chemical compounds, EPA concluded that these compounds make negligible contributions to tropospheric ozone formation (78 FR 9823, February 12, 2013). Therefore, on February 12, 2013, EPA amended 40 CFR 51.100(s)(1) to exclude these compounds from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA (78 FR 9823). EPA's action became effective March 14, 2013. Wisconsin's SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

In 2009, EPA received a petition asking EPA to exempt 2,3,3,3-tetrafluoropropene (HFO-1234yf) from the definition of VOC. Based on the level of reactivity of this chemical compound, EPA concluded that this compound makes a negligible contribution to tropospheric ozone formation (78 FR 62451, October 22, 2013). Therefore, on October 22, 2013, EPA amended 40 CFR 51.100(s)(1) to exclude this compound from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA (78 FR 62451). EPA's action became effective November 21, 2013. Wisconsin's SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

In 2009, EPA received a petition asking EPA to exempt Trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) from the definition of VOC. Based on the level of reactivity of this chemical compound, EPA concluded that this compound makes a negligible contribution to tropospheric ozone formation (77 FR 37610, June 22, 2012). Therefore, on June 22, 2012, EPA amended 40 CFR 51.100(s)(1) to exclude this compound from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA (77 FR 37610). EPA's action became effective July 23, 2012. Wisconsin's SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

In 2011, EPA received a petition asking EPA to exempt Trans 1-chloro-3,3,3-trifluoroprop-1-ene from the definition of VOC. Based on the level of reactivity of this chemical compound, EPA concluded that this compound makes a negligible contribution to tropospheric ozone formation (78 FR 53029, August 28, 2013). Therefore, on August 28, 2013, EPA amended 40 CFR 51.100(s)(1) to exclude this compound from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA (78 FR 53029). EPA's action became effective September 27, 2013. Wisconsin's SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

In 2012, EPA received a petition asking EPA to exempt 2-amino-2-methyl-1-propanol (AMP; CAS number 124–68–5) from the definition of VOC. Based on the level of reactivity of this chemical compound, EPA concluded that this compound makes a negligible contribution to tropospheric ozone formation (79 FR 18037, March 27, 2014). Therefore, on March 27, 2014, EPA amended 40 CFR 51.100(s)(1) to exclude this compound from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA (79 FR 17037). EPA's action became effective June 25, 2014. Wisconsin's SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

As stated above, EPA has determined that the compounds outlined in Wisconsin's SIP revision all qualify as negligibly reactive with respect to their contribution to tropospheric ozone formation. Although states are not obligated to exclude from control as VOCs those compounds that the EPA has found to be negligibly reactive, states may not take credit for controlling these compounds in their ozone control strategies.

In addition, the proposed approval of changes in NR 420.02(39), NR 420.03(4)(b)3, NR 420.04(1)(b)4, and NR 420.04(3)(c)1 are administrative in nature only, and do not have any negative impact on air quality.

As discussed previously in this action, WDNR submitted a SIP revision on November 12, 2012, requesting the removal of Stage II requirements under NR 420.045 of the Wisconsin Administrative Code from the Wisconsin SIP. To support the removal of the Stage II requirements, the revision included a section 110(l) demonstration addressing the emissions impacts associated with the removal of the program. On November 4, 2013 (78 FR 65875) EPA approved the removal of the Stage II requirements from the Wisconsin SIP. In this action EPA is proposing to approve the removal of residual Stage II provisions NR 420.02(8m), 420.02(26), 420.02(32), 420.02(38m), NR 425.035, NR 439.06(3)(i), NR 484.05(4), NR 484.05(5), and NR 494.04, which remained in place after the program was decommissioned at the state level. The removal of these provisions from the SIP does not have any negative impact on air quality in Southeast Wisconsin, since the state addressed the overall emissions impact resulting from the 2012 termination of the Stage II program. *See* 78 FR 65875.

IV. What action is EPA proposing to take?

EPA is proposing to approve the revision to the Wisconsin SIP submitted by WDNR on May 16, 2017, because the revision is consistent with EPA's prior actions revising the definition of VOC. In addition, the removal of remaining Stage II program provisions from the SIP meets all applicable requirements, and it will not interfere with reasonable further progress or attainment of any of the national ambient air quality standards.

V. Incorporation by Reference

In this rule, 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, EPA is proposing to incorporate by reference revisions to Wisconsin Administrative Code provisions NR 400.02(162), NR 420.02(39), NR 420.0 3(4)(b)3, NR 420.04(1)(b)4, and NR 420.04(3)(c)1, published in the Wisconsin Register #727 on July 25, 2016 and became effective August 1, 2016. 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 CAA, the Administrator is required to approve a SIP submission

that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely 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);
- 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 CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: May 16, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–11313 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 180320301–8301–01]

RIN 0648–XG121

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to implement annual management measures and catch limits for the northern subpopulation of Pacific sardine (hereafter, Pacific sardine), for the fishing year from July 1, 2018, through June 30, 2019. The proposed action would prohibit directed commercial fishing for Pacific sardine off the coasts of Washington, Oregon, and California, except in the live bait, tribal, or minor directed fisheries, or as incidental catch in other fisheries. The incidental harvest of Pacific sardine would initially be limited to 40-percent by weight of all fish per trip when caught with other CPS or up to 2 metric tons (mt) when caught with non-CPS. The proposed annual catch limit (ACL) for the 2018–2019 Pacific sardine fishing year is 7,000 mt. This proposed rule is intended to conserve and manage the Pacific sardine stock off the U.S. West Coast.

DATES: Comments must be received by June 11, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2018–0044, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0044,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 501 W Ocean Blvd., Ste. 4200, Long Beach, CA 90802–4250; Attn: Joshua Lindsay.
- *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).

Copies of the report ''Assessment of Pacific Sardine Resource in 2018 for U.S.A. Management in 2017–2018'' are available *http://www.pcouncil.org/wp-content/uploads/2017/03/G5a_Stock_Assessment_Rpt_Full_ElectricOnly_Apr2017BB.pdf,* and may be obtained from the West Coast Region (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034, *joshua.lindsay@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (California, Oregon, and Washington) in accordance with the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The FMP and its implementing regulations require NMFS to set annual catch levels for the Pacific sardine fishery based on the annual specification framework and control rules in the FMP. These control rules include the harvest guideline (HG) control rule, which, in conjunction with the overfishing limit (OFL) and acceptable biological catch (ABC) rules in the FMP, are used to manage harvest levels for Pacific sardine, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*

During public meetings each year, the Southwest Fishery Science Center (SWFSC) presents the estimated biomass for Pacific sardine to the Pacific Fishery Management Council's (Council) CPS Management Team (Team), the Council's CPS Advisory Subpanel (Subpanel) and the Council's Scientific and Statistical Committee

(SSC). The Team, Subpanel and SSC review the biomass and the status of the fishery, and make applicable catch limit and additional management measure recommendations. Following Council review and public comment, the Council adopts a biomass estimate and makes its catch limit and any in-season accountability measure recommendations to NMFS. Annual specifications published in the **Federal Register** establish these catch limits and management measures for each Pacific sardine fishing year. This rule proposes the Council's recommended catch limits for the 2018–2019 fishing year, as well as management measures to ensure that harvest does not exceed those limits, and adoption of an OFL and ABC that is established after taking into consideration uncertainty surrounding the current estimate of biomass for Pacific sardine.

According to the FMP, the quota for the principal commercial fishery is determined using the FMP-specified HG formula. The HG formula in the CPS FMP is HG = [(Biomass-CUTOFF) * FRACTION * DISTRIBUTION] with the parameters described as follows:

1. *Biomass.* The estimated stock biomass of Pacific sardine age one and above. For the 2018–2019 management season, this is 52,065 mt.

2. *CUTOFF.* This is the biomass level below which no HG is set. The FMP established this level at 150,000 mt.

3. *DISTRIBUTION.* The average portion of the Pacific sardine biomass estimated in the EEZ off the Pacific coast is 87 percent.

4. *FRACTION.* The temperature-varying harvest fraction is the percentage of the biomass above 150,000 mt that may be harvested.

As described above, the Pacific sardine HG control rule, the primary mechanism for setting the annual directed commercial fishery quota, includes a CUTOFF parameter, which has been set as a biomass level of 150,000 mt. This amount is subtracted from the annual biomass estimate before calculating the applicable HG for the fishing year. Since this year's biomass estimate is below that value, the formula results in an HG of zero, and no Pacific sardine are available for the primary commercial directed fishery during the 2018–2019 fishing season.

At the April 2018 Council meeting, the Council's SSC approved, and the Council adopted, the SWFSC's ''Assessment of the Pacific Sardine Resource in 2018 for U.S. Management in 2018–2019'', available here: *http://www.pcouncil.org/wp-content/uploads/2017/03/G5a_Stock_Assessment_Rpt_Full_ElectricOnly_Apr2017BB.pdf.* The resulting Pacific sardine biomass estimate of 52,065 mt was adopted as the best available science for setting harvest specifications. Based on recommendations from its SSC and other advisory bodies, the Council recommended, and NMFS is proposing, an OFL of 11,324 mt, an ABC of 9,436 mt, and a prohibition on Pacific sardine catch, unless it is harvested as part of the live bait, tribal, or minor directed fisheries, or as incidental catch in other fisheries. As an additional management measure, the Council also recommended, and NMFS is proposing, an ACL of 7,000 mt.

Because Pacific sardine is known to school with other CPS stocks, the Council recommended, and NMFS is proposing, incidental catch limits to allow for the continued prosecution of these other important CPS fisheries. Furthermore, the Council recommended, and NMFS is proposing, the following automatic inseason actions to reduce the potential for both targeting and discard of Pacific sardine in these fisheries:

- An incidental per landing by weight allowance of 40 percent Pacific sardine in non-treaty CPS fisheries until a total of 2,500 mt of Pacific sardine has been landed; and
- A reduction of the incidental per landing allowance to 20 percent for the remainder of the 2018–2019 fishing year once 2,500 mt Pacific sardine has been landed.

Additionally, the Council recommended, and NMFS is proposing, a 2-mt incidental per landing allowance in non-CPS fisheries.

The NMFS West Coast Regional Administrator would publish a notice in the **Federal Register** to announce when catch reaches the incidental limits as well as any changes to allowable incidental catch percentages. Additionally, to ensure that the regulated community is informed of any closure, NMFS would make announcements through other means available, including fax, email, and mail to fishermen, processors, and state fishery management agencies.

In each of the previous six fishing years, the Quinault Indian Nation requested, and NMFS approved, a set-aside for the exclusive right to harvest Pacific sardine in the Quinault Usual and Accustomed Fishing Area off the coast of Washington State, pursuant to the 1856 Treaty of Olympia (Treaty with the Quinault). For the 2018–2019 fishing year, the Quinault Indian Nation has requested, and NMFS is proposing, a tribal set-aside of 800 mt. This is the same amount that was requested and approved for the 2017–2018 season.

At the April 2018 meeting, the Council also voted in support of two exempted fishing permit (EFP) proposals requesting an exemption from the prohibition to directly harvest Pacific sardine. This action accounts for the potential of NMFS approval of up to 610 mt of the ACL to be harvested for EFP activities.

Detailed information on the fishery and the stock assessment are found in the report ''Assessment of the Pacific Sardine Resource in 2018 for U.S. Management in 2018–2019'' (see **ADDRESSES**).

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 CPS FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule is exempt from the procedures of E.O. 12866 because this action contains no implementing regulations.

Pursuant to Executive Order 13175, this proposed rule was developed after meaningful consultation and collaboration with the tribal representative on the Council who has agreed with the provisions that apply to tribal vessels.

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, for the following reasons:

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

The purpose of this proposed rule is to conserve the Pacific sardine stock by preventing overfishing, so that directed fishing may occur in future years. This will be accomplished by implementing the 2018–2019 annual specifications for Pacific sardine in the U.S. EEZ off the Pacific coast. The small entities that would be affected by the proposed action are the vessels that would be expected to harvest Pacific sardine as

part of the West Coast CPS small purse seine fleet if the fishery were open. In 2014, the last year that a directed fishery for Pacific sardine was allowed, there were approximately 81 vessels permitted to operate in the directed sardine fishery component of the CPS fishery off the U.S. West Coast; 58 vessels in the Federal CPS limited entry fishery off California (south of 39° N lat.); and a combined 23 vessels in Oregon and Washington's state Pacific sardine fisheries. The average annual per vessel revenue in 2014 for those vessels was well below the threshold level of $11 million; therefore, all of these vessels are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule is considered to equally affect all of these small entities in the same manner. Therefore, this rule would not create disproportionate costs between small and large vessels/businesses.

The CPS FMP and its implementing regulations require NMFS to annually set an OFL, ABC, ACL, and HG or annual catch target (ACT) for the Pacific sardine fishery based on the specified harvest control rules in the FMP applied to the current stock biomass estimate for that year. The derived annual HG is the level typically used to manage the principal commercial sardine fishery and is the harvest level NMFS typically uses for profitability analysis each year. As stated above, the CPS FMP dictates that when the estimated biomass drops below a certain level (150,000 mt) there is no HG. Therefore, for the purposes of profitability analysis, this action is essentially proposing an HG of zero for the 2018–2019 Pacific sardine fishing season (July 1, 2018, through June 30, 2019). The estimated biomass used for management during the preceding fishing year (2017–2018) was also below 150,000 mt. Therefore, NMFS did not implement a HG for the 2017–2018 fishing year, thereby prohibiting the primary commercial directed Pacific sardine fishery. Since there is again no directed fishing for the 2018–2019 fishing year, this proposed rule will not change the potential profitability as compared to the previous fishing year.

The revenue derived from harvesting Pacific sardine is typically only one of the sources of fishing revenue for the commercial vessels that participate in this fishery. As a result, the economic impact to the fleet from the proposed action cannot be viewed in isolation. From year to year, depending on market conditions and availability of fish, most CPS/sardine vessels supplement their income by harvesting other species. Many vessels in California also harvest anchovy, mackerel, and in particular, squid, making Pacific sardine only one component of a multi-species CPS fishery. Additionally, some sardine vessels that operate off of Oregon and Washington also fish for salmon in Alaska or squid in California during times of the year when sardine are not available. The purpose of the incidental catch limits proposed in this action are to ensure the vessels impacted by a prohibition on directly harvesting sardine can still access these other profitable fisheries while still minimizing Pacific sardine harvest. These proposed incidental allowances are similar to those implemented last year and should not restrict access to those other fisheries.

CPS vessels typically rely on multiple species for profitability because abundance of Pacific sardine, like the other CPS stocks, is highly associated with ocean conditions and seasonality. Variability in ocean conditions and season results in variability in the timing and location of CPS harvest throughout the year. Because each species responds to ocean conditions in its own way, not all CPS stocks are likely to be abundant at the same time. Therefore, as abundance levels and markets fluctuate, the CPS fishery as a whole has relied on a group of species for its annual revenues.

Therefore the proposed action, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, an Initial Regulatory Flexibility Analysis is not required, and none has been prepared.

This action does not contain a collection-of-information requirement for purposes of the Paper Reduction Act.

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

Dated: May 21, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–11208 Filed 5–24–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 102
Friday, May 25, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), the Assembly of the Administrative Conference of the United States will hold a meeting to consider four proposed recommendations and to conduct other business. This meeting will be open to the public.

DATES: The meeting will take place on Thursday, June 14, 2018, 1:00 p.m. to 5:15 p.m.; and Friday, June 15, 2018, 9:00 a.m. to 11:45 a.m. The meeting may adjourn early if all business is finished.

ADDRESSES: The meeting will be held at The George Washington University Law School, 2000 H Street NW, Washington, DC 20052 (Jacob Burns Moot Court Room).

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; Telephone 202–480–2088; email *smcgibbon@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595).

Agenda: In addition to receiving updates on past, current, and pending Conference initiatives, the Assembly will consider four proposed recommendations as described below:

Paperwork Reduction Act Efficiencies. This proposed recommendation encourages collaboration between the Office of Information and Regulatory Affairs and federal agencies to maximize opportunities for making the information collection clearance process under the Paperwork Reduction Act more efficient, while still maintaining its integrity. The proposed recommendation encourages using generic clearances and common forms more frequently, providing more training to agencies, and improving several other aspects of the information collection clearance process.

Administrative Judges. This proposed recommendation addresses agency practices related to the use of administrative judges—adjudicators who preside over evidentiary hearings that are not governed by the adjudication provisions of the Administrative Procedure Act. It offers recommendations for agencies to consider when designing or evaluating adjudication programs that promote impartiality in administrative judges and increase clarity and transparency with respect to the policies and procedures that govern their selection, oversight, evaluation, discipline, and removal.

Minimizing the Cost of Judicial Review. This proposed recommendation encourages federal agencies that anticipate litigation over their rules to consider early in the rulemaking process whether a rule is severable, meaning divisible into portions that can and should function independently, and outlines steps agencies should take if they intend that portions of a rule should continue in effect even though other portions have been held unlawful on judicial review. It also encourages courts adjudicating a challenge to an agency rule to solicit the parties' views on the issue of severability in appropriate circumstances.

Electronic Case Management in Federal Administrative Adjudication. This proposed recommendation offers guidance for agencies considering whether and how to implement an electronic case management system. It provides factors for agencies to consider in weighing the costs and benefits of an electronic case management system; sets forth measures an agency should take to ensure privacy, transparency, and security; and describes ways an electronic case management system may improve adjudicatory processes.

Additional information about the proposed recommendations and the order of the agenda, as well as other materials related to the meeting, can be found at the 69th Plenary Session page on the Conference's website: *https://www.acus.gov/meetings-and-events/plenary-meeting/69th-plenary-session.*

Public Participation: The Conference welcomes the attendance of the public at the meeting, subject to space limitations, and will make every effort to accommodate persons with disabilities or special needs. Members of the public who wish to attend in person are asked to RSVP online at the 69th Plenary Session web page shown above, no later than two days before the meeting, in order to facilitate entry. Members of the public who attend the meeting may be permitted to speak only with the consent of the Chairman and the unanimous approval of the members of the Assembly. If you need special accommodations due to disability, please inform the Designated Federal Officer noted above at least 7 days in advance of the meeting. The public may also view the meeting through a live webcast, which will be available at: *https://livestream.com/ACUS.*

Written Comments: Persons who wish to comment on any of the proposed recommendations may do so by submitting a written statement either online by clicking ''Submit a Comment'' on the 69th Plenary Session web page shown above or by mail addressed to: June 2018 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. Written submissions must be received no later than 10:00 a.m. (EDT), Thursday, June 7, to assure consideration by the Assembly.

Dated: May 22, 2018.

Shawne McGibbon,

General Counsel.

[FR Doc. 2018–11328 Filed 5–24–18; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Opportunity for Designation in the Topeka, Kansas; Minot, North Dakota; Cincinnati, Ohio; Pocatello, Idaho; Evansville, Indiana; Salt Lake City, Utah; West Sacramento, California; Richmond, Virginia; and Savage, Minnesota Areas; Request for Comments on the Official Agencies Servicing This Area

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The designations of the following official agencies listed below will end on the prescribed dates:

Official agency	Headquarters location and telephone	Designation end
Kansas Grain Inspection Service, Inc	Topeka, KS—785–233–7063	6/30/2018
Minot Grain Inspection, Inc	Minot, ND—701–838–1734	6/30/2018
Tri-State Grain Inspection Service, Inc	Cincinnati, OH—513–251–6571	6/30/2018
Idaho Grain Inspection Service, Inc	Pocatello, ID—208–233–8303	9/30/2018
Ohio Valley Grain Inspection, Inc	Evansville, IN—812–423–9010	9/30/2018
Utah Department of Agriculture and Food	Salt Lake City, UT—801–392–2292	9/30/2018
California Agri Inspection Co., Ltd	West Sacramento, CA—916–374–9700	12/31/2018
Virginia Department of Agriculture and Consumer Services	Richmond, VA—757–494–2455	12/31/2018
State Grain Inspection, Inc	Savage, MN—952–808–8566	12/31/2018

We are asking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agencies: Kansas Grain Inspection Service, Inc. (Kansas); Minot Grain Inspection, Inc. (Minot); Tri-State Grain Inspection Service, Inc. (Tri-State); Idaho Grain Inspection Service, Inc. (Idaho); Ohio Valley Grain Inspection, Inc. (Ohio Valley); Utah Department of Agriculture and Food (Utah); California Agri Inspection Co., Ltd. (Cal-Agri); Virginia Department of Agriculture and Consumer Services (Virginia); and State Grain Inspection, Inc. (State Grain). The realignment of offices within the U.S. Department of Agriculture authorized by the Secretary's Memorandum dated November 14, 2017, eliminates the Grain Inspection, Packers and Stockyards Administration (GIPSA) as a standalone agency. The grain inspection activities formerly part of GIPSA are now organized under AMS.

DATES: Applications and comments must be received by June 25, 2018.

ADDRESSES: Submit applications and comments concerning this Notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Jacob Thein, Compliance Officer, USDA, AMS, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Jacob Thein, 816–872–1257
- *Email: FGISQACD@ams.usda.gov*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Jacob Thein, 816–866–2223, *Jacob.D.Thein@ams.usda.gov* or *FGISQACD@ams.usda.gov*

SUPPLEMENTARY INFORMATION: Section 7(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

Areas Open for Designation

Kansas, Minot, and Tri-State: Areas of designation include Colorado, Kansas, and parts of Nebraska, Wyoming, North Dakota, Indiana, Kentucky, and Ohio. Please see **Federal Register** (80 FR 7564–7565) for designations of areas open for designation.

Idaho, Ohio Valley, and Utah: Areas of designation include Utah and parts of Idaho, Indiana, Kentucky, and Tennessee. Please see **Federal Register** (80 FR 37581) for designations of areas open for designation.

Cal-Agri and Virginia: Areas of designation include Virginia and parts of California. Please see **Federal Register** (80 FR 37580) for designations of areas open for designation.

State Grain: Areas of designation include parts of Minnesota. Please see **Federal Register** (82 FR 30818–30819) for designations of areas open for designation.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas of the official agencies specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas for Kansas, Minot, and Tri-State is for the period beginning July 1, 2018, to June 30, 2023. Designation in the specified geographic areas for Idaho, Ohio Valley, and Utah is for the period beginning October 1, 2018, to September 30, 2023. Designation in the specified geographic areas for Cal-Agri, Virginia,

and State Grain is for the period beginning January 1, 2019, to December 31, 2023. To apply for designation or to request more information on the geographic areas serviced by these official agencies, contact Jacob Thein at the address listed above.

Request for Comments

We are publishing this Notice to provide interested persons the opportunity to comment on the quality of services provided by the Kansas, Minot, Tri-State, Idaho, Ohio Valley, Utah, Cal-Agri, Virginia, and State Grain official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant(s). Submit all comments to Jacob Thein at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Dated: May 22, 2018.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2018–11294 Filed 5–24–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 21, 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 June 25, 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: Agricultural Resource Management, Chemical Use, and Post-Harvest Chemical Use Surveys.

OMB Control Number: 0535–0218.

Summary of Collection: The primary functions of the National Agricultural Statistics Service (NASS) are to prepare and issue State and national estimates of crop and livestock production, disposition, and prices and to collect information on related environmental and economic factors. Detailed economic and environmental data for various crops and livestock help to maintain a stable economic atmosphere and reduce the risk for production, marketing, and distribution operations. The Agricultural Resource Management Surveys (ARMS), are the primary source of information for the U.S. Department of Agriculture on a broad range of issues related to agricultural resource use, cost of production, and farm sector financial conditions. NASS uses a variety of survey instruments to collect the information in conjunction with these studies. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204.

Need and Use of the Information: ARMS is the only annual source of whole farm information available for objective evaluation of many critical issues related to agriculture and the rural economy, such as: Whole farm finance data, marketing information, input usage, production practices, and crop substitution possibilities. Without these data, decision makers cannot analyze and report on critical issues that affect farms and farm households when pesticide regulatory actions are being considered.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 131,619.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 105,615.

National Agricultural Statistics Service

Title: Irrigation and Water Management Survey (IWMS).

OMB Control Number: 0535–0234.

Summary of Collection: The Irrigation and Water Management Survey (IWMS) is a reinstatement of a previously conducted survey (2013 Farm and Ranch Irrigation Survey). The IWMS is a follow-on survey and in integral part of the 2017 Census of Agriculture which is conducted every five years under the authority of the Census of Agriculture Act of 1997 (Pub. L. 105–113). This law requires the Secretary of Agriculture to conduct a census of agriculture beginning in 2002 and every fifth year thereafter (prior to 1997 the census was conducted by the Department of Commerce). The 2018 IWMS will be obtaining data describing the irrigation activities of U.S. farm operations. Some of these activities are of National concern, such as the use of chemigation, fertigation and water-conserving practices of irrigators. The 2018 IWMS will play an important part in providing critically needed data to address these types of issues.

Need and Use of the Information: NASS will collect information from the IWMS on acres irrigated by land use category, acres and yields of irrigated and non-irrigated crops, quantity of water applied, method of application to selected crops, acres irrigated, quantity of water used by source, acres irrigated by type of water distribution systems, and number of irrigation wells and pumps. The primary purpose of IWMS is to provide detailed data relating to on-farm irrigation activities for use in preparing a wide variety of water-related local programs, economic models, legislative initiatives, market analyses, and feasibility studies. The absence of the study data would certainly affect irrigation policy decisions, federal programs, legislation, and impact studies would instead be subject to greater uncertainty and error.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 35,100.

Frequency of Responses: Reporting: Other (one-time).

Total Burden Hours: 25,577.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–11214 Filed 5–24–18; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0006]

Availability of FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm Is Exempt From the Inspection Requirements of the Federal Meat Inspection Act

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability and request for comment.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of and requesting comments on a guideline for businesses that slaughter livestock or process meat and meat food products on the exemptions to the inspection requirements of the Federal Meat Inspection Act. The guideline explains each of the exemptions, when they apply, and which FSIS regulatory requirements must still be met.

DATES: Submit Comments on or before July 24, 2018.

ADDRESSES: A downloadable version of the guideline is available to view and print at *https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/compliance-guides-index* once copies of the guideline have been published.

FSIS invites interested persons to submit comments on this guideline. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0006. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Roberta Wagner, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

FSIS is the public health regulatory agency responsible for ensuring that meat, poultry, and egg products are safe, wholesome, and correctly labeled and packaged. For meat or meat food products, FSIS requires continuous inspection in the case of slaughter and at least daily inspection for processing, unless an exemption applies. The exemptions are located in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 623 and 661) and in FSIS's regulations (9 CFR 303.1).

This guideline describes each of the exemptions, to whom they apply, and which FSIS regulatory requirements must still be met. It also provides updated information on emerging business models and trends in procurement, and sales, and distribution. Generally, livestock slaughtered or processed by the owner or that which is custom slaughtered for use by the owner and his or her family or non-paying guests are exempt from FSIS's inspection requirements. Also exempt from inspection are businesses that meet FSIS's definitions of retail stores, restaurants, restaurant central kitchens, or caterers.

Businesses operating under an exemption are not exempt from the adulteration and misbranding requirements of the FMIA and may be subject to State or local regulatory requirements. FSIS regulations requiring recordkeeping, access to places of business, and the opportunity for examination of facilities, inventory, and records still apply.

FSIS encourages interested parties (*e.g.,* those to whom an exemption may apply) to follow this guideline. This guideline represents current FSIS thinking, and FSIS will update it as necessary to reflect comments received and any additional information that becomes available. FSIS is seeking comments on this guideline as part of its efforts to continuously assess and improve the effectiveness of policy documents.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done, at Washington, DC.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–11299 Filed 5–24–18; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of briefing meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a mini-briefing meeting of the New Jersey Advisory Committee to the Commission will convene at 11:00 a.m. (EDT) on Friday, June 29, 2018 in the Moot Court Room at Rutgers University Law School, 123 Washington Street, Newark, NJ 07102. The purpose of the mini-briefing is to discuss the five project concepts that advisory committee members are considering as a possible topic for their civil rights project with subject matter experts. The mini-briefing will help inform the members' decision when selecting the topic for their civil rights project. The meeting is scheduled for approximately four and one half hours.

DATES: Friday, June 29, 2018 (EDT).

TIME: 11:00 a.m.

ADDRESSES: Rutgers University Law School, Moot Court Room, 123 Washington Street, Newark, NJ 07102.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov,* or 202–376–7533.

SUPPLEMENTARY INFORMATION: If other persons who plan to attend the meeting require other accommodations, please contact Evelyn Bohor at *ebohor@usccr.gov* at the Eastern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Time will be set aside at the end of the briefing so that members of the public may address the Committee after the formal presentations have been completed. Persons interested in the issue are also invited to submit written comments; the comments must be received in the regional office by Monday, July 30, 2018. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://facadatabase.gov/committee/meetings.aspx?cid=240* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Tentative Agenda

Friday, June 29, 2018 at 11:00 a.m.

I. Welcome and Introductions
II. Mini-Briefing
  Topic 1
  Topic 2
  Topic 3
  Topic 4
  Topic 5
III. Other Business
IV. Adjourn

Dated: May 21, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–11189 Filed 5–24–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Tennessee Advisory Committee will hold a meeting on Monday, June 18, 2018 to work on post-report planning for the Civil Asset Forfeiture report and discuss potential future work on legal financial obligations and civil rights issues.

DATES: The meeting will be held on Monday June 18, 2018 12:30 p.m. EST.

Public Call Information: The meeting will be by teleconference. Toll-free call-in number: 888–466–4520, conference ID: 1630102.

FOR ADDITIONAL INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov* or 404–562–7006.

SUPPLEMENTAL INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–466–4520, conference ID: 1630102. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office by June 15, 2018. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. They may also be faxed to the Commission at (404) 562–7005, or emailed to Regional Director, Jeffrey Hinton at *jhinton@usccr.gov.* Persons who desire additional information may contact the Southern Regional Office at (404) 562–7000.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Tennessee Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Call To Order
  Diane DiIanni, Tennessee SAC Chairman

Jeff Hinton, Regional Director
Regional Update—Jeff Hinton
New Business: Diane DiIanni, Tennessee SAC Chairman/Staff/Advisory Committee
Public Participation
Adjournment

Dated: May 21, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–11190 Filed 5–24–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of monthly planning meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the New Jersey Advisory Committee to the Commission will convene by conference call, on Friday, June 15, 2018 at 11:30 a.m. (EDT). The purpose of the meeting is to elect additional Committee officers and to discuss the final plans for the June 29, 2018 mini-briefing meeting.

DATES: Friday, June 15, 2018, at 11:30 a.m. (EDT).

Public Call-In Information:
Conference call number: 1–888–778–9069 and conference call ID: 6970676.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–778–9069 and conference call ID: 6970676. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–888–778–9069 and conference call ID: 6970676.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=240;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Friday, June 15, 2018 at 11:30 a.m. (EDT)

I. Rollcall and Welcome
II. Select Additional Officers
III. Project Planning—Discuss final plans for the June 29 Mini-Briefing
IV. Other Business
V. Adjourn

Dated: May 21, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–11188 Filed 5–24–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No.: 170912893–7893–01]

Public Availability of Department of Commerce FY 2016 Service Contract Inventory Data

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Notice of public availability of FY 2016 service contract inventories data.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the Department of Commerce (DOC) is publishing this notice to advise the public of the availability of the Fiscal Year (FY) 2016 Service Contract Inventory data, a report that analyzes DOC's FY 2015 Service Contract Inventory and a plan for the analysis of FY 2016 Service Contract Inventory.

The service contract inventory provides information on service contract actions over $25,000 made in FY 2016. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance on service contract inventories issued on November 5, 2010, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP).

ADDRESSES: The Department of Commerce's FY 2016 Service Contract Inventory is included in the government-wide inventory available at: *https://www.acquisition.gov/service-contract-inventory,* which can be filtered to display the FY 2016 inventory for each agency. In addition to the link to access DOC's FY 2016 service contract inventory, the FY 2015 Analysis Report and Plan for analyzing the FY 2016 data is on the Office of Acquisition Management homepage at the following link *http://www.osec.doc.gov/oam/.* OFPP's guidance memo on service contract inventories is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Virna Winters, Director for Acquisitions Policy and Oversight Division at 202–482–4248 or *vwinters@doc.gov.*

Ellen Herbst,

Chief Financial Officer and Assistant Secretary for Administration.

[FR Doc. 2018–11345 Filed 5–24–18; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–35–2018]

Approval of Expanded Subzone Status, Subzone 231A, Medline Industries, Inc., Manteca, Stockton and Tracy, California

On February 15, 2018, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Port of Stockton, California, grantee of FTZ 231,

requesting expanded subzone status subject to the existing activation limit of FTZ 231, on behalf of Medline Industries, Inc., in Manteca, Stockton and Tracy, California. The application is also requesting that Site 1 of the subzone be removed, as it is no longer used by the company.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (83 FR 8242–8243, February 26, 2018). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 231A was approved on May 21, 2018, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ's 2,000-acre activation limit.

Dated: May 21, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–11303 Filed 5–24–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–815]

Light-Walled Rectangular Pipe and Tube From Turkey: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: On February 12, 2018, the Department of Commerce (Commerce) published the preliminary results of the 2016–2017 administrative review of the antidumping duty order on light-walled rectangular pipe and tube (LWRPT) from Turkey. Although invited to do so, interested parties did not comment on the preliminary results of this review. Therefore, we have adopted the preliminary results in these final results of the review.

DATES: Applicable May 25, 2018.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3518.

Background

On February 12, 2018, Commerce published its *Preliminary Results* of the review of the antidumping duty order on LWRPT from Turkey covering the period of review (POR) May 1, 2016 through April 30, 2017.[1] No parties commented on the *Preliminary Results.*

Scope of the Order

The merchandise covered by the antidumping order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 millimeters. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States at subheadings 7306.61.50.00 and 7306.61.70.60.[2]

Analysis

In the *Preliminary Results,* we determined that Agir Haddecilik A.S. (Agir) did not make sales of subject merchandise at prices below normal value during the period May 1, 2016, through April 30, 2017.[3] As no parties commented on the *Preliminary Results,* we are adopting the decisions in the Preliminary Decision Memorandum in these final results of review. For additional details, *see* the Preliminary Decision Memorandum, which is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and 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/index.html.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Final Results of Review

As a result of this review, Commerce determines that the following weighted-average dumping margin exists for Agir for the period May 1, 2016, through April 30, 2017:

Manufacturer/exporter	Weighted-average margin (percent)
Agir Haddecilik A.S.	0.00

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), we have determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[4] We intend to issue assessment instructions to CBP 15 days after the publication date of this notice of the final results of this review. Because we calculated a weighted-average dumping margin of zero for Agir, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Agir for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice of the final results of this review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Agir will be equal to the weighted-average dumping margin established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the

[1] *See Light-Walled Rectangular Pipe and Tube from Turkey: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 5987 (February 12, 2018) (*Preliminary Results*).

[2] For a complete description of the scope of the order *see* ''Decision Memorandum for Preliminary Results of the 2016–2017 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey,'' dated February 5, 2018 (Preliminary Decision Memorandum).

[3] *See* Preliminary Decision Memorandum.

[4] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

manufacturer is, the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.04 percent *ad valorem,* the all-others rate established in the less-than-fair-value investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

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

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) 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/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 that is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: May 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–11302 Filed 5–24–18; 8:45 am]

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[5] *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Turkey,* 73 FR 19814 (April 11, 2008).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG219

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Seattle Multimodal Project in Seattle, Washington; Correction

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

ACTION: Proposed incidental harassment authorization (IHA); request for comments; correction.

SUMMARY: NMFS published a document in the **Federal Register** on May 22, 2018, and the document contained outdated information and this document has been corrected and is republished in its entirety. NMFS has received a request from Washington State Department of Transportation (WSDOT) for authorization to take marine mammals incidental to the Seattle Multimodal Project at Colman Dock in Seattle, Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during the specified activities.

DATES: Comments and information must be received no later than June 25, 2018.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.guan@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/node/23111* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document, may be obtained online at *https://www.fisheries.noaa.gov/node/23111.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Correction

In the notice published on May 22, 2018 (83 FR 23643), FR Doc. 2018–10871 contained outdated information and this document corrects the IHA.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 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.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (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 (Level B harassment).

National Environmental Policy Act

Issuance of an MMPA 101(a)(5)(D) authorization requires compliance with the National Environmental Policy Act (NEPA).

NMFS preliminary determined the issuance of the proposed IHA is consistent with categories of activities identified in CE B4 (issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for which no serious injury or mortality is anticipated) of NOAA's Companion Manual for NAO 216–6A, and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude this categorical exclusion under NEPA.

We will review all comments submitted in response to this notice prior to making a final decision as to whether application of this CE is appropriate in this circumstance.

Summary of Request

On November 21, 2017, WSDOT submitted a request to NMFS requesting an IHA for the possible harassment of small numbers of marine mammal species incidental to Seattle Multimodal Project at Colman Dock in Seattle, Washington, from August 1, 2018 to July 31, 2019. After receiving the revised project description and the revised IHA application, NMFS determined that the IHA application is adequate and complete on April 4, 2018. NMFS is proposing to authorize the take by Level A and Level B harassments of the following marine mammal species: Harbor seal (*Phoca vitulina*); northern elephant seal (*Mirounga angustirostris*); California sea lion (*Zalophus californianus*); Steller sea lion (*Eumetopias jubatus*); killer whale (*Orcinus orca*); long-beaked common dolphin (*Delphinus capensis*), bottlenose dolphin (*Tursiops truncatus*), gray whale (*Eschrichtius robustus*); humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*); harbor porpoise (*Phocoena phocoena*); and Dall's porpoise (*P. dalli*). Neither WSDOT nor NMFS expect mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to WSDOT for the first year of this project (FR 21579; July 7, 2017). WSDOT complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHA and information regarding their monitoring results may be found in the Estimated Take section.

Description of Proposed Activity

Overview

The purpose of the Seattle Multimodal Project at Colman Dock is to preserve the transportation function of an aging, deteriorating and seismically deficient facility to continue providing safe and reliable service. The project will also address existing safety concerns related to conflicts between vehicles and pedestrian traffic and operational inefficiencies.

Dates and Duration

Due to NMFS and the U.S. Fish and Wildlife Service (USFWS) in-water work timing restrictions to protect ESA-listed salmonids, planned WSDOT in-water construction is limited each year to July 16 through February 15.

Specified Geographic Region

The Seattle Ferry Terminal at Colman Dock, serving State Route 519, is located on the downtown Seattle waterfront, in King County, Washington. The terminal services vessels from the Bainbridge Island and Bremerton routes, and is the most heavily used terminal in the Washington State Ferry system. The Seattle terminal is located in Section 6, Township 24 North, Range 4 East, and is adjacent to Elliott Bay, tributary to Puget Sound (Figure 1–2 of the IHA application). Land use in the area is highly urban, and includes business, industrial, the Port of Seattle container loading facility, residential, the Pioneer Square Historic District and local parks.

Detailed Description of the Seattle Multimodal Project at Colman Dock: Year 2

The project will reconfigure the Colman Dock while maintaining approximately the same vehicle holding capacity as current conditions. The construction began in August 2017. In the 2017–2018 season, the construction activities were focused on the South Trestle, Terminal Building Foundation, and the temporary and permanent Passenger Offloading Facility.

In the 2018–2019 season, WSDOT plans to continue the project by constructing the North Trestle, and Slip 3 bridge seat, overhead loading, wingwall, and inner dolphin. Both impact pile driving and vibratory pile driving and pile removal would be conducted. A total of 37 days are estimated for pile driving and 77 days for pile removal.

In-water construction methods include:

- Installing 119 36-inch (in) permanent steel piles with a vibratory hammer, and then proofed with an impact hammer for the last 5–10 feet;
- Installing six 36-in and (8) 30-in steel piles with a vibratory hammer;
- Installing one 108-in steel pile with a vibratory hammer;
- Removing all existing 12-in steel, 14-in timber, 14-in H, 24-in steel and 30-in steel piles with a vibratory hammer;
- Installing and then removing eight 24-in Slip 3 Overhead loading temporary piles with a vibratory hammer; and
- Installing and then removing 147 24-in temporary template piles with a vibratory hammer.

A list of pile driving and removal activities is provided in Table 1.

TABLE 1—SUMMARY OF IN-WATER PILE DRIVING AND REMOVAL ACTIVITIES

Method	Pile type	Pile size (inch)	Pile number	Piles/day	Minutes/pile	Duration (days)
Vibratory drive	Steel (temporary)	24	147	8	20	18
Vibratory drive	Steel (Slip 3)	24	8	8	20	1
Vibratory drive	Steel	30	8	8	20	1
Vibratory drive	Steel	36	6	6	20	1
Vibratory drive *	Steel	36	119	8	20	15
Impact drive (proof) *	Steel	36	119	8	300 strikes	15
Vibratory drive	Steel	108	1	1	120	1
Subtotal						37
Vibratory remove	Timber	14	925	20	15	47
Vibratory remove	Steel	12	22	11	20	2
Vibratory remove	Steel H	14	19	10	20	2

TABLE 1—SUMMARY OF IN-WATER PILE DRIVING AND REMOVAL ACTIVITIES—Continued

Method	Pile type	Pile size (inch)	Pile number	Piles/day	Minutes/pile	Duration (days)
Vibratory remove	Steel	24	35	8	20	5
Vibratory remove	Steel (Slip 3)	24	8	8	20	1
Vibratory remove	Steel (temporary)	24	147	8	20	19
Vibratory remove	Steel	30	1	1	20	1
Subtotal						77

*These two activities occur on the same day.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see ''Proposed Mitigation'' and ''Proposed Monitoring and Reporting'').

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *www.nmfs.noaa.gov/pr/sars/*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*www.nmfs.noaa.gov/pr/species/mammals/*).

Table 2 lists all species with expected potential for occurrence in the lower Puget Sound area and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For harbor seal Washington northern inland waters stock, the abundance is based on radio-tagging studies conducted at three Washington inland waters with correcting factors described in the 2016 SARs (Jefferies *et al.,* 2003; Carretta *et al.,* 2017). For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's 2016 U.S. Pacific Draft Marine Mammal SARs (Carretta *et al.,* 2017). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2016 SARs (Carretta *et al.,* 2017); and draft 2017 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports).*

TABLE 2—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROPOSED PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray whale	*Eschrichtius robustus*	Eastern North Pacific	N	20,990	624	132
Family Balaenopteridae:						
Humpback whale	*Megaptera novaeangliae*	California/Oregon/Washington	Y	1,918	11.0	>6.5
Minke whale	*Balaenoptera acutorostrata*	California/Oregon/Washington	N	636	3.5	>1.3
Family Delphinidae:						
Killer whale	*Orcinus orca*	Eastern N. Pacific Southern resident	Y	81	0.14	0
		West coast transient	N	243	2.4	0
Long-beaked common dolphin	*Delphinus capensis*	California	N	101,305	657	>35.4
Bottlenose dolphin	*Tursiops truncatus*	California/Oregon/Washington offshore.	N	1,924	198	>0.84
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Washington inland waters	N	11,233	66	7.2
Dall's porpoise	*P. dali*	California/Oregon/ Washington	N	25,750	172	0.3
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S.	N	296,750	9,200	389
Steller sea lion	*Eumetopias jubatus*	Eastern U.S.	N	71,562	2,498	108
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	Washington northern inland waters	N	[4] 11,036	1,641	43

TABLE 2—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROPOSED PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Northern elephant seal	*Mirounga angustirostris*	California breeding	N	179,000	4,882	8.8

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] Harbor seal estimate is based on data that are 8 years old, but this is the best available information for use here (Jefferies *et al.,* 2003; Carretta *et al.,* 2017).

All species that could potentially occur in the proposed survey areas are included in Table 2. However, the temporal and/or spatial occurrence of humpback whale and Southern Resident killer whale (SRKW) and the implementation of monitoring and mitigation measures are such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. The occurrence of humpback whale in the WSDOT's Seattle Multimodal Project area is considered extralimital, and WSDOT's 2017 monitoring report showed no sighting of this species. Although the SRKW could occur in the vicinity of the project area, WSDOT proposes to implement strict monitoring and mitigation measures with assistance from local marine mammal researchers and observers. Thus, the take of this marine mammal stock can be avoided (see details in Proposed Mitigation section).

In addition, the sea otter may be found in Puget Sound area However, this species is managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 hertz (Hz) and 35 kilohertz (kHz);
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz.
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz;
- Pinnipeds in water; Otariidae (eared seals): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.
- The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth *et al.,* 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Eleven marine mammal species (7 cetacean and 4 pinniped (2 otariid and 2 phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, one species is classified as low-frequency cetaceans (*i.e.,* gray whale), two are classified as high-frequency cetaceans (*i.e.,* harbor porpoise and Dall's porpoise), and the rest of them mid-frequency cetaceans.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, and the ''Proposed

Mitigation'' section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Potential impacts to marine mammals from the proposed Bremerton and Edmonds ferry terminals dolphin relocation project are from noise generated during in-water pile driving and pile removal activities.

Acoustic Effects

Here, we first provide background information on marine mammal hearing before discussing the potential effects of the use of active acoustic sources on marine mammals.

The WSDOT's Seattle Multimodal Project using in-water pile driving and pile removal could adversely affect marine mammal species and stocks by exposing them to elevated noise levels in the vicinity of the activity area.

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift (TS)—an increase in the auditory threshold after exposure to noise (Finneran *et al.,* 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of TS just after exposure is the initial TS. If the TS eventually returns to zero (*i.e.,* the threshold returns to the pre-exposure value), it is a temporary threshold shift (TTS) (Southall *et al.,* 2007).

Threshold Shift (noise-induced loss of hearing)—When animals exhibit reduced hearing sensitivity (*i.e.,* sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced TS. An animal can experience TTS or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.,* there is complete recovery), can occur in specific frequency ranges (*i.e.,* an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran, 2015). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 1999, 2005; Kastelein *et al.,* 2012b).

Lucke *et al.* (2009) found a TS of a harbor porpoise after exposing it to airgun noise with a received sound pressure level (SPL) at 200.2 dB (peak-to-peak) re: 1 micropascal (μPa), which corresponds to a sound exposure level of 164.5 dB re: 1 μPa^2 s after integrating exposure. Because the airgun noise is a broadband impulse, one cannot directly determine the equivalent of root mean square (rms) SPL from the reported peak-to-peak SPLs. However, applying a conservative conversion factor of 16 dB for broadband signals from seismic surveys (McCauley, *et al.,* 2000) to correct for the difference between peak-to-peak levels reported in Lucke *et al.* (2009) and rms SPLs, the rms SPL for TTS would be approximately 184 dB re: 1 μPa, and the received levels associated with PTS (Level A harassment) would be higher. Therefore, based on these studies, NMFS recognizes that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran & Schlundt, 2010; Finneran *et al.,* 2002; Kastelein and Jennings, 2012).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so one can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

In addition, chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals, which utilize sound for vital biological functions (Clark *et al.,* 2009). Acoustic masking is when other noises such as from human sources interfere with animal detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction.

Masking occurs at the frequency band that the animals utilize. Therefore, since noise generated from vibratory pile driving is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds by odontocetes (toothed whales). However, lower frequency man-made noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. It may also affect communication signals when they occur near the noise band and thus reduce the communication space of animals (*e.g.,* Clark *et al.,* 2009) and cause increased stress levels (*e.g.,* Foote *et al.,* 2004; Holt *et al.,* 2009).

Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, as well as individual levels. Masking affects both senders and receivers of the signals and could have long-term chronic effects on marine mammal species and populations. Recent science suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand, 2009). For WSDOT's dolphin relocation project, noises from vibratory pile driving and pile removal contribute to the elevated ambient noise levels in the project area, thus increasing potential for or severity of masking. Baseline ambient noise levels in the vicinity of project area are high due to ongoing shipping, construction and other activities in the Puget Sound.

Finally, marine mammals' exposure to certain sounds could lead to behavioral

disturbance (Richardson *et al.,* 1995), such as changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haulouts or rookeries).

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Southall *et al.,* 2007). Currently NMFS uses a received level of 160 dB re 1 µPa (rms) to predict the onset of behavioral harassment from impulse noises (such as impact pile driving), and 120 dB re 1 µPa (rms) for continuous noises (such as vibratory pile driving). For the WSDOT's Seattle Multimodal Project at Colman Ferry Terminal, both 120-dB and 160-dB levels are considered for effects analysis because WSDOT plans to use both impact pile driving and vibratory pile driving and pile removal.

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be biologically significant if the change affects growth, survival, and/or reproduction, which depends on the severity, duration, and context of the effects.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat are associated with elevated sound levels produced by vibratory pile removal and pile driving in the area. However, other potential impacts to the surrounding habitat from physical disturbance are also possible.

With regard to fish as a prey source for cetaceans and pinnipeds, fish are known to hear and react to sounds and to use sound to communicate (Tavolga *et al.,* 1981) and possibly avoid predators (Wilson and Dill, 2002). Experiments have shown that fish can sense both the strength and direction of sound (Hawkins, 1981). Primary factors determining whether a fish can sense a sound signal, and potentially react to it, are the frequency of the signal and the strength of the signal in relation to the natural background noise level.

The level of sound at which a fish will react or alter its behavior is usually well above the detection level. Fish have been found to react to sounds when the sound level increased to about 20 dB above the detection level of 120 dB (Ona, 1988); however, the response threshold can depend on the time of year and the fish's physiological condition (Engas *et al.,* 1993). In general, fish react more strongly to pulses of sound (such as noise from impact pile driving) rather than continuous signals (such as noise from vibratory pile driving) (Blaxter *et al.,* 1981), and a quicker alarm response is elicited when the sound signal intensity rises rapidly compared to sound rising more slowly to the same level.

During the coastal construction, only a small fraction of the available habitat would be ensonified at any given time. Disturbance to fish species would be short-term and fish would return to their pre-disturbance behavior once the pile driving activity ceases. Thus, the proposed construction would have little, if any, impact on marine mammals' prey availability in the area where construction work is planned.

Finally, the time of the proposed construction activity would avoid the spawning season of the ESA-listed salmonid species.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (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 (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise generated from vibratory pile driving and removal. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* shutdown measures—discussed in detail below in Proposed Mitigation section), Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. Below, we describe these components in more detail and present the take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2011). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 µPa (rms) for continuous (*e.g.* vibratory pile-driving, drilling) and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

Applicant's proposed activity includes the generation of impulse (impact pile driving) and non-impulse (vibratory pile driving and removal)

sources; and, therefore, both 160- and 120-dB re 1 µPa (rms) are used.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Technical Guidance, 2016) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Applicant's proposed activity would generate and non-impulsive (vibratory pile driving and pile removal) noises. These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product and are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.*

TABLE 3—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Hearing group	PTS onset thresholds		Behavioral thresholds	
	Impulsive	Non-impulsive	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB	$L_{rms,flat}$: 160 dB	$L_{rms,flat}$: 120 dB.
Mid-Frequency (MF) Cetaceans	$L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB.	$L_{E,MF,24h}$: 198 dB.		
High-Frequency (HF) Cetaceans	$L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	$L_{E,HF,24h}$: 173 dB.		
Phocid Pinnipeds (PW) (Underwater)	$L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB.	$L_{E,PW,24h}$: 201 dB.		
Otariid Pinnipeds (OW) (Underwater)	$L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB.	$L_{E,OW,24h}$: 219 dB.		

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (Lpk) has a reference value of 1 µPa, and cumulative sound exposure level (LE) has a reference value of 1µPa2s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds.

Source Levels

The source level for vibratory pile driving and removal of the 24- and 30-in steel pile is based on vibratory pile driving of the 30-in steel pile at Port Townsend (WSDOT, 2010). The unweighted SPL_{rms} source level at 10 meters (m) from the pile is 174 dB re 1 re 1 µPa.

The source level for vibratory pile driving of the 36-in steel piles is based on vibratory test pile driving of 36-in steel piles at Port Townsend in 2010 (Laughlin 2011). Recordings of vibratory pile driving were made at a distance of 10 m from the pile. The results show that the unweighted SPL_{rms} for vibratory pile driving of 36-in steel pile was 177 dB re 1 µPa.

The source level for vibratory pile driving of the 108-in steel pile is based on measurements of 72-in steel piles vibratory driving conducted by CALTRANS. The unweighted SPL_{rms} source level ranged between 170 and 180 dB re 1 µPa at 10 m from the pile (CALTRANS 2015). The value of 180 dB is chosen to be more conservative.

The source level for impact pile driving of the 36-in steel pile is based on impact test pile driving for the 36-in steel pile at Mukilteo in November 2006 (WSDOT 2007). Recordings of the impact pile driving that were made at a distance of 10 m from the pile were analyzed using Matlab. The results show that the unweighted source levels are 178 dB re 1 μPa^2-s for SEL_{ss} and 193 dB re 1 µPa for SPL_{rms}. The peak source level for impact pile driving of the 36-in steel pile is based on measurement conducted by CALTRANS for the same type and dimension of the pile, which is 210 dB_{pk} re 1 µPa.

The source level for vibratory pile removal of 14-in timber pile is based measurements conducted at the Port Townsend Ferry Terminal during vibratory removal of a 12-in timber pile by WSDOT (Laughlin 2011). The recorded source level is 152 dB_{rms} re 1 µPa at 16 m from the pile, with an adjusted source level of 155 dB_{rms} re 1 µPa at 10 m.

The source levels for vibratory pile removal of 12-in steel and 14-in steel H piles are based on vibratory pile driving of 12-in steel pipe pile measured by CALTRANS. The unweighted source level is 155 dB_{rms} re 1 µPa at 10 m.

A summary of source levels is presented in Table 4.

TABLE 4—SUMMARY OF IN-WATER PILE DRIVING SOURCE LEVELS

[At 10 m from source]

Method	Pile type/size (inch)	SEL, dB re 1 μPa^2-s	SPL_{rms}, dB re 1 µPa	SPL_{pk}, dB re 1 µPa
Vibratory driving/removal	Steel, 24-in	174	174	.....
Vibratory driving/removal	Steel, 30-in	174	174	.....
Vibratory driving	Steel, 36-in	177	177	.....
Impact pile driving (proof)	Steel, 36-in	178	193	210

TABLE 4—SUMMARY OF IN-WATER PILE DRIVING SOURCE LEVELS—Continued

[At 10 m from source]

Method	Pile type/size (inch)	SEL, dB re 1 μPa²-s	SPL_{rms}, dB re 1 μPa	SPL_{pk}, dB re 1 μPa
Vibratory driving	Steel, 108-in	180	180	
Vibratory removal	Timber, 14-in	155	155	
Vibratory removal	Steel, 12-in	155	155	
Vibratory removal	Steel H, 14-in	155	155	

These source levels are used to compute the Level A injury zones and to estimate the Level B harassment zones. For Level A harassment zones, since the peak source levels for both pile driving are below the injury thresholds, cumulative SEL were used to do the calculations using the NMFS acoustic guidance (NMFS 2016).

Estimating Harassment Zones

The Level B harassment ensonified areas for vibratory removal of the 14-in timber, 12-in steel, 14-in steel H, and 18-in concrete piles are based on the above source level of 155 dB_{rms} re 1 μPa at 10 m, applying practical spreading loss of 15*log(R) for transmission loss calculation. The derived distance to the 120-dB Level B zone is 2,175 m.

For Level B harassment ensonified areas for vibratory pile driving and removal of the 24-in, 30-in, 36-in, and 108-in steel piles, the distance is based on measurements conducted during the year 1 Seattle multimodal project at Colman. The result showed that pile driving noise of two 36-in steel piles being concurrently driven was no longer detectable at a range of 5.4 miles (8.69 km) (WSDOT 2017). Therefore, the distance of 8,690 m is selected as the Level B harassment distance for vibratory pile driving and removal of the 24-in, 30-in, 36-in and 108-in steel piles.

The Level B harassment ensonified area for impact pile driving of the 36-in steel piles is based on the above source level of 193 dB_{rms} re 1 μPa at 10 m, applying practical spreading loss of 15*log(R) for transmission loss calculation. The derived distance to the 160-dB Level B zone is 1,585 m.

For Level A harassment, calculation is based on pile driving duration of each pile and the number of piles installed or removed per day, using NMFS optional spreadsheet.

TABLE 5—MODELED DISTANCES AND AREAS TO HARASSMENT ZONES

Pile driving activity	SL (10m)	Level A distance (m) Level A area (km^2)					Level B distance (m) Level A area (km^2)
	SEL	LF Cetacean	MF Cetacean	HF Cetacean	Phocid	Otariid	All marine mammals
Vibratory drive/removal, 24'' & 30'' steel piles, 8 piles/day, 20 min/pile	174	96.7 0.03	8.6 0.00	143.0 0.00	58.8 0.00	4.1 0.00	8,690 74.29
Vibratory removal 30'' steel pile, 1 pile/day, 20 min/pile	174	24.2 0.00	2.1 0.00	35.7 0.00	14.7 0.00	1.0 0.00	8,960 74.29
Vibratory drive 36'' steel pile, 6 piles/day, 20 min/pile	177	126.4 0.05	11.2 0.00	186.9 0.11	76.8 0.02	5.4 0.00	8,960 74.29
Vibratory drive 36'' steel pile, 8 piles/day, 20 min/pile	177	153.3 0.07	13.6 0.00	226.6 0.16	93.2 0.03	6.5 0.00	8,960 74.29
Impact drive (proof) 36'' steel pile, 8 piles/day, 300 strikes/pile	178	830.9 2.17	19.6 0.00	989.7 3.08	444.7 0.62	32.4 0.00	1,585 7.89
Vibratory drive 108'' steel pile, 1 pile/day, 120 min/pile	180	200.3 0.13	17.8 0.00	296.2 0.28	121.8 0.05	8.5 0.00	8,690 74.29
Vibratory remove 14'' timber pile, 20 piles/day, 15 min/pile	155	8.0 0.00	0.7 0.00	11.8 0.00	4.8 0.00	0.3 0.00	2,154 14.57
Vibratory remove 12'' steel pile, 11 piles/day, 20 min/pile	155	6.5 0.00	0.6 0.00	9.6 0.00	3.9 0.00	0.3 0.00	2,154 14.57

TABLE 5—MODELED DISTANCES AND AREAS TO HARASSMENT ZONES—Continued

Pile driving activity	SL (10m)	Level A distance (m) Level A area (km²)					Level B distance (m) Level A area (km²)
	SEL	LF Cetacean	MF Cetacean	HF Cetacean	Phocid	Otariid	All marine mammals
Vibratory remove 14" steel H pile, 10 piles/day, 20 min/pile	155	6.1 0.00	0.5 0.00	9.0 0.00	3.7 0.00	0.3 0.00	2,154 14.57

Distances of ensonified area for different pile driving/removal activities for different marine mammal hearing groups is present in Table 5.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

All marine mammal density data except harbor seal, California sea lion, harbor porpoise, bottlenose dolphin, and short-beaked common dolphin are from the U.S. Navy Marine Species Density Report. For harbor seal and California sea lion, because WSDOT has better local distribution data based on recent survey in the area, local animal abundance are used to calculate the take numbers. Specifically, the occurrence of these two species are based on local seal abundance information off the Seattle area from Year One (2017/18) of WSDOT's Seattle Colman Project.

For bottlenose dolphin and short-beaked common dolphin, no density estimate is available. Therefore, take numbers for these two species are based on prior anecdotal observations and strandings in the action area (Shuster *et al.,* 2015; Huggins *et al.,* 2016).

Harbor porpoise density is based on a recent study by Smultea *et al.* (2017) for the Seattle area near the Colman Dock.

A summary of marine mammal density, days and Level A and Level B harassment areas from different pile driving and removal activities is provided in Table 6.

TABLE 6—MARINE MAMMAL DENSITY AND LOCAL OCCURRENCE IN THE WSDOT PROJECT AREA

Species	Density (#/km²) or animals/day
Gray whale	0.0051/km².
Minke whale	0.00003/km².
Killer whale (West coast transient).	0.002/km².
Bottlenose dolphin	NA.
Short-beaked common dolphin.	NA.
Harbor porpoise	0.54/km².
Dall's porpoise	0.048/km².
California sea lion	11 animals/day.
Steller sea lion	0.04/km².
Harbor seal	8 animals/day.
Northern elephant seal	0.00001/km².

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

For all other marine mammals, takes were calculated as: Take = ensonified area × average animal abundance in the area × pile driving days. All Level A takes were further adjusted by subtract animals that would occur within the Level A harassment zone (except for harbor seal where a 60-m shutdown zone would be implemented), where pile driving activities that could cause Level A injury for all marine mammals, except harbor seal, harbor porpoise, and Dall's porpoise, would be suspended when an animal is observed to approach such a zone. Further, the number of Level B takes were adjusted to exclude those already counted for Level A takes.

The harbor seal take estimate is based on local seal abundance information off the Seattle area from Year One (2017/18) of WSDOT's Seattle Colman Project. During 99 days of marine mammal visual monitoring, 813 harbor seals were observed, an average of 8.212 animals/day, with a one-day high of 43 observations on 10/24/17 (WSDOT 2018b). By adjusting the averaged observation of harbor seals to 11 animals/day as a conservative estimate to account for possible missed observation, and based on a total of 114 pile driving days for the WSDOT Seattle Colman Dock project, it is estimated that up to 1,254 harbor seals could be exposed to noise levels associated with ''take''. Since 17 days would involve vibratory/impact pile driving of 36-in steel piles (16 days) and vibratory driving of and 108-in steel pile (1 day) with Level A zones beyond shutdown zones (231 m and 122 m, respectively, vs. the 60-m shutdown zone), we consider that 187 harbor seals exposed during these 17 days would experience Level A harassment. The difference between the 1,254 total takes and the 187 Level A takes makes up the harbor seal Level B takes, which is 1,067 animals.

The California sea lion take estimate is also based on local sea lion abundance information from the Seattle Colman Project. During 99 days of marine mammal visual monitoring 1,047 California sea lions were observed, an average of 11 animals/day, with a one-day high of 48 observations on 1/8/2018. (WSDOT 2018b). By adjusting the averaged observation of harbor seals to 14 animals/day as a conservative estimate to account for possible missed observation, and based on a total of 114 pile driving days for the WSDOT Seattle Colman Dock project, it is estimated that up to 1,596 California sea lions could be exposed to noise levels associated with ''take''. Although the Level A zones of otariids are all very small (<33 m, Table 5) and WSDOT will implement strict shutdown measures if a sea lion is observed to be moving towards the Level A zone, it is still possible that in rare occasions an animal could enter the Level A zone undetected. We therefore, estimate that one California sea lion could be taken by Level A harassment on each of the 16 days that involve vibratory/impact pile driving of 36-in steel piles when the Level A zone is 32 m. Thus a total of 16 Level A harassment of California sea lion is estimated. The difference between the 1,596 total takes and the 16 Level A takes makes up the California sea lions Level B takes, which is 1,580 animals. The same reasoning for estimating Steller sea lion Level A takes, which results an estimated 16 Level A takes and 216 Level B takes.

The Common bottlenose dolphin estimate is based on sightings data from Cascadia Research Collective. Between September 2017 and March 2018, a group of up to five to six individuals was sighted in South Puget Sound (CRC 2017/18). It is assumed that this group is still present in the area.

Given how rare Common bottlenose dolphins are in the area, it is unlikely they would be present on a daily basis. Instead it is assumed that they may be present in the Level B harassment zone once a month during the in-water work window (7 months), and adjusted for potential group size of 5–10 individuals with an average of 7 animals per group.

The Long-beaked Common dolphin estimate is based on sightings data from Cascadia Research Collective. Four to six Long-beaked Common dolphins have remained in Puget Sound since June 2016, and four animals with distinct markings have been seen multiple times and in every season of the year as of October 2017 (CRC 2017).

Given how rare Long-beaked Common dolphins are in the area, it is unlikely they would be present on a daily basis. Instead it is assumed that they may be present in the Level B harassment zone once a month during the in-water work window (7 months), and adjusted for potential group size of 5–10 individuals with an average of 7 animals per group.

For harbor porpoise, density based Level A take calculation yields a total of 28 animals. However, due to the large Level A distance during the 36-in pile driving (990 m) during 16 days and the 108-in pile driving (296 m) during one day, its Level A take is readjusted to account for a typical animal group size of 3 multiplied by these 17 days with large Level A zones. Therefore, we estimate that a total of 51 harbor porpoise could be taken by Level A harassment.

For Dall's porpoise, due to its relatively uncommon occurrence in comparison to harbor porpoise, the estimated Level A take is scaled down by ⅓ that of harbor porpoise, yielding 17 Level A takes.

For calculated take number less than 15, such as northern elephant seals, transient killer whales, gray whales, and minke whales, takes numbers were adjusted to account for group encounter and the likelihood of encountering. Specifically, for northern elephant seal, take of 15 animals is estimated based on the likelihood of encountering this species during the project period. For transient killer whale, takes of 30 animals is estimated based on the group size and the likelihood of encountering in the area. For gray whale and minke whale, takes of 30 and 8 animals each are estimated, respectively, based on the likelihood of encountering.

For SRKWs, WSDOT will implement strict monitoring and mitigation measures and to suspend pile driving activities when such animal is detected in the vicinity of the action area (see Proposed Mitigation section below).

A summary of estimated takes based on the above analysis is listed in Table 7.

TABLE 7—ESTIMATED TAKE NUMBERS

Species	Estimated Level A take	Estimated Level B take	Estimated total take	Abundance	Percentage
Pacific harbor seal	187	1,067	1,254	11,036	11
Northern elephant seal	0	15	15	81,368	0
California sea lion	16	1,580	1,596	296,750	1
Steller sea lion	16	216	232	67,290	0
Killer whale, transient	0	30	30	243	12
Killer whale, Southern Resident	0	0	0	84	0
Gray whale	0	30	30	20,990	0
Humpback whale	0	0	0	1,918	0
Minke whale	0	8	8	202	2
Harbor porpoise	51	3,946	3,997	11,233	*36
Dall's porpoise	17	261	278	25,750	1
Long-beaked common dolphin	0	49	49	101,305	0
Bottlenose dolphin	0	49	49	1,921	3

*The percentage of individual harbor porpoises take is estimated to be notably smaller than this, as described in the "Small Numbers" section.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

1. Time Restriction.

Work would occur only during daylight hours, when visual monitoring of marine mammals can be conducted.

2. Establishing and Monitoring Level A, Level B Harassment Zones, and Shutdown Zones.

WSDOT shall establish shutdown zones that encompass the distances within which marine mammals could be taken by Level A harassment (see Table 7 above) except for harbor seal. For Level A harassment zones that is less than 10 m from the source, a minimum of 10 m distance should be established as a shutdown zone. For harbor seal, a maximum of 60 m shutdown zone would be implemented if the actual Level A harassment zone exceeds 60 m. This is because there are a few habituated harbor seals that repeated occur within the larger Level A zone, which makes implementing a shutdown zone larger than 60 m infeasible.

A summary of exclusion zones is provided in Table 8.

TABLE 8—SHUTDOWN ZONES FOR VARIOUS PILE DRIVING ACTIVITIES AND MARINE MAMMAL HEARING GROUPS

Pile type, size & pile driving method	Injury zone (m)				
	LF cetacean	MF cetacean	HF cetacean	Phocid	Otariid
Vibratory drive/removal, 24″ & 30″ steel piles, 8 piles/day, 20 min/pile	97	10	143	59	10
Vibratory removal 30″ steel pile, 1 pile/day, 20 min/pile	24	10	36	15	10
Vibratory drive 36″ steel pile, 8 piles/day, 20 min/pile	126	11	187	60	10
Vibratory drive 36″ steel pile, 8 piles/day, 20 min/pile	153	14	227	60	10
Impact drive (proof) 36″ steel pile, 8 piles/day, 300 strikes/pile	432	15	515	60	17
Vibratory drive 108″ steel pile, 1 pile/day, 120 min/pile	200	18	296	60	10
Vibratory remove 14″ timber pile, 20 piles/day, 15 min/pile	10	10	12	10	10
Vibratory remove 12″ steel pile, 11 piles/day, 20 min/pile	10	10	10	10	10
Vibratory remove 14″ steel H pile, 10 piles/day, 20 min/pile	.....	.....	.....	.....	.....

WSDOT shall also establish a Zone of Influence (ZOI) based on the Level B harassment zones for take monitoring where received underwater SPLs are higher than 160 dB_{rms} re 1 µPa for impulsive noise sources (impact pile driving) and 120 dB_{rms} re 1 µPa for non-impulsive noise sources (vibratory pile driving and pile removal).

NMFS-approved protected species observers (PSO) shall conduct an initial 30-minute survey of the exclusion zones to ensure that no marine mammals are seen within the zones before pile driving and pile removal of a pile segment begins. If marine mammals are found within the exclusion zone, pile driving of the segment would be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor would wait 15 minutes. If no marine mammals are seen by the observer in that time it can be assumed that the animal has moved beyond the exclusion zone.

If pile driving of a segment ceases for 30 minutes or more and a marine mammal is sighted within the designated exclusion zone prior to commencement of pile driving, or if a shutdown occurs due to marine mammal sighting, the observer(s) must notify the pile driving operator (or other authorized individual) immediately and continue to monitor the exclusion zone. Operations may not resume until the marine mammal has exited the exclusion zone or 30 minutes have elapsed since the last sighting.

3. Soft-Start.

A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the impact pile driver reaches full power. Whenever there has been downtime of 30 minutes or more without impact pile driving, the contractor will initiate the driving with ramp-up procedures described below.

Soft start for impact hammers requires contractors to provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets. Each day, WSDOT will use the soft-start technique at the beginning of impact pile driving, or if pile driving has ceased for more than 30 minutes.

4. Shutdown Measures.

WSDOT shall implement shutdown measures if a marine mammal is detected within an exclusion zone or is about to enter an exclusion zone listed in Tables 8.

WSDOT shall also implement shutdown measures if SRKWs or humpback whales are sighted within the vicinity of the project area and are approaching the ZOI during in-water construction activities.

If a killer whale approaches the ZOI during pile driving or removal, and it is unknown whether it is a SRKW or a transient killer whale, it shall be assumed to be a SRKW and WSDOT shall implement the shutdown measure.

If a SRKW, an unidentified killer whale, or a humpback whale enters the ZOI undetected, in-water pile driving or pile removal shall be suspended until the whale exits the ZOI to avoid further level B harassment.

Further, WSDOT shall implement shutdown measures if the number of authorized takes for any particular species reaches the limit under the IHA or if a marine mammal observed is not authorized for take under this IHA, if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during in-water construction activities.

5. Coordination With Local Marine Mammal Research Network.

Prior to the start of pile driving for the day, the Orca Network and/or Center for Whale Research will be contacted by WSDOT to find out the location of the nearest marine mammal sightings. The Orca Sightings Network consists of a list of over 600 (and growing) residents, scientists, and government agency personnel in the U.S. and Canada. Sightings are called or emailed into the Orca Network and immediately distributed to other sighting networks including: The NMFS Northwest Fisheries Science Center, the Center for Whale Research, Cascadia Research, the Whale Museum Hotline and the British Columbia Sightings Network.

Sightings information collected by the Orca Network includes detection by hydrophone. The SeaSound Remote Sensing Network is a system of

interconnected hydrophones installed in the marine environment of Haro Strait (west side of San Juan Island) to study orca communication, in-water noise, bottom fish ecology and local climatic conditions. A hydrophone at the Port Townsend Marine Science Center measures average in-water sound levels and automatically detects unusual sounds. These passive acoustic devices allow researchers to hear when different marine mammals come into the region. This acoustic network, combined with the volunteer (incidental) visual sighting network allows researchers to document presence and location of various marine mammal species.

With this level of coordination in the region of activity, WSDOT will be able to get real-time information on the presence or absence of whales before starting any pile driving.

Based on our evaluation of the required measures, NMFS has preliminarily determined that the prescribed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

WSDOT shall employ NMFS-approved PSOs to conduct marine mammal monitoring for its dolphin relocation project at Bremerton and Edmonds ferry terminals. The purposes of marine mammal monitoring are to implement mitigation measures and learn more about impacts to marine mammals from WSDOT's construction activities. The PSOs will observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. NMFS-approved PSOs shall meet the following requirements:

1. Independent observers (*i.e.,* not construction personnel) are required;

2. At least one observer must have prior experience working as an observer;

3. Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience;

4. Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and

5. NMFS will require submission and approval of observer CVs.

Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.,* Zeiss, 10 × 42 power). Due to the different sizes of ZOI from different pile types, three different ZOIs and different monitoring protocols corresponding to a specific pile type will be established.

- For Level B harassment zones with radii less than 1,600 m, 3 PSOs will be monitoring from land.
- For Level B harassment zones with radii larger than 1,600 m but smaller than 2,500 m, 4 PSOs will be monitoring from land.
- For Level B harassment zones with radii larger than 2,500 m, 4 PSOs will be monitoring from land with an additional 1 PSO monitoring from a ferry.

6. PSOs shall collect the following information during marine mammal monitoring:

- Date and time that monitored activity begins and ends for each day conducted (monitoring period);
- Construction activities occurring during each daily observation period, including how many and what type of piles driven;
- Deviation from initial proposal in pile numbers, pile types, average driving times, etc.;
- Weather parameters in each monitoring period (*e.g.,* wind speed, percent cloud cover, visibility);
- Water conditions in each monitoring period (*e.g.,* sea state, tide state);
- For each marine mammal sighting:
  - Species, numbers, and, if possible, sex and age class of marine mammals;
  - Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
  - Location and distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point; and
  - Estimated amount of time that the animals remained in the Level B zone;
- Description of implementation of mitigation measures within each monitoring period (*e.g.,* shutdown or delay);
- Other human activity in the area within each monitoring period

To verify the required monitoring distance, the exclusion zones and ZOIs will be determined by using a range finder or hand-held global positioning system device.

WSDOT will conduct noise field measurement to determine the actual Level B distance from the source during vibratory pile of the first pile. If the actual Level B harassment distance is less than modelled, the number of PSOs will be adjusted based on the criteria listed above.

Reporting Measures

WSDOT is required to submit a draft monitoring report within 90 days after completion of the construction work or the expiration of the IHA (if issued), whichever comes earlier. In the case if WSDOT intends to renew the IHA (if issued) in a subsequent year, a

monitoring report should be submitted 60 days before the expiration of the current IHA (if issued). This report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. NMFS would have an opportunity to provide comments on the report, and if NMFS has comments, WSDOT would address the comments and submit a final report to NMFS within 30 days.

In addition, NMFS would require WSDOT to notify NMFS' Office of Protected Resources and NMFS' West Coast Stranding Coordinator within 48 hours of sighting an injured or dead marine mammal in the construction site. WSDOT shall provide NMFS and the Stranding Network with the species or description of the animal(s), the condition of the animal(s) (including carcass condition, if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that WSDOT finds an injured or dead marine mammal that is not in the construction area, WSDOT would report the same information as listed above to NMFS as soon as operationally feasible.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact 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 (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, this introductory discussion of our analyses applies to all the species listed in Table 7, given that the anticipated effects of WSDOT's Seattle Multimodal at Colman Dock project involving pile driving and pile removal on marine mammals are expected to be relatively similar in nature. There is no information about the nature or severity of the impacts, or the size, status, or structure of any species or stock that would lead to a different analysis by species for this activity, or else species-specific factors would be identified and analyzed.

Although a few marine mammals (132 harbor seals, 12 harbor porpoises, and 1 Dall's porpoise) are estimated to experience Level A harassment in the form of PTS if they stay within the Level A harassment zone during the entire pile driving for the day, the degree of injury is expected to be mild and is not likely to affect the reproduction or survival of the individual animals. It is expected that, if hearing impairments occurs, most likely the affected animal would lose a few dB in its hearing sensitivity, which in most cases is not likely to affect its survival and recruitment. Hearing impairment that occur for these individual animals would be limited to the dominant frequency of the noise sources, *i.e.,* in the low-frequency region below 2 kHz. Therefore, the degree of PTS is not likely to affect the echolocation performance of the two porpoise species, which use frequencies mostly above 100 kHz. Nevertheless, for all marine mammal species, it is known that in general animals avoid areas where sound levels could cause hearing impairment. Therefore, it is not likely that an animal would stay in an area with intense noise that could cause severe levels of hearing damage. In addition, even if an animal receives a TTS, the TTS would be a one-time event from the exposure, making it unlikely that the TTS would evolve into PTS. Furthermore, Level A take estimates are based on the assumption that the animals are randomly distributed in the project area and would not avoid intense noise levels that could cause TTS or PTS. In reality, animals tend to avoid areas where noise levels are high (Richardson *et al.,* 1995). Nonetheless, we evaluate the estimated take in this negligible impact analysis.

For these species except harbor seal, harbor porpoise and Dall's porpoise, takes that are anticipated and authorized are expected to be limited to short-term Level B harassment (behavioral and TTS). Marine mammals present in the vicinity of the action area and taken by Level B harassment would most likely show overt brief disturbance (startle reaction) and avoidance of the area from elevated noise levels during pile driving and pile removal and the implosion noise. A few marine mammals could experience TTS if they occur within the Level B TTS ZOI. However, as discussed earlier in this document, TTS is a temporary loss of hearing sensitivity when exposed to loud sound, and the hearing threshold is expected to recover completely within minutes to hours. Therefore, it is not considered an injury.

Portions of the SRKW is within the proposed action area. However, WSDOT would be required to implement strict mitigation measures to suspend pile driving or pile removal activities when this stock is detected in the vicinity of the project area. Therefore, the potential effects to SRKW would be fully mitigated. There is no other important areas for marine mammals, such as know important feeding, pupping, or other areas.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' subsection. There is no ESA designated critical area in the vicinity of the Seattle Multimodal Project at Colman Dock area. The project activities would not permanently modify existing marine mammal habitat. The activities may kill some fish and cause other fish to leave the area temporarily, thus impacting marine mammals' foraging opportunities in a limited portion of the foraging range. However, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Therefore, given the consideration of potential impacts to marine mammal prey species and their physical environment, WSDOT's proposed construction activity at Colman Dock would not adversely affect marine mammal habitat.

- Injury—only 3 species of marine mammals would experience Level A affects in the form of mild PTS, which is expected to be of small degree.
- Behavioral disturbance—eleven species/stocks of marine mammals would experience behavioral

disturbance and TTS from the WSDOT's Seattle Colman Dock project. However, as discussed earlier, the area to be affected is small and the duration of the project is short. Although portion of the SWKR critical habitat is within the project area, strict mitigation measures such as implementing shutdown measures and suspending pile driving will mitigate such effects. No other important habitat for marine mammals exist in the vicinity of the project area. Therefore, the overall impacts are expected to be insignificant.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, NMFS compares the number of individuals anticipated to be taken to the most appropriate estimation of the relevant species or stock size in our determination of whether an authorization would be limited to small numbers of marine mammals.

The estimated takes are below 13 percent of the population for all marine mammals except harbor porpoise (Table 7). For harbor porpoise, the estimate of 3,997 incidences of takes would be 36 percent of the population, if each single take were a unique individual. However, this is highly unlikely because the harbor porpoise in Washington waters shows site fidelity to small areas for periods of time that can extend between seasons (Hanson *et al.,* 1999; Hanson 2007a, 2007b). For example, Hanson *et al.,* (1999) tracked a female harbor porpoise for 215 days, during which it remained exclusively within the southern Strait of Georgia region. Based on studies by Jefferson *et al.* (2016), harbor porpoise abundance in the southern Puget Sound region, which encompasses waters off Seattle, is 550. Therefore, if the estimated incidents of take accrued to all the animals expected to occur in the entire southern Puget Sound area (550 animals), it would be 4.90 percent of the Washington inland water stock of the harbor porpoise.

Based on the analysis contained herein of the proposed activity (including the prescribed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of each species or stock will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Subsistence Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat.

The California-Oregon-Washington stock of humpback whale and the Southern Resident stock of killer whale are the only marine mammal species listed under the ESA that could occur in the vicinity of WSDOT's proposed construction projects. Two DPSs of humpback whales, the Mexico DPS and the Central America DPS, are listed as threatened and endangered under the ESA, respectively. NMFS is proposing to authorize take of California/Oregon/Washington stock of humpback whale, which are listed under the ESA. NMFS worked with WSDOT to implement shutdown measures in the IHA that would avoid takes of both SR killer whale and humpback whales. Therefore, NMFS determined that no ESA-listed marine mammal species would be affected as a result of WSDOT's Seattle Colman Dock construction project.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to WSDOT for conducting Seattle Multimodal Project at Colman Dock in Seattle, Washington, between August 1, 2018, and July 31, 2019, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This Authorization is valid from August 1, 2018, through July 31, 2019.

2. This Authorization is valid only for activities associated with in-water construction work at the Seattle Multimodal Project at Colman Dock in the State of Washington.

3. (a) The species authorized taking by Level A and Level B harassments and in the numbers shown in Table 7 are: Gray whale (*Eschrichtius robustus*), minke whale (*Balaenoptera acutorostrata*), killer whale (*Orcinus orca*), long-beaked common dolphin (*Delphinus capensis*), bottlenose dolphin (*Tursiops truncatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*P. dali*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), Pacific harbor seal (*Phoca vitulina*), and northern elephant seal (*Mirounga angustirostris*).

(b) The authorization for taking by harassment is limited to the following acoustic sources and from the following activities:

(1) Vibratory pile and impact pile driving; and

(2) Vibratory pile removal.

4. Prohibitions.

(a) The taking, by incidental harassment only, is limited to the species listed under condition 3(a) above and by the numbers listed in Table 7 of this notice. The taking by serious injury or death of these species or the taking by harassment, injury or death of any other species of marine mammal is prohibited unless separately authorized or exempted under the MMPA and may result in the modification, suspension, or revocation of this Authorization.

(b) The taking of any marine mammal is prohibited whenever the required protected species observers (PSOs), required by condition 7(a), are not present in conformance with condition 7(a) of this Authorization.

5. Mitigation.

(a) Time Restriction. In-water construction work shall occur only during daylight hours.

(b) Establishing and Monitoring Level A, Level B Harassment Zones, and Shutdown Zones.

(i) Before the commencement of in-water pile driving/removal activities, WSDOT shall establish Level A harassment zones. The modeled Level A zones are summarized in Table 5.

(ii) Before the commencement of in-water pile driving/removal activities, WSDOT shall establish Level B harassment zones. The modeled Level B zones are summarized in Table 5.

(iii) Before the commencement of in-water pile driving/removal activities, WSDOT shall establish exclusion zones.

The proposed exclusion zones are summarized in Table 8.

(iv) If pile driving of a segment ceases for 30 minutes or more and a marine mammal is sighted within the designated exclusion zone prior to commencement of pile driving, or if a shutdown occurs due to marine mammal sighting, the observer(s) must notify the pile driving operator (or other authorized individual) immediately and continue to monitor the exclusion zone. Operations may not resume until the marine mammal has exited the exclusion zone or 30 minutes have elapsed since the last sighting.

(c) Monitoring of marine mammals shall take place starting 30 minutes before pile driving begins until 30 minutes after pile driving ends.

(d) Soft Start

(i) When there has been downtime of 30 minutes or more without pile driving, the contractor will initiate the driving with ramp-up procedures described below.

(ii) Soft start for impact hammers requires contractors to provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets. Each day, WSDOT will use the soft-start technique at the beginning of impact pile driving or removal, or if pile driving has ceased for more than 30 minutes.

(e) Shutdown Measures

(i) WSDOT shall implement shutdown measures if a marine mammal is detected within or to be approaching the exclusion zones provided in Table 8 of this notice.

(ii) WSDOT shall implement shutdown measures if SRKWs (SRKWs) or humpback whales are sighted within the vicinity of the project area and are approaching the Level B harassment zone (zone of influence, or ZOI) during in-water construction activities.

(iii) If a killer whale approaches the ZOI during pile driving or removal, and it is unknown whether it is a SRKW or a transient killer whale, it shall be assumed to be a SRKW and WSDOT shall implement the shutdown measure identified in 6(e)(ii).

(iv) If a SRKW or a humpback whale enters the ZOI undetected, in-water pile driving or pile removal shall be suspended until the SRKW exits the ZOI to avoid further level B harassment.

(v) WSDOT shall implement shutdown measures if the number of any allotted marine mammal takes reaches the limit under the IHA or if a marine mammal observed is not authorized for take under this IHA, if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during pile removal activities.

(f) Coordination with Local Marine Mammal Research Network and obtaining marine mammal sightings and acoustic detection data. Prior to the start of pile driving, WSDOT will contact the Orca Network and/or Center for Whale Research to get real-time information on the presence or absence of whales before starting any pile driving,

6. Monitoring.

(a) Protected Species Observers.

WSDOT shall employ NMFS-approved PSOs to conduct marine mammal monitoring for its construction project. NMFS-approved PSOs will meet the following qualifications.

(i) Independent observers (*i.e.,* not construction personnel) are required.

(ii) At least one observer must have prior experience working as an observer.

(iii) Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience.

(iv) Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer.

(v) NMFS will require submission and approval of observer CVs.

(b) Monitoring Protocols: PSOs shall be present on site at all times during pile removal and driving.

(i) A 30-minute pre-construction marine mammal monitoring will be required before the first pile driving or pile removal of the day. A 30-minute post-construction marine mammal monitoring will be required after the last pile driving or pile removal of the day. If the constructors take a break between subsequent pile driving or pile removal for more than 30 minutes, then additional 30-minute pre-construction marine mammal monitoring will be required before the next start-up of pile driving or pile removal.

(ii) Marine mammal visual monitoring will be conducted for different zones of influence (ZOIs) based on different sizes of piles being driven or removed.

(A) For Level B harassment zones with radii less than 1,600 m, 3 PSOs will be monitoring from land.

(B) For Level B harassment zones with radii larger than 1,600 m but smaller than 2,500 m, 4 PSOs will be monitoring from land.

(C) For Level B harassment zones with radii larger than 2,500 m, 4 PSOs will be monitoring from land with an additional 1 PSO monitoring from a ferry.

(iii) If marine mammals are observed, the following information will be documented:

(A) Species of observed marine mammals;

(B) Number of observed marine mammal individuals;

(C) Behavior of observed marine mammals; and

(D) Location within the ZOI.

(c) Passive Acoustic Monitoring:

(i) WSDOT will conduct noise field measurement to determine the actual Level B distance from the source during vibratory pile of the first pile.

(ii) If the actual Level B harassment distance is less than modelled, the number of PSOs will be adjusted based on the criteria listed above.

7. Reporting.

(a) WSDOT shall provide NMFS with a draft monitoring report within 90 days of the conclusion of the construction work or within 90 days of the expiration of the IHA, whichever comes first. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

(b) IF WSDOT plans to renew the IHA for an additional year, a monitoring report must be received within 60 days before the expiration of an existing IHA.

(c) If comments are received from NMFS Office of Protected Resources on the draft report, a final report shall be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS, the draft report will be considered to be the final report.

(d) In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization (if issued), such as an injury, serious injury, or mortality, WSDOT shall immediately cease all operations and immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) description of the incident;

(iii) status of all sound source use in the 24 hours preceding the incident;

(iv) environmental conditions (*e.g.,* wind speed and direction, sea state, cloud cover, visibility, and water depth);

(v) description of marine mammal observations in the 24 hours preceding the incident;

(vi) species identification or description of the animal(s) involved;

(vii) the fate of the animal(s); and

(viii) photographs or video footage of the animal (if equipment is available).

(e) Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with WSDOT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. WSDOT may not resume their activities until notified by NMFS via letter, email, or telephone.

(f) In the event that WSDOT discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), WSDOT will immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with WSDOT to determine whether modifications in the activities are appropriate.

(g) In the event that WSDOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), WSDOT shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators, within 24 hours of the discovery. WSDOT shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. WSDOT can continue its operations under such a case.

8. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

9. A copy of this Authorization must be in the possession of each contractor who performs the construction work at the Colman ferry terminals.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed WSDOT Seattle Multimodal Project at Colman Dock. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a second one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA.
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements.

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: May 22, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–11334 Filed 5–24–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request; Ombudsman Survey

The United States Patent and Trademark Office (USTPO) 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: United States Patent and Trademark Office, Commerce.

Title: Ombudsman Survey.

OMB Control Number: 0651–0078.

Form Number(s): None.

Type of Request: Regular.

Number of Respondents: 1,100 responses per year.

Average Hours per Response: The USPTO estimates that it will take approximately 5 minutes (0.08 hours) to complete the survey.

Burden Hours: 91.67 hours per year.

Cost Burden: $0.

Needs and Uses: The objectives of the Patents Ombudsman Program are: (1) To facilitate complaint-handling for pro se applicants and applicant's representatives whose applications have stalled in the examination process; (2) to track complaints to ensure each is handled within ten business days; (3) to provide feedback and early warning alerts to USPTO management regarding training needs based on complaint trends; and (4) to build a database of frequently asked questions accessible to the public that address commonly seen problems and provide effective resolutions. The USPTO Ombudsman survey is a key component in the agency's evaluation of the program, providing a mechanism to monitor the effectiveness of the program and identify potential opportunities for program enhancement. This survey is being conducted by the USPTO's Ombudsman Program and will be developed, administered, and summarized by USPTO personnel.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0078 copy request'' 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 June 25, 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, Office of the Chief Technology Officer, United States Patent and Trademark Office.

[FR Doc. 2018–11252 Filed 5–24–18; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

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

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):
2940–01–197–7106—Filter Element, Fluid, 4.875'' Diameter
2940–01–367–7515—Filter Element, Fluid, 5.10'' D
2940–01–558–7221—Filter Element, Fluid, 3.69'' D
2910–01–110–8184—Filter Cartridge, Fluid
Mandatory for: 100% of the requirement of the Department of Defense.
Mandatory Source of Supply: West Texas Lighthouse for the Blind, San Angelo, TX.
Contracting Activity: Defense Logistics Agency Land and Maritime.
Distribution: C-List.

NSN(s)—Product Name(s):
8115–01–582–9708—Box, Shipping, Multi-Use, Grey, 48'' x 32'' x 34''
8115–01–582–9710—Box, Shipping, Multi-Use, Grey, 48'' x 32'' x 50''
8115–01–582–9711—Box, Shipping, Multi-Use, Grey, 48'' x 40'' x 36''
8115–01–598–2716—Shipping Sleeve, with Drop Panel, Grey, 40'' x 48'' x 45''
8115–01–598–2717—Shipping Sleeve, with Drop Panel, Grey, 40'' x 48'' x 30''
Mandatory for: Total Government Requirement.
Mandatory Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX.
Contracting Activity: General Services Administration, New York, NY.
Distribution: A-List.

NSN(s)—Product Name(s):
7350–01–332–2111—Bowl, Paper, Round, 12 oz., Natural
Mandatory for: Total Government Requirement.
Mandatory Source of Supply: The Lighthouse for the Blind in New Orleans, Inc., New Orleans, LA.
Contracting Activity: General Services Administration, Fort Worth, TX.
Distribution: A-List.

NSN(s)—Product Name(s):
7025–00–NIB–0013—PC Keyboard, USB, Black
Mandatory for: Total Government Requirement.
Mandatory Source of Supply: LC Industries, Inc., Durham, NC.
Contracting Activity: General Services Administration, New York, NY.
Distribution: A-List.

NSN(s)—Product Name(s):
4010–01–250–5428—Assembly, Chain, Single Leg, HEMTT, 12' L
4010–01–224–9207—Assembly, Chain, Single Leg
Mandatory for: 100% of the requirement of the Department of Defense.
Mandatory Source of Supply: NewView Oklahoma, Inc., Oklahoma, City, OK.
Contracting Activity: Defense Logistics Agency Land and Maritime.
Distribution: C-List.

NSN(s)—Product Name(s):
7110–00–NIB–2413—Desk, Standing, Adjustable, Black, 36''
Mandatory for: Total Government Requirement.
Mandatory Source of Supply: Wiscraft, Inc., Milwaukee, WI.
Contracting Activity: General Services Administration, Philadelphia, PA.
Distribution: A-List.

NSN(s)—Product Name(s):
8540–00–291–0389—Towel, Multifold, 3 Panel, Natural
8540–00–NIB–0101—Towel, Multifold, 3 Panel, White
Mandatory for: Total Government Requirement.
Mandatory Source of Supply: Outlook-Nebraska, Inc., Omaha, NE.
Contracting Activity: General Services Administration, New York, NY.
Distribution: A-List.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
MR 863—Lint Remover, Roller Type
Mandatory Source of Supply: Alphapointe, Kansas City, MO.
Contracting Activity: Defense Commissary Agency.

NSN(s)—Product Name(s):
7530–01–600–2030—Notebook, Stenographer's, Biobased Bagasse Paper, 6x9″, 80 sheets, Gregg Rule, White
Mandatory Source of Supply: The Arkansas Lighthouse for the Blind, Little Rock, AR.
Contracting Activity: General Services Administration, New York, NY.

NSN(s)—Product Name(s):
6532–00–197–8201—Hood, Operating, Surgical, White.
Mandatory Source of Supply: Unknown.
Contracting Activity: Department of Veterans Affairs, Strategic Acquisition Center.

NSN(s)—Product Name(s):
7510–01–545–3765—DAYMAX System, 2017, Calendar Pad, Type I
7510–01–545–3730—DAYMAX System, 2017, Calendar Pad, Type II
Mandatory Source of Supply: Anthony Wayne Rehabilitation Ctr for Handicapped and Blind, Inc., Fort Wayne, IN.
Contracting Activity: General Services Administration, New York, NY

Amy Jensen,

Director, Business Operations.

[FR Doc. 2018–11331 Filed 5–24–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products and services from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* June 24, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 4/20/2018 (83 FR 77), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):

8410–01–466–4892—Slacks, Dress, Coast Guard, Women's, Blue, 16JS
8410–01–466–4905—Slacks, Dress, Coast Guard, Women's, Blue, 12MS
8410–01–466–4906—Slacks, Dress, Coast Guard, Women's, Blue, 14MS
8410–01–466–4912—Slacks, Dress, Coast Guard, Women's, Blue, 18MR
8410–01–466–4914—Slacks, Dress, Coast Guard, Women's, Blue, 8ML
8410–01–466–4915—Slacks, Dress, Coast Guard, Women's, Blue, 12ML
8410–01–466–4926—Slacks, Dress, Coast Guard, Women's, Blue, 14WS
8410–01–466–4930—Slacks, Dress, Coast Guard, Women's, Blue, 12WR
8410–01–466–4935—Slacks, Dress, Coast Guard, Women's, Blue, 12WL
8410–01–466–6326—Slacks, Dress, Coast Guard, Women's, Blue, 4JR
8410–01–466–6332—Slacks, Dress, Coast Guard, Women's, Blue, 6JS
8410–01–466–6485—Slacks, Dress, Coast Guard, Women's, Blue, 8JL
8410–01–466–6486—Slacks, Dress, Coast Guard, Women's, Blue, 4MS
8410–01–466–8155—Slacks, Dress, Coast Guard, Women's, Blue, 10JS
8410–01–466–8157—Slacks, Dress, Coast Guard, Women's, Blue, 12JS
8410–01–466–8161—Slacks, Dress, Coast Guard, Women's, Blue, 18JS
8410–01–466–8172—Slacks, Dress, Coast Guard, Women's, Blue, 18JL
8410–01–466–8176—Slacks, Dress, Coast Guard, Women's, Blue, 16MS
8410–01–466–8195—Slacks, Dress, Coast Guard, Women's, Blue, 18ML
8410–01–466–8197—Slacks, Dress, Coast Guard, Women's, Blue, 20ML
8410–01–466–8199—Slacks, Dress, Coast Guard, Women's, Blue, 16WS
8410–01–466–8203—Slacks, Dress, Coast Guard, Women's, Blue, 18WL
8410–01–466–8207—Slacks, Dress, Coast Guard, Women's, Blue, 20WL
8410–01–466–8211—Slacks, Dress, Coast Guard, Women's, Blue, 22WL

Mandatory Source of Supply: VGS, Inc., Cleveland, OH.

Contracting Activity: Defense Logistics Agency Troop Support.

Services

Service Type: Food Service and Food Service Attendant Service.
Mandatory for: Fort Hood: Postwide, Fort Hood, TX.
Mandatory Source of Supply: Unknown.
Contracting Activity: Dept of the Army, W40M NORTHEREGION Contract Ofc.
Service Type: Janitorial/Custodial Service.
Mandatory for: Naval & Marine Corps Readiness Reserve Center, Providence, RI.
Mandatory Source of Supply: The Fogarty Center, North Providence, RI.
Contracting Activity: Dept of the Navy, Navy Crane Center.
Service Type: Janitorial/Custodial Service.
Mandatory for: Des Moines International Airport: Air National Guard Base, Des Moines, IA.
Mandatory Source of Supply: Goodwill Solutions, Inc., Johnston, IA.
Contracting Activity: Dept of the Air Force, FA7014 AFDW PK.
Service Type: Repair of Strap, Air Cargo (1670–00–725–1437) Service.
Mandatory for: Robins Air Force Base, Robins AFB, GA.
Mandatory Source of Supply: Houston County Association for Exceptional Citizens, Inc., Warner Robins, GA.
Contracting Activity: Dept of the Air Force, FA8501 AFSC PZIO.

Amy Jensen,

Director, Business Operations.

[FR Doc. 2018–11332 Filed 5–24–18; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, National Security Education 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 National Security Education Board will take place.

DATES: Open to the public Monday, June 4, 2018 from 10:00 a.m. to 4:15 p.m.

ADDRESSES: The address of the open meeting is the JW Marriott Washington, DC at 1331 Pennsylvania Avenue NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Michael Nugent, (571) 256–0702 (Voice), (703) 692–2615 (Facsimile), *michael.a.nugent22.civ@mail.mil* (Email). Mailing address is National Security Education Program 4800 Mark Center Drive, Suite 08F09–02 Alexandria, VA 22350–7000. Website: *https://www.nsep.gov/content/national-security-education-board.* 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 National Security Education Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on June 4, 2018, of the National Security Education 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 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: Purpose of the meeting, in compliance with the David L. Boren National Security Education Act of 1991, 50 U.S.C. 1901, is to discuss National Security Education Program updates and recommendations.

Agenda: 10:00 a.m.: National Security Education Board (NSEB) Full Meeting Begins Dr. Michael Nugent, Director, Defense Language and National Security

Education Office (DLNSEO) and Director, National Security Education Program (NSEP) Ms. Veronica Daigle, Performing the Duties of the Assistant Secretary of Defense (Readiness) and Chair NSEB Mr. Fred Drummond, Deputy Assistant Secretary Of Defense (Force Education & Training) and DoD Senior Language Authority 10:30 a.m.: Updates to the Board and Discussion Dr. Michael Nugent, Director DLNSEO/Director NSEP 11:00 a.m.: Class of 2018 Boren Scholars and Fellows Ms. Alison Patz, Associate Director of Outreach and Service, NSEP Ms. Chelsea Sypher, Head of NSEP Programs, Institute of International Education 11:30 a.m.: National Engagement: State Roadmap Partnerships Mr. Howard Stephenson, State Senator, State of Utah Mr. Bob Behning, State Representative, State of Indiana Dr. Dianna Murphy, Associate Director, University of Wisconsin, Madison Dr. Winnie Brownell, Dean Emerita, University of Rhode Island 12:30 p.m.: Working Lunch with Boren Scholars and Fellows 1:30 p.m.: Critical Skills Initiatives: Internships, Clearances, National Language Service Corps Dr. Michael Nugent Mr. Jim Seacord, Acting Director Human Capital Management Office, Office of the Under Secretary of Defense (Intelligence) 2:30 p.m.: Board Working Group Overview and Key Takeaways Dr. Esther Brimmer, Executive Director and CEO, NAFSA: Association of International Educators 3:30 p.m.: Board Discussion 4:15 p.m.: Adjourn *Meeting Accessibility:* Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Written Statements: Pursuant to 102–3.140 and sections 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense National Security Education Board about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of the planned meeting. All written statements shall be submitted to the Designated Federal Official for the National Security Education Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Official can be obtained from the GSA's FACA Database—*http://facadatabase.gov/*.

Dated: May 22, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–11286 Filed 5–24–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies and Foreign Language and Area Studies Fellowships Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2018 for the National Resource Centers (NRC) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.015A, and the Foreign Language and Area Studies Fellowships (FLAS) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.015B.

DATES:

Applications Available: May 25, 2018.

Deadline for Transmittal of Applications: June 25, 2018.

Deadline for Intergovernmental Review: August 23, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Timothy Duvall (Africa, International, Middle East, and Russia and Eastern Europe) U.S. Department of Education, 400 Maryland Avenue SW, Room 258–54, Washington, DC 20202–4260. Telephone: (202) 453–7521. Email: *timothy.duvall@ed.gov;* Carolyn Collins (Canada, Latin America, and Western Europe), Room 258–30, Telephone: (202) 453–7854. Email: *carolyn.collins@ed.gov;* Cheryl Gibbs (Asia), Room 257–15, Telephone: (202) 453–5690. Email: *cheryl.gibbs@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Programs

National Resource Centers Program

The NRC Program provides grants to institutions of higher education (IHEs) or consortia of IHEs to establish, strengthen, and operate comprehensive and undergraduate centers that will be national resources for: (a) Teaching of modern foreign languages; (b) instruction in fields needed to provide a full understanding of world regions where the modern foreign languages are used; (c) research and training in international studies and international and foreign language aspects of professional and other fields of study; and (d) instruction and research on issues in world affairs.

Foreign Language and Area Studies Fellowships Program

The FLAS Program allocates academic year and summer fellowships to IHEs and consortia of IHEs to assist meritorious undergraduate and graduate students receiving modern foreign language training in combination with area studies, international studies, or the international aspects of professional studies. FLAS fellowships may also assist graduate students engaged in predissertation level study, preparation for dissertation research, dissertation research abroad, or dissertation writing.

Priorities: This notice contains two absolute priorities and two competitive preference priorities for the NRC Program. Absolute Priority 1 is from section 602(e) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1122(e)). Absolute Priority 2 is from the program regulations (34 CFR 656.23). The competitive preference priorities are from the notice of final priorities for the NRC Program published in the **Federal Register** on May 30, 2014 (79 FR 31028). This notice also contains two competitive preference priorities for the FLAS Program. Competitive Preference Priority 1 is from the program regulations (34 CFR 657.22) and Competitive Preference Priority 2 is from the notice of final priorities for the FLAS Program published in the **Federal Register** on May 30, 2014 (79 FR 31031).

NRC Program

Absolute Priorities: For FY 2018, these priorities are absolute priorities for the NRC Program. Under 34 CFR 75.105(c)(3), we consider only applications that meet these priorities.

These priorities are:

Absolute Priority 1.

Applications that provide (1) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs; and (2) a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in areas of need in the education, business, and non-profit sectors.

Absolute Priority 2.

Applications that provide for teacher training activities on the language, languages, area studies, or thematic focus of the Center.

Competitive Preference Priorities: For FY 2018, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points depending on how well the application meets Competitive Preference Priority 1, and up to an additional five points depending on how well the application meets Competitive Preference Priority 2. An application may receive a total of up to 10 additional points under the competitive preference priorities.

These priorities are:

Competitive Preference Priority 1—Collaboration with Minority-Serving Institutions (MSIs) or Community Colleges (up to 5 points).

Applications that propose significant and sustained collaborative activities with one or more Minority-Serving Institutions (MSIs) (as defined in this notice) and/or with one or more community colleges (as defined in this notice). These activities must be designed to incorporate international, intercultural, or global dimensions into the curriculum of the MSI(s) or community college(s), and to improve foreign language, area, and intercultural studies or international business instruction at the MSI(s) or community college(s). If an applicant institution is an MSI or a community college, that institution may propose intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or an institution of higher education as defined in section 101 of the HEA (20 U.S.C. 1001) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

The institutions designated eligible under title III and title V may be viewed at the following link: *www2.ed.gov/about/offices/list/ope/idues/eligibility.html.*

Competitive Preference Priority 2—Collaborative Activities with Teacher Education Programs (up to 5 points).

Applications that propose collaborative activities with units such as schools or colleges of education, schools of liberal arts and sciences, post-baccalaureate teacher education programs, teacher education programs, and teacher preparation programs on or off the NRC campus. These collaborative activities are designed to support the integration of an international, intercultural, or global dimension and world languages into teacher education, and/or to promote the preparation and credentialing of more foreign language teachers in less commonly taught languages (LCTLs) for which there is a demand for additional teachers to meet existing and expected future kindergarten through grade 12 language program needs.

FLAS Program

Competitive Preference Priorities: For FY 2018, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points depending on how well the application meets Competitive Preference Priority 1, and up to an additional five points depending on how well the application meets Competitive Preference Priority 2. An application may receive a total of up to 10 additional points under the competitive preference priorities.

Competitive Preference Priority 1—FLAS Fellowships for Students who Demonstrate Financial Need (up to 5 points).

Applications that propose to give preference when awarding fellowships to undergraduate students, graduate students, or both, who demonstrate financial need as indicated by the students' expected family contribution, as determined under part F of title IV of the HEA. This need determination will be based on the students' financial circumstances and not on other aid.

The applicant must describe how it will ensure that all fellows who receive such preference show potential for high academic achievement based on such indices as grade point average, class ranking, or similar measures that the institution may determine.

Competitive Preference Priority 2—Academic Year FLAS Fellowships Awarded in the Less Commonly Taught Languages (up to 5 points).

Applications that propose to award at least 25 percent of academic year FLAS fellowships in modern foreign languages other than French, German, and Spanish.

Note: Under 34 CFR 657.22(a), the Secretary may designate specific languages as a priority for the allocation of fellowships. For FLAS Competitive Preference Priority 2, we took into consideration the findings in the recent Modern Language Association of America (MLA) survey [1] of fall 2016 undergraduate and graduate enrollments in language courses at 2,547 postsecondary institutions in the United States. Of 1,417,921 total enrollments, the three most-studied modern foreign languages included Spanish with 712,240 enrollments or 50 percent; French with 175,667 enrollments or 12 percent; and German with 80,594 enrollments or 6 percent. Together, these three languages represented 968,501 or 68 percent of enrollments. Other languages, with 34,830 enrollments, constituted 25 percent of enrollments for the same period.

The findings in the MLA survey are consistent with the definition of LCTLs used by the Center for Advanced Research on Language Acquisition (CARLA).[2] CARLA defines LCTLs as ''all of the world's languages except English, French, German, and Spanish.''

Program Authority: 20 U.S.C. 1122.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations in 34 CFR parts 655, 656, and 657. (e) The notices of final priorities for these programs published in the **Federal Register** on May 30, 2014 (79 FR 31028, 79 FR 31031).

Areas of National Need: In accordance with section 601(c) of the HEA (20 U.S.C. 1121(c)), the Secretary consulted with a wide range of Federal agencies and received recommendations regarding national need for expertise in

[1] Modern Language Association of America, ''Enrollments in Languages Other Than English in United States Institutions of Higher Education, Summer 2016 and Fall 2016: Preliminary Report'' (February 2018) (p. 13).

[2] Center for Advanced Research on Language Acquisition, University of Minnesota, available at *www.carla.umn.edu.*

foreign language and world regions. These agencies' recommendations may be viewed on this web page: *www2.ed.gov/about/offices/list/ope/iegps/index.html.*

Diverse Perspectives and Areas of National Need: Section 602(e) of the HEA requires that each IHE or consortium of IHEs include the following information in NRC grant applications:

(1) An explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs; and

(2) A description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in areas of need in the education, business, and non-profit sectors.

II. Award Information

Type of Award: Discretionary grants.

Estimated NRC Available Funds: $22,743,107.

Africa ($2,370,700); Canada ($425,000); East Asia ($3,467,200); International ($1,655,000); Latin America ($3,482,017); Middle East ($3,375,000); Russia and Eastern Europe ($2,605,000); South Asia ($1,906,340); Southeast Asia ($1,898,850); and Western Europe ($1,558,000).

Estimated Range of Awards: $188,000-$270,000 per year.

Estimated Average Size of Awards: $215,000 per year.

Estimated Number of Awards: 100.

Estimated FLAS Available Funds: $30,343,000.

Africa ($3,357,000); Canada ($349,500); East Asia ($5,419,000); International ($2,454,000); Latin America ($4,456,500); Middle East ($3,526,500); Russia and Eastern Europe ($3,583,500); South Asia ($2,713,500); Southeast Asia ($2,449,500); and Western Europe ($2,034,000).

Estimated Range of Awards: $154,500–$351,000 per year.

Estimated Average Size of Awards: $202,500 per year.

Estimated Number of Awards: 105.

FLAS Fellowship Subsistence Allowances: The subsistence allowance for a graduate student academic year fellowship is $15,000; the subsistence allowance for an undergraduate student academic year fellowship is $5,000. The subsistence allowance for a summer fellowship is $2,500 for graduate and undergraduate students.

FLAS Fellowship Institutional Payments: The institutional payment for a graduate student academic year fellowship is $18,000; the institutional payment for an undergraduate student academic year fellowship is $10,000. The institutional payment for a summer fellowship is $5,000 for graduate and undergraduate students.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2019 from the list of unfunded applications from these competitions.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period. We may use FY 2018 funds to support multiple 12-month budget periods for one or more grantees.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs or consortia of IHEs.

2. a. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

b. *Supplement-Not-Supplant:* The NRC Program involves supplement-not-supplant funding requirements. Under 34 CFR 656.33(b)(3), grant funds may not be used to supplant funds normally used by applicants for purposes of this program.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under the NRC Program may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, non-profit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in an approved application or that it selects through competition under procedures established by the grantee. However, a grantee under the FLAS Program may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* (a) *Reasonable and Necessary Costs:* Applicants must ensure that all costs included in the proposed budget are necessary and reasonable to meet the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

(b) *Audits:* (i) A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR part 200. (2 CFR 200.501(a).)

(ii) A non-Federal entity that expends less than $750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to Other Audit Requirements), but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO). (2 CFR 200.501(d).)

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. *Funding Restrictions:* We specify unallowable costs in 34 CFR 656.30(b) and 657.33. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the priorities, selection criteria, and application requirements that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages for single institution applications, and to no more than 60 pages for consortia applications and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the recommended page limit.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental SF 424 form; Part II, Budget Information—Non-Construction Programs (ED 524); the detailed line item budget; Part IV, the assurances and certifications, and the response to section 427 of the General Education Provisions Act; the project abstract, the table of contents, the list of acronyms, the response to the diverse perspectives/areas of need requirements, the NRC/FLAS project profile form, and the appendices (curriculum vitae, course list, performance measure form; letters of support). However, the recommended page limit does apply to all of the application narrative.

5. *Award Basis:* In determining whether to approve a grant award and the amount of such award, the Department will consider, among other things, the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.217(d)(3)(ii) and 75.233). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

V. Application Review Information

1. *General:* For the FY 2018 NRC and FLAS competitions, all applications will be assigned to peer review panels based on the country, thematic focus, international studies, or world region such as Africa, Asia, or the Middle East. All applicant institutions specify their respective categories in their NRC and FLAS applications. The readers who serve on the peer review panels are selected for the specialized area studies, international studies, and modern foreign language expertise needed to review, score, and rank the assigned applications in each distinct category. For the NRC and FLAS competitions, the Department will select applications for funding consideration from each distinct peer review panel based on the ranking of the applications within that panel.

2. *Selection Criteria:* The maximum score for all of the NRC selection criteria, taken together with the maximum number of points awarded to applicants that address the competitive preference priorities, is 175 points. The maximum score for all of the FLAS selection criteria, taken together with the maximum number of points awarded to applicants that address the competitive preference priorities, is 145 points.

NRC Program

The Secretary uses the following selection criteria from 34 CFR 656.21 to evaluate an NRC application for a comprehensive Center:

(a) *Program planning and budget* (up to 25 points). The Secretary reviews each application to determine—

(1) The extent to which the activities for which the applicant seeks funding are of high quality and directly related to the purpose of the National Resource Centers Program;

(2) The extent to which the applicant provides a development plan or timeline demonstrating how the proposed activities will contribute to a strengthened program and whether the applicant uses its resources and personnel effectively to achieve the proposed objectives;

(3) The extent to which the costs of the proposed activities are reasonable in relation to the objectives of the program; and

(4) The long-term impact of the proposed activities on the institution's undergraduate, graduate, and professional training programs.

(b) *Quality of staff resources* (up to 15 points). The Secretary reviews each application to determine—

(1) The extent to which teaching faculty and other staff are qualified for the current and proposed Center activities and training programs, are provided professional development opportunities (including overseas experience), and participate in teaching, supervising, and advising students;

(2) The adequacy of Center staffing and oversight arrangements, including outreach and administration and the extent to which faculty from a variety of departments, professional schools, and the library are involved; and

(3) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(c) *Impact and evaluation* (up to 30 points). The Secretary reviews each application to determine—

(1) The extent to which the Center's activities and training programs have a significant impact on the university, community, region, and the Nation as shown through indices such as enrollments, graduate placement data, participation rates for events, and usage of Center resources; and the extent to which the applicant supplies a clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly;

(2) The extent to which the applicant provides an evaluation plan that is comprehensive and objective and that will produce quantifiable, outcome-measure-oriented data; and the extent to which recent evaluations have been used to improve the applicant's program;

(3) The degree to which activities of the Center address national needs, and generate information for and disseminate information to the public; and

(4) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's stated efforts to increase the number of such students that go into such placements.

(d) *Commitment to the subject area on which the Center focuses* (up to 10 points). The Secretary reviews each application to determine the extent to which the institution provides financial and other support to the operation of the Center, teaching staff for the Center's subject area, library resources, linkages with institutions abroad, outreach activities, and qualified students in fields related to the Center.

(e) *Strength of library* (up to 10 points). The Secretary reviews each application to determine—

(1) The strength of the institution's library holdings (both print and non-print, English and foreign language) in the subject area and at the educational levels (graduate, professional, undergraduate) on which the Center focuses; and the extent to which the institution provides financial support for the acquisition of library materials and for library staff in the subject area of the Center; and

(2) The extent to which research materials at other institutions are available to students through cooperative arrangements with other libraries or on-line databases and the extent to which teachers, students, and faculty from other institutions are able to access the library's holdings.

(f) *Quality of the Center's non-language instructional program* (up to 20 points). The Secretary reviews each application to determine—

(1) The quality and extent of the Center's course offerings in a variety of disciplines, including the extent to which courses in the Center's subject matter are available in the institution's professional schools;

(2) The extent to which the Center offers depth of specialized course coverage in one or more disciplines of the Center's subject area;

(3) The extent to which the institution employs a sufficient number of teaching faculty to enable the Center to carry out its purposes and the extent to which instructional assistants are provided with pedagogy training; and

(4) The extent to which interdisciplinary courses are offered for undergraduate and graduate students.

(g) *Quality of the Center's language instructional program* (up to 20 points). The Secretary reviews each application to determine—

(1) The extent to which the Center provides instruction in the languages of the Center's subject area and the extent to which students enroll in the study of the languages of the subject area through programs or instruction offered by the Center or other providers;

(2) The extent to which the Center provides three or more levels of language training and the extent to which courses in disciplines other than language, linguistics, and literature are offered in appropriate foreign languages;

(3) Whether sufficient numbers of language faculty are available to teach the languages and levels of instruction described in the application and the extent to which language teaching staff (including faculty and instructional assistants) have been exposed to current language pedagogy training appropriate for performance-based teaching; and

(4) The quality of the language program as measured by the performance-based instruction being used or developed, the adequacy of resources for language teaching and practice, and language proficiency requirements.

(h) *Quality of curriculum design* (up to 15 points). The Secretary reviews each application to determine—

(1) The extent to which the Center's curriculum has incorporated undergraduate instruction in the applicant's area or topic of specialization into baccalaureate degree programs (for example, major, minor, or certificate programs) and the extent to which these programs and their requirements (including language requirements) are appropriate for a Center in this subject area and will result in an undergraduate training program of high quality;

(2) The extent to which the Center's curriculum provides training options for graduate students from a variety of disciplines and professional fields and the extent to which these programs and their requirements (including language requirements) are appropriate for a Center in this subject area and result in graduate training programs of high quality; and

(3) The extent to which the Center provides academic and career advising services for students; the extent to which the Center has established formal arrangements for students to conduct research or study abroad and the extent to which these arrangements are used; and the extent to which the institution facilitates student access to other institutions' study abroad and summer language programs.

(i) *Outreach activities* (up to 20 points). The Secretary reviews each application to determine the extent to which the Center demonstrates a significant and measurable regional and national impact of, and faculty and professional school involvement in, domestic outreach activities that involve—

(1) Elementary and secondary schools;

(2) Postsecondary institutions; and

(3) Business, media, and the general public.

(j) *Degree to which priorities are served* (up to 10 points). If, under the provisions of § 656.23, the Secretary establishes competitive priorities for Centers, the Secretary considers the degree to which those priorities are being served.

The Secretary uses the following selection criteria from 34 CFR 656.22 to evaluate an NRC application for an undergraduate Center:

(a) *Program planning and budget* (up to 25 points). The Secretary reviews each application to determine—

(1) The extent to which the activities for which the applicant seeks funding are of high quality and directly related to the purpose of the National Resource Centers Program;

(2) The extent to which the applicant provides a development plan or timeline demonstrating how the proposed activities will contribute to a strengthened program and whether the applicant uses its resources and personnel effectively to achieve the proposed objectives;

(3) The extent to which the costs of the proposed activities are reasonable in relation to the objectives of the program; and

(4) The long-term impact of the proposed activities on the institution's undergraduate training program.

(b) *Quality of staff resources* (up to 15 points). The Secretary reviews each application to determine—

(1) The extent to which teaching faculty and other staff are qualified for the current and proposed Center activities and training programs, are provided professional development opportunities (including overseas experience), and participate in teaching, supervising, and advising students;

(2) The adequacy of Center staffing and oversight arrangements, including outreach and administration and the extent to which faculty from a variety of departments, professional schools, and the library are involved; and

(3) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(c) *Impact and evaluation* (up to 30 points). The Secretary reviews each application to determine—

(1) The extent to which the Center's activities and training programs have a significant impact on the university, community, region, and the Nation as shown through indices such as enrollments, graduate placement data, participation rates for events, and usage of Center resources; the extent to which students matriculate into advanced language and area or international studies programs or related professional programs; and the extent to which the applicant supplies a clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly;

(2) The extent to which the applicant provides an evaluation plan that is comprehensive and objective and that will produce quantifiable, outcome-measure-oriented data; and the extent to which recent evaluations have been used to improve the applicant's program;

(3) The degree to which activities of the Center address national needs, and generate information for and disseminate information to the public; and

(4) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's stated efforts to increase the

number of such students that go into such placements.

(d) *Commitment to the subject area on which the Center focuses* (up to 10 points). The Secretary reviews each application to determine the extent to which the institution provides financial and other support to the operation of the Center, teaching staff for the Center's subject area, library resources, linkages with institutions abroad, outreach activities, and qualified students in fields related to the Center.

(e) *Strength of library* (up to 10 points). The Secretary reviews each application to determine—

(1) The strength of the institution's library holdings (both print and non-print, English and foreign language) in the subject area and at the educational levels (graduate, professional, undergraduate) on which the Center focuses; and the extent to which the institution provides financial support for the acquisition of library materials and for library staff in the subject area of the Center; and

(2) The extent to which research materials at other institutions are available to students through cooperative arrangements with other libraries or on-line databases and the extent to which teachers, students, and faculty from other institutions are able to access the library's holdings.

(f) *Quality of the Center's non-language instructional program* (up to 20 points). The Secretary reviews each application to determine—

(1) The quality and extent of the Center's course offerings in a variety of disciplines;

(2) The extent to which the Center offers depth of specialized course coverage in one or more disciplines of the Center's subject area;

(3) The extent to which the institution employs a sufficient number of teaching faculty to enable the Center to carry out its purposes and the extent to which instructional assistants are provided with pedagogy training; and

(4) The extent to which interdisciplinary courses are offered for undergraduate students.

(g) *Quality of the Center's language instructional program* (up to 20 points). The Secretary reviews each application to determine—

(1) The extent to which the Center provides instruction in the languages of the Center's subject area and the extent to which students enroll in the study of the languages of the subject area through programs offered by the Center or other providers;

(2) The extent to which the Center provides three or more levels of language training and the extent to which courses in disciplines other than language, linguistics, and literature are offered in appropriate foreign languages;

(3) Whether sufficient numbers of language faculty are available to teach the languages and levels of instruction described in the application and the extent to which language teaching staff (including faculty and instructional assistants) have been exposed to current language pedagogy training appropriate for performance-based teaching; and

(4) The quality of the language program as measured by the performance-based instruction being used or developed, the adequacy of resources for language teaching and practice, and language proficiency requirements.

(h) *Quality of curriculum design* (up to 15 points). The Secretary reviews each application to determine—

(1) The extent to which the Center's curriculum has incorporated undergraduate instruction in the applicant's area or topic of specialization into baccalaureate degree programs (for example, major, minor, or certificate programs) and the extent to which these programs and their requirements (including language requirements) are appropriate for a Center in this subject area and will result in an undergraduate training program of high quality; and

(2) The extent to which the Center provides academic and career advising services for students; the extent to which the Center has established formal arrangements for students to conduct research or study abroad and the extent to which these arrangements are used; and the extent to which the institution facilitates student access to other institutions' study abroad and summer language programs.

(i) *Outreach activities* (up to 20 points). The Secretary reviews each application to determine the extent to which the Center demonstrates a significant and measurable regional and national impact of, and faculty and professional school involvement in, domestic outreach activities that involve—

(1) Elementary and secondary schools;

(2) Postsecondary institutions; and

(3) Business, media and the general public.

(j) *Degree to which priorities are served* (up to 10 points). If, under the provisions of § 656.23, the Secretary establishes competitive priorities for Centers, the Secretary considers the degree to which those priorities are being served.

FLAS Program

The Secretary uses the following selection criteria from 34 CFR 657.21 to evaluate an institutional application for an allocation of FLAS fellowships:

(a) *Quality of staff resources* (up to 15 points). The Secretary reviews each application to determine—

(1) The extent to which teaching faculty and other staff are qualified for the current and proposed activities and training programs, are provided professional development opportunities (including overseas experience), and participate in teaching, supervising, and advising students;

(2) The adequacy of applicant staffing and oversight arrangements and the extent to which faculty from a variety of departments, professional schools, and the library are involved; and

(3) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly.

(b) *Impact and evaluation* (up to 25 points). The Secretary reviews each application to determine—

(1) The extent to which the applicant's activities and training programs have contributed to an improved supply of specialists on the program's subject as shown through indices such as undergraduate and graduate enrollments and placement data; and the extent to which the applicant supplies a clear description of how the applicant will provide equal access and treatment of eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly;

(2) The extent to which the applicant provides an evaluation plan that is comprehensive and objective and that will produce quantifiable, outcome-measure-oriented data; and the extent to which recent evaluations have been used to improve the applicant's program;

(3) The degree to which fellowships awarded by the applicant address national needs; and

(4) The applicant's record of placing students into post-graduate employment, education, or training in areas of national need and the applicant's stated efforts to increase the number of such students that go into such placements.

(c) *Commitment to the subject area on which the applicant or program focuses* (up to 10 points). The Secretary reviews each application to determine—

(1) The extent to which the institution provides financial and other support to the operation of the applicant, teaching staff for the applicant's subject area, library resources, and linkages with institutions abroad; and

(2) The extent to which the institution provides financial support to students in fields related to the applicant's teaching program.

(d) *Strength of library* (up to 10 points). The Secretary reviews each application to determine—

(1) The strength of the institution's library holdings (both print and non-print, English and foreign language) for students; and the extent to which the institution provides financial support for the acquisition of library materials and for library staff in the subject area of the applicant; and

(2) The extent to which research materials at other institutions are available to students through cooperative arrangements with other libraries or on-line databases.

(e) *Quality of the applicant's non-language instructional program* (up to 20 points). The Secretary reviews each application to determine—

(1) The quality and extent of the applicant's course offerings in a variety of disciplines, including the extent to which courses in the applicant's subject matter are available in the institution's professional schools;

(2) The extent to which the applicant offers depth of specialized course coverage in one or more disciplines on the applicant's subject area;

(3) The extent to which the institution employs a sufficient number of teaching faculty to enable the applicant to carry out its purposes and the extent to which instructional assistants are provided with pedagogy training; and

(4) The extent to which interdisciplinary courses are offered for students.

(f) *Quality of the applicant's language instructional program* (up to 20 points). The Secretary reviews each application to determine—

(1) The extent to which the applicant provides instruction in the languages of the applicant's subject area and the extent to which students enroll in the study of the languages of the subject area through programs or instruction offered by the applicant or other providers;

(2) The extent to which the applicant provides three or more levels of language training and the extent to which courses in disciplines other than language, linguistics, and literature are offered in appropriate foreign languages;

(3) Whether sufficient numbers of language faculty are available to teach the languages and levels of instruction described in the application and the extent to which language teaching staff (including faculty and instructional assistants) have been exposed to current language pedagogy training appropriate for performance-based teaching; and

(4) The quality of the language program as measured by the performance-based instruction being used or developed, the adequacy of resources for language teaching and practice, and language proficiency requirements.

(g) *Quality of curriculum design* (up to 20 points). The Secretary reviews each application to determine—

(1) The extent to which the applicant's curriculum provides training options for students from a variety of disciplines and professional fields and the extent to which these programs and their requirements (including language requirements) are appropriate for an applicant in this subject area and result in graduate training programs of high quality;

(2) The extent to which the applicant provides academic and career advising services for students; and

(3) The extent to which the applicant has established formal arrangements for students to conduct research or study abroad and the extent to which these arrangements are used; and the extent to which the institution facilitates student access to other institutions' study abroad and summer language programs.

(h) *Foreign language and area studies fellowships awardee selection procedures* (up to 15 points). The Secretary reviews each application to determine whether the selection plan is of high quality, showing how awards will be advertised, how students apply, what selection criteria are used, who selects the fellows, when each step will take place, and how the process will result in awards being made to correspond to any announced priorities.

(i) *Priorities* (up to 10 points). If one or more competitive priorities have been established under § 657.22, the Secretary reviews each application for information that shows the extent to which the Center or program meets these priorities.

Note: Applicants should address these selection criteria only in the context of the program requirements in sections 601 and 602 of the HEA, 20 U.S.C. 1121–1122.

3. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under these programs the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR

part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements, please refer to 2 CFR part 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170, should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

Performance reports for the NRC Program and the FLAS Program must be submitted electronically into the Office of International and Foreign Language Education web-based reporting system, International Resource Information System (IRIS). For information about IRIS and to view the reporting instructions, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. If a grantee is provided additional funding for this purpose, the Secretary establishes a data collection period.

5. *Performance Measures:* (a) Under the Government Performance and Results Act of 1993, the following measures will be used by the Department to evaluate the success of the NRC Program:

1. Percentage of priority languages defined by the Secretary of Education taught at NRCs.

2. Percentage of NRC grants teaching intermediate or advanced courses in priority languages as defined by the Secretary of Education.

3. Percentage of NRCs that increased the number of intermediate or advanced level language courses in the priority and/or LCTLs during the course of the grant period.

4. Percentage of NRCs that increased the number of certificate, minor, or major degree programs in the priority and/or LCTLs, area studies, or international studies during the course of the four-year grant period.

5. Percentage of less and least commonly taught languages as defined by the Secretary of Education taught at title VI NRCs.

6. Cost per NRC that increased the number of intermediate or advanced level language courses in the priority and/or LCTLs during the course of the grant period.

(b) The following measures will be used by the Department to evaluate the success of the FLAS Program:

1. Percentage of FLAS-graduated fellows who secured employment that utilizes their foreign language and area studies skills within eight years after graduation, based on the FLAS tracking survey.

2. Percentage of FLAS master's and doctoral graduates who studied priority languages as defined by the Secretary of Education.

3. Percentage of FLAS fellows who increased their foreign language reading, writing, and/or listening/speaking scores by at least one proficiency level.

The information provided by grantees in their performance reports submitted via IRIS will be the source of data for these measures. Reporting screens for institutions can be viewed at:

http://iris.ed.gov/iris/pdfs/NRC.pdf
http://iris.ed.gov/iris/pdfs/FLAS.pdf

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.*

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 22, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the Duties of Assistant Secretary, Office of Planning, Evaluation, and Policy Development, Delegated the Duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–11261 Filed 5–24–18; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9039–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or *https://www2.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 05/07/2018 Through 05/11/2018 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20180104, Final, BLM, UT, Final Environmental Impact Statement for the Enefit American Oil Utility Corridor Project, *Review Period Ends:* 07/09/2018, *Contact:* Stephanie Howard 435–781–4469

EIS No. 20180105, Final Supplement, USFWS, MT, Final Supplemental Environmental Statement for the Proposed Amendment to the Endangered Species Act 10(a)(1)(B) Permit Associated with the Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan, *Review Period Ends:* 06/25/2018, *Contact:* Amelia Orton-Palmer 303–236–4211

EIS No. 20180106, Final, USFS, OR, Ringo FEIS & FPA, *Review Period Ends:* 06/25/2018, *Contact:* Joseph Bowles 541–433–3209

EIS No. 20180107, Draft, NOAA, MA, Draft Environmental Impact Statement for Jonah Crab Fishery Management Plan, *Comment Period Ends:* 08/17/2018, *Contact:* Allison Murphy 978–281–9122

EIS No. 20180108, Draft, OSM, NM, San Juan Mine Deep Lease Extension Mining Plan Modification Draft Environmental Impact Statement, *Comment Period Ends:* 07/09/2018, *Contact:* Gretchen Pinkham 303–293–5088

EIS No. 20180109, Final, USFS, AZ, Plan Revision for the Coconino National Forest, *Review Period Ends:* 08/22/2018, *Contact:* Vernon Keller 928–527–3415

EIS No. 20180110, Draft, USACE, CA, Lower Elkhorn Basin Levee Setback Project Environmental Impact Statement/Environmental Impact Report, *Comment Period Ends:* 07/09/2018, *Contact:* Tanis Toland 916–557–6717

Dated: May 22, 2018.

Rob Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2018–11253 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0314; FRL–9978–42]

Letter Peer Reviews for Exposure and Use Assessment and Human Health and Environmental Hazard Summary for Five PBT Chemicals; Notice of Public Preparatory Meeting and Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a half-day preparatory meeting for experts selected to serve as letter peer reviewers for EPA's Exposure and Use Assessment and Human Health and Environmental Hazard Summary for Five PBT chemicals. The preparatory meeting will be held via teleconference and webcast only. Registration is required to attend.

DATES: The preparatory meeting will be held on June 25, 2018, from approximately 1:00 p.m. (EDT) to 5:00 p.m.

Comments. Requests to present oral comments during the preparatory meeting should be submitted on or before June 21, 2018. Written comments to be considered by the peer reviewers may be submitted until July 23, 2018. Though the peer reviewers may not be able to fully consider written comments submitted after July 23, 2018, EPA will consider all comments submitted on or before August 17, 2018. For additional instructions, contact the Peer Review Leader listed under **FOR FURTHER INFORMATION CONTACT** and see **SUPPLEMENTARY INFORMATION**.

Webcast. This preparatory meeting will be conducted via teleconference and webcast only. Registration is required.

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the Peer Review Leader listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the preparatory meeting to give EPA as much time as possible to process your request.

ADDRESSES:

Meeting: The preparatory meeting will be held via teleconference and webcast only. For additional information, please contact the Peer Review Leader listed under **FOR FURTHER INFORMATION CONTACT**.

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0314, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPPT Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: Todd Peterson, Ph.D., Peer Review Leader, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–6428; email address: *peterson.todd@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, disposal, and/or the assessment of risks involving chemical substances and mixtures. Since other entities may also

be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

1. *Submitting CBI.* Do not submit CBI information to EPA through *regulations.gov* or email. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the Peer Review Leader listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

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

C. How may I participate in this meeting?

You may participate in this preparatory meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPPT–2018–0314 in the subject line on the first page of your request.

1. *Written comments.* The Agency encourages written comments be submitted, using the instructions in **ADDRESSES** and Unit I.B., on or before July 23, 2018, to provide the letter peer reviewers the time necessary to consider and review the written comments. Though the peer reviewers may not be able to fully consider written comments submitted after July 23, 2018, EPA will consider all comments submitted on or before August 17, 2018.

2. *Oral comments.* The Agency encourages each individual or group wishing to present brief oral comments to the letter peer reviewers during the preparatory meeting to submit their request to the peer review leader listed under **FOR FURTHER INFORMATION CONTACT** on or before June 21, 2018, in order to be included on the preparatory meeting agenda. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment. Oral comments are limited to approximately 5 minutes due to the time constraints of the preparatory meeting.

II. Background

A. Letter Peer Review

Section 6(h) of the Toxics Substances Control Act (TSCA) directs EPA to issue regulations under 6(a) for certain Persistent Bioaccumulative and Toxic (PBT) chemical substances that were identified in EPA's TSCA Work Plan for Chemical Assessments: 2014 update. The chemicals that were ranked high or moderate for either persistence and bioaccumulation, are present on the TSCA 2014 workplan chemical list that are not metals, that do not have problem formulation completed, do not have a review under section 5, and do not have a consent agreement under section 4 are the following five chemicals: Decabromodiphenyl ethers (DECA); Hexachlorobutadiene (HCBD); Pentachlorothiophenol (PCTP); Phenol, isopropylated, phosphate (3:1) (PIP3/ITPP); and 2,4,6-Tris(tert-butyl) phenol (2, 4, 6 TRIS).

No risk evaluation is required for these PBT chemicals. EPA has drafted an Exposure and Use Assessment and a Human Health and Environmental Hazard Summary, in response to the TSCA section 6(h) requirements to summarize conclusions of toxicity and whether there is likely exposure to these PBT chemicals. These documents contain the following components:

- Chemistry, physical-chemical properties and expected transport and partitioning.
- Characterization of manufacture (including import), processing, uses and potential sources of exposure.
- Summary of available monitoring data, concentrations and doses.
- Characterization of trends in releases/exposures over time.
- Summary of environmental hazard (written and tabular summaries).
- Summary of human health hazard (written and tabular summaries).
- Strategy for identifying environmental hazard summary information.
- Strategy for identifying human health summary information.
- Supplemental Files that identify how environmental information was searched, screened, and evaluated.

B. Public Preparatory Meeting

The Agency has organized letter peer reviews for the Exposure and Use Assessment and the Human Health and Environmental Hazard Summary. The June 25, 2018 preparatory meeting will be held by teleconference and webcast only. During the preparatory meeting, the individual letter peer reviewers will have the opportunity to comment on and ask questions regarding the scope and clarity of the draft charge questions. Subsequent to this preparatory meeting, final charge questions will be provided for use as the letter peer reviewers complete their individual reviews.

C. Letter Peer Review Documents

EPA's background papers, related supporting materials, and charge/questions for these letter peer reviews will be available in the public docket (EPA–HQ–OPPT–2018–0314) on June 18, 2018. In addition, the Agency may provide additional background documents and public comments as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available in the public docket at *http://www.regulations.gov* and on the TSCA Peer Review website at *https://www.epa.gov/tsca-peer-review.*

Authority: 15 U.S.C. 2625 *et. seq.;* 5 U.S.C. Appendix 2 *et. seq.*

Dated: May 18, 2018.

Stanley Barone, Jr.,

Acting Director, Office of Science Coordination and Policy.

[FR Doc. 2018–11311 Filed 5–24–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (OMB No. 3064–0165; –0183; and –0196)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995 (PRA). Currently, the FDIC is soliciting comment on renewal of the information collections described below.

DATES: Comments must be submitted on or before July 24, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building

(located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the appropriate OMB control number referenced in the Supplementary Information section below. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Counsel, 202–898–3767, *mcabeza@FDIC.gov,* MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collections of information:

1. *Title:* Interagency Supervisory Guidance for the Supervisory Review Process of Capital Adequacy (Pillar 2) Related to the Implementation of the Basel II Advanced Capital Framework.

OMB Number: 3064–0165.

Form Number: None.

Affected Public: Insured state nonmember banks and certain subsidiaries of these entities.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Estimated number of respondents	Estimated time per response (hours)	Frequency of response	Total annual estimated burden hours
Pillar 2 Guidance	Recordkeeping	2	105	Quarterly	840
Total Estimated Annual Burden					840

General Description of Collection: There has been no change in the method or substance of this information collection. The number of institutions subject to the record keeping requirements has decreased from eight (8) to two (2). In 2008 the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the FDIC issued a supervisory guidance document related to the supervisory review process of capital adequacy (Pillar 2) in connection with the implementation of the Basel II Advanced Capital Framework.[1] Sections 37, 41, 43, and 46 of the guidance include possible information collections. Section 37 provides that banks should state clearly the definition of capital used in any aspect of its internal capital adequacy assessment process (ICAAP) and document any changes in the internal definition of capital. Section 41 provides that banks should maintain thorough documentation of its ICAAP. Section 43 specifies that the board of directors should approve the bank's ICAAP, review it on a regular basis and approve any changes. Section 46 recommends that boards of directors periodically review the assessment of overall capital adequacy and analyze how measures of internal capital adequacy compare with other capital measures such as regulatory or accounting.

2. *Title:* Credit Risk Retention.

OMB Number: 3064–0183.

Form Number: None.

Affected Public: Insured state non-member banks, insured state branches of foreign banks, state savings associations and certain subsidiaries of these entities.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Estimated number of offerings	Estimated annual frequency	Estimated average hours per response	Estimated annual burden hours
Disclosure Burden				
Subpart B:				
§373.4 Standard Risk Retention—Horizontal Interest	1	1	5.5	5.5
§373.4 Standard Risk Retention—Vertical Interest	40	1	2.0	80
§373.4 Standard Risk Retention—Combined Interest	4	1	7.5	30
§373.5 Revolving Master Trusts	15	1	7.0	105
§373.6 Eligible ABCP Conduits	15	1	3.0	45
§373.7 Commercial MBS	15	1	20.75	311.25
§373.8 FNMA and FHLMC	15	1	1.5	22.5
§373.9 Open Market CLOs	15	1	20.25	303.75
§373.10 Qualified Tender Option Bonds	15	1	6.0	90
Subpart B Subtotal				
Subpart C:				
§373.11 Allocation of Risk Retention to an Originator	3	1	2.5	7.5
Subpart D:				
§373.13 and .19(g) Exemption for Qualified Residential Mortgages	13	1	1.25	16.25
§373.15 Exemption for Qualifying Commercial Loans, Commercial Real Estate and Automobile Loans	16	1	20.0	320
§373.16 Underwriting Standards for Qualifying Commercial Loans	6	1	1.25	7.5
§373.17 Underwriting Standards for Qualifying CRE Loans	6	1	1.25	7.5
§373.18 Underwriting Standards for Qualifying Automobile Loans	6	1	1.25	7.5
Total Estimated Disclosure Burden				1,359.25

[1] 73 FR 44620 (July 31, 2008).

SUMMARY OF ANNUAL BURDEN—Continued

	Estimated number of offerings	Estimated annual frequency	Estimated average hours per response	Estimated annual burden hours
Recordkeeping Burden				
Subpart B:				
§ 373.4 Standard Risk Retention—Horizontal Interest	1	1	0.5	0.5
§ 373.4 Standard Risk Retention—Vertical Interest	40	1	0.5	20
§ 373.4 Standard Risk Retention—Combined Interest	4	1	0.5	2
§ 373.5 Revolving Master Trusts	15	1	0.5	7.5
§ 373.6 Eligible ABCP Conduits	15	1	20.0	300
§ 373.7 Commercial MBS	15	1	30.0	450
Subpart C:				
§ 373.11 Allocation of Risk Retention to an Originator	3	1	20.0	60
Subpart D:				
§ 373.13 and .19(g) Exemption for Qualified Residential Mortgages	13	1	40.0	520
§ 373.15 Exemption for Qualifying Commercial Loans, Commercial Real Estate and Automobile Loans	16	1	0.5	8
§ 373.16 Underwriting Standards for Qualifying Commercial Loans	6	1	40.0	240
§ 373.17 Underwriting Standards for Qualifying CRE Loans	6	1	40.0	240
§ 373.18 Underwriting Standards for Qualifying Automobile Loans	6	1	400	240
Total Estimated Recordkeeping Burden				2,088
Total Estimated Annual Burden				3,447.25

There has been no change in the method or substance of this information collection. The above burden estimate is derived from FDIC's estimate that there are currently approximately 1,400 annual offerings subject to the Credit Risk Retention rule (12 CFR part 373). The methodology used to estimate burden is fully detailed in the FDIC's supporting statement for this information collection (3064–0183) available at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201501-3064-002.*

General Description of Collection: This information collection request relates to the disclosure and recordkeeping requirements of 12 CFR part 373 (the Credit Risk Retention Rule) which implements section 15G of the Securities Exchange Act of 1934,[2] added by section 941 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [3] (Section 941). The Credit Risk Retention Rule was jointly issued by the Federal Deposit Insurance Corporation (''FDIC''), the Office of the Comptroller of the Currency (''OCC''), the Federal Reserve Board (''Board''), the Securities and Exchange Commission (''Commission'') and, with respect to the portions of the Rule addressing the securitization of residential mortgages, the Federal Housing Finance Agency (''FHFA'') and the Department of Housing and Urban Development (''HUD'').

Section 941 requires the Board, the FDIC, the OCC (collectively, the ''Federal banking agencies''), the Commission and, in the case of the securitization of any ''residential mortgage asset,'' together with HUD and FHFA, to jointly prescribe regulations that (i) require a securitizer to retain not less than five percent of the credit risk of any asset that the securitizer, through the issuance of an asset-backed security (''ABS''), transfers, sells or conveys to a third party, and (ii) prohibit a securitizer from directly or indirectly hedging or otherwise transferring the credit risk that the securitizer is required to retain under section 941 and the agencies' implementing rules.

The Credit Risk Retention Rule provides a menu of credit risk retention options from which securitizers can choose and sets out the standards, including disclosure and recordkeeping requirements, for each option; identifies the eligibility criteria, including certification and disclosure requirements, that must be met for asset-backed securities (ABS) offerings to qualify for certain exemptions; specifies the underwriting standards for commercial real estate (CRE) loans, commercial loans and automobile loans, as well as disclosure, certification and recordkeeping requirements, that must be met for ABS issuances collateralized by such loans to qualify for reduced credit risk retention; and sets forth the circumstances under which retention obligations may be allocated by sponsors to originators, including disclosure and monitoring requirements. The recordkeeping requirements relate primarily to (i) the adoption and maintenance of various policies and procedures to ensure and monitor compliance with regulatory requirements and (ii) certifications, including as to the effectiveness of internal supervisory controls. The required disclosures for each risk retention option are intended to provide investors with material information concerning the sponsor's retained interest in a securitization transaction (*e.g.,* the amount, form and nature of the retained interest, material assumptions and methodology, representations and warranties). The agencies believe that the disclosure and recordkeeping requirements will enhance market discipline, help ensure the quality of the assets underlying a securitization, and assist investors in evaluating transactions.

3. *Title:* Disclosure Requirements Associated with the Supplementary Leverage Ratio.

OMB Number: 3064–0196.

Form Number: None.

Affected Public: Insured state nonmember banks and state savings associations that are subject to the FDIC's advanced approaches risk-based capital rules.

Burden Estimate:

[2] 15 U.S.C. 78o–11.

[3] Public Law 111–2–3, 124 Stat. 1376 (2010).

SUMMARY OF ANNUAL BURDEN

	Type of burden	Estimated number of respondents	Estimated time per response (hours)	Frequency of response	Total annual estimated burden hours
12 CFR 324.172 and 173	Disclosure	2	5	Quarterly	40
Total Estimated Annual Burden					40

There has been no change in the method or substance of this information collection. The number of institutions subject to the disclosure requirements has decreased from eight (8) to two (2).

General Description of Collection: The supplementary leverage ratio regulations strengthen the definition of total leverage exposure and improve the measure of a banking organization's on- and off-balance sheet exposures. The rules are generally consistent with the Basel Committee on Banking Supervision's 2014 revisions and promote consistency in the calculation of this ratio across jurisdictions. All banking organizations that are subject to the advanced approaches risk-based capital rules [4] are required to disclose their supplementary leverage ratios.[5] Advanced approaches banking organizations must report their supplementary leverage ratios on the applicable regulatory reports. The calculation and disclosure requirements for the supplementary leverage ratio in the federal banking agencies' regulatory capital rules are generally consistent with international standards published by the Basel Committee on Banking Supervision. These disclosures enhance the transparency and consistency of reporting requirements for the supplementary leverage ratio by all internationally active organizations.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burdens of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

[4] 12 CFR 324.100(b)(1).

[5] 12 CFR 324.10(c), 324.172(d), and 324.173.

Dated at Washington, DC, on May 22, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–11292 Filed 5–24–18; 8:45 am]

BILLING CODE 6714–01–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.: 012463–002.

Title: Maersk/MSC/HMM Strategic Cooperation Agreement.

Parties: Maersk Line A/S, Mediterranean Shipping Company S.A., and Hyundai Merchant Marine Co., Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW, Washington, DC 20036.

Synopsis: The amendment deletes the trade between North Europe and the U.S. Atlantic Coast from the scope of the Agreement and removes all provisions related to that trade from the Agreement. The amendment also increases the amount of space to be exchanged by the parties in the FE–USWC trade and the amount of space to be chartered in the FE–USEC trade. Finally, it reflects an increase in the number and size of vessels to be operated by HMM.

Agreement No.: 012476–001.

Title: Maersk/HLAG/CMA CGM ECUS–WCSA Slot Charter Agreement.

Parties: Maersk Line A/S, Hapag-Lloyd AG, and CMA CGM S.A.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW, Washington, DC 20036.

Synopsis: The amendment deletes Hamburg Sudamerkanische Dampschifffahrts-Gesellschaft KG as a party and replaces it with Maersk Line A/S, extends the initial term of the Agreement, changes the name of the Agreement, and restates the Agreement.

Agreement No.: 201251.

Title: Hapag-Lloyd/Maersk Line Slot Exchange Agreement.

Parties: Hapag- Lloyd AG and Maersk Line A/S.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW, Washington, DC 20036.

Synopsis: The Agreement authorizes the parties to exchange space in the trade between the U.S. Gulf Coast and ports in Argentina, Brazil, Colombia, the Dominican Republic, Mexico, Panama and Uruguay. The parties have requested Expedited Review.

Agreement No.: 201252.

Title: Marine Terminal Services Agreement between Port of Houston Authority and Mediterranean Shipping Co. S.A.

Parties: Port of Houston Authority and MSC Mediterranean Shipping Company S.A.

Filing Party: Chasless Yancy; Port of Houston Authority; 111 East Loop North; Houston, TX 77029.

Synopsis: The Agreement sets forth certain discounted rates and charges applicable to MSC's container vessels calling at the Port of Houston Authority's Barbours Cut and Bayport Container Terminals. The Agreement will commence upon filing with the Federal Maritime Commission, and the term of the Agreement is for 10 years following such filing, with an option to jointly agree upon a five-year extension.

Agreement No.: 201253.

Title: Marine Terminal Services Agreement between Port of Houston Authority and Hapag-Lloyd AG.

Parties: Port of Houston Authority and Hapag-Lloyd AG.

Filing Party: Chasless Yancy; Port of Houston Authority; 111 East Loop North; Houston, TX 77029.

Synopsis: The Agreement sets forth certain discounted rates and charges applicable to Hapag-Lloyd's container vessels calling at the Port of Houston Authority's Barbours Cut and Bayport Container Terminals. Hapag Lloyd (America) LLC is the authorized agent

for Hapag-Lloyd under the Agreement. The effective date as between the parties is January 18, 2018, with a term of 10 years from the effective date and an option to jointly agree upon a five-year extension.

Agreement No.: 201254.

Title: Sealand/APL–CMA CGM West Coast of Central America Slot Charter Agreement.

Parties: Maersk Line A/S DBA Sealand; APL Co. Pte. Ltd.; American President Lines, ltd.; and CMA CGM S.A.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 19th Street NW, Washington, DC 20036.

Synopsis: The Agreement authorizes Sealand to charter space to APL and CMA CGM on its WAMS and WCCA services operating between ports in California on the one hand and ports in Mexico, Guatemala, El Salvador, Costa Rica, and Nicaragua on the other hand.

Agreement No.: 201255.

Title: Marine Terminal Services Agreement between the Port of Houston Authority and Evergreen Line Joint Service Agreement D/B/A Evergreen Line.

Parties: Port of Houston Authority and Evergreen Line Joint Service Agreement.

Filing Party: Chasless Yancy; Port of Houston Authority; 111 East Loop North; Houston, TX 77029.

Synopsis: The Agreement sets forth certain discounted rates and charges applicable to Evergreen's container vessels calling at the Port of Houston Authority's Barbours Cut and Bayport Container Terminals. The Agreement will commence upon filing with the Federal Maritime Commission, and the term of the Agreement is for 10 years following such filing, with an option for the Parties to jointly agree upon a five-year extension.

Dated: May 21, 2018.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–11191 Filed 5–24–18; 8:45 am]

BILLING CODE 6731–AA–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0248; Docket No. 2018–0001; Sequence No. 5]

Information Collection; General Services Administration Acquisition Regulation; Solicitation Provisions and Contract Clauses; Placement of Orders Clause; and Ordering Information Clause

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding solicitation provisions and contract clauses, placement of orders clause, and ordering information clause.

DATES: Submit comments on or before: July 24, 2018.

FOR FURTHER INFORMATION CONTACT: Leah Price, Procurement Analyst, General Services Acquisition Policy Division, GSA, by phone at 202–714–9482 or by email at *leah.price@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and, Ordering Information Clause, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Information Collection 3090–0248. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and Ordering Information Clause''. Follow the instructions on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and Ordering Information Clause'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0248, Solicitation Provisions and Contract Clauses; Placement of Orders Clause; and Ordering Information Clause.

Instructions: Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has various mission responsibilities related to the acquisition and provision of the Federal Acquisition Service's (FAS's) Stock, Special Order, and Federal Supply Schedule (FSS) Programs. These mission responsibilities generate requirements that are realized through the solicitation and award of various types of FAS contracts. Individual solicitations and resulting contracts may impose unique information collection and reporting requirements on contractors, not required by regulation, but necessary to evaluate particular program accomplishments and measure success in meeting program objectives.

As such, the General Services Administration Acquisition Regulation (GSAR) 516.506, Solicitation provision and clauses, specifically directs contracting officers to insert 552.216–72, Placement of Orders, and 552.216–73, Ordering Information, when the contract authorizes FAS and other activities to issue delivery or task orders. These clauses include information reporting requirements for Offerors to receive electronic orders through computer-to-computer Electronic Data Interchange (EDI).

B. Annual Reporting Burden

Respondents: 18,590.
Responses per Respondent: 1.
Annual Responses: 18,590.
Hours per Response: .25.
Total Burden Hours: 4,648.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB),

1800 F Street NW, Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and Ordering Information Clause, in all correspondence.

Dated: May 22, 2018.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2018–11317 Filed 5–24–18; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

[Notice–WWICC–2018–02; Docket No. 2018–0003; Sequence No. 2]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission, GSA.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the schedule and agenda for the June meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public.

DATES: *Meeting date:* The meeting will be held on Wednesday, June 20, 2018, starting at 9:00 a.m., Central Daylight Time (CDT), and ending no later than 12:00 p.m., CDT.

Written Comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m., Eastern Daylight Time (EDT), June 15, 2018, and may be provided by email to *daniel.dayton@worldwar1centennial.org.* Requests to comment, together with presentations for the meeting, must be received by 5:00 p.m., EDT, on Friday, June 15, 2018.

ADDRESSES: The meeting will be held at the National World War I Museum and Memorial, 100 W 26th Street, Kansas City, MO 64108. This location is handicapped accessible. The meeting will be open to the public. Persons attending are requested to refrain from using perfume, cologne, and other fragrances (see *http://www.access-board.gov/about/policies/fragrance.htm* for more information).

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, World War 1 Centennial Commission, 701 Pennsylvania Avenue NW, 123, Washington, DC 20004–2608, telephone 202–380–0725 (note: This is not a toll-free number).

Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.org* to register to comment during the meeting's 30-minute public comment period. Registered speakers/organizations will be allowed five (5) minutes, and will need to provide written copies of their presentations. Please contact Mr. Dayton at the email address above to obtain meeting materials.

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272 (as amended), as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I.

Agenda: Wednesday June 20, 2018

Old Business

- Approval of minutes of previous meetings
- Public Comment Period

New Business

- Executive Director Report—Executive Director Dayton
- Education Report—Commissioner O'Connell
- International Report—Commissioner Seefried
- World War 1 Memorial—Vice Chair Fountain
- Chairman's Report—Vice Chair Fountain
- Other business as may appropriately come before the Commission
- Set next meeting—October 2, 2018—Chicago, IL
- Adjourn

Dated: May 21, 2018.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2018–11230 Filed 5–24–18; 8:45 am]

BILLING CODE 6820–95–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0290; Docket No. 2018–0001; Sequence No. 16]

Information Collection; System for Award Management Registration Requirements for Prime Grant Recipients

AGENCY: Office of the Integrated Award Environment, General Services Administration (GSA).

ACTION: Notice of request for comments regarding revisions to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve revisions to the currently approved information collection requirement regarding the pre-award registration requirements for federal Prime Grant Recipients. These revisions will enable non-Federal entities to complete governmentwide certifications and representations for Federal financial assistance at the time of registration in the System for Award Management (SAM).

DATES: Submit comments on or before July 24, 2018.

ADDRESSES: Submit comments on ''Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients'' by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0290. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat

Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0290.

Instructions: Please submit comments only and cite Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Goode, Program Manager, IAE Outreach and Stakeholder Management Division, at telephone number 703–605–2175; or via email at *nancy.goode@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requires information necessary for prime applicants and recipients, excepting individuals, of Federal grants to register in the System for Award Management (SAM) and maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by an agency pursuant to 2 CFR Subtitle A, Chapter I, and part 25 (75 FR 55673 as amended at 79 FR 75879). 2 CFR Subtitle A, Chapter I, and part 25 designates SAM as the governmentwide repository for standard information about applicants and recipients. 2 CFR Subtitle A, Chapter II, and part 200 (80 FR 43308) also designates SAM as the system recipients are required to report certain civil, criminal, or administrative proceedings if they meet certain conditions. Further, Federal awarding agencies are required to check SAM for pre-award purposes in accordance with 2 CFR part 180. This information collection requires that all prime grant awardees, subject to the requirements in 2 CFR Subtitle A, Chapter I, and part 25 register and maintain their registration in SAM.

Pursuant to 2 CFR Subtitle A, Chapter II, part 200, Subpart C, Section 200.208 Certifications and representations, Federal agencies are authorized to require non-Federal entities to submit certifications and representations required by Federal statutes, or regulations on an annual basis. Currently, most Federal agencies require non-Federal entities to submit certifications with each Federal assistance application by use of the Assurances for Non-Construction Programs (SF–424B) and on an annual basis thereafter. To streamline this data collection and to reduce burden, OMB, in conjunction with the Federal assistance community, developed standard governmentwide certifications and representations to be certified by the non-Federal entity when registering in SAM. In Fiscal Year 2019, OMB will reemphasize that SAM is the repository for standard information about applicants and recipients and that the standard governmentwide certifications and representations are to be certified within SAM at the time of registration and/or registration renewal should meet the need of governmentwide certifications and representations. This will reduce the unnecessary, duplicative practice of agencies requesting certifications and representations with the submission of each application and lead to phasing out the use of the SF–424B, thereby decreasing the burden level of Federal grant recipients and Federal agencies.

B. Annual Reporting Burden

Respondents: 143,334.
Responses per Respondent: 1.
Total Annual Responses: 143,334.
Hours per Response: 2.5.
Total Burden Hours: 358,335.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the System for Award Management Registration Requirements for Prime Grant Recipients, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents in hard-copy or electronic format. Hard copy: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients, in all correspondence.

Dated: May 22, 2018.

David A. Shive,

Chief Information Officer.

[FR Doc. 2018–11319 Filed 5–24–18; 8:45 am]

BILLING CODE 6820–WY–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0317: Docket No. 2018–0001; Sequence No. 15]

Information Collection; Notarized Document Submittal for System for Award Management Registration

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an existing OMB clearance regarding a notarized document submittal for System for Award Management (SAM) Registration.

DATES: Submit comments on or before July 24, 2018.

ADDRESSES: Submit comments identified by Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for the OMB Control number 3090–0317. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration''. Follow the instructions on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405–0001. ATTN: Ms. Mandell/IC 3090–0317; Notarized Document Submittal for System for Award Management Registration.

Instructions: Please submit comments only and cite Information Collection 3090–0317; Notarized Document

Submittal for System for Award Management Registration, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr. Procurement Analyst, Federal Acquisition Policy Division, GSA, telephone number 202–501–1448, or via email to *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION: A. Federal Acquisition Regulation (FAR) Subpart 4.11 prescribes policies and procedures for requiring contractor registration in the System for Award Management (SAM) database to: (1) Increase visibility of vendor sources (including their geographical locations) for specific supplies and services; and (2) establish a common source of vendor data for the Government.

In the past, the GSA Office of Inspector General (OIG) conducted an investigation into fraudulent activities discovered within SAM. Certain bad actors have, through electronic means, used public information to impersonate legitimate entities and established new entity registrations for those entities in SAM. By establishing fraudulent entity registrations, bad actors submitted bids in certain U.S. Government procurement systems or shipped deficient or counterfeit goods to the U.S. Government. GSA established a new Information Collection Request (ICR) to collect additional information to support increased validation of entities registered and registering in the System for Award Management (SAM). This additional information is contained in a notarized letter in which an officer or other signatory authority of the entity formally appoints the Entity Administrator for the entity registering or recertifying in SAM. The original, signed letter is mailed to the Federal Service Desk for SAM prior to the registration's activation or re-registration.

The new ICR expires September 30, 2018, without authority for an extension. GSA is actively pursuing technical alternatives to the collection of this information for all non-federal entities. GSA seeks to refine the requirement and adopt a risk-based approach. This notice for an extension of the ICR lays the groundwork for the authority to continue collection of the information provided GSA is still pursuing the technical alternative beyond the ICR expiration date. In the interim, the collection of the notarized letter information is essential to GSA's acquisition mission to meet the needs of all federal agencies, as well as the needs of the grant community. A key element of GSA's mission is to provide efficient and effective acquisition solutions across the Federal Government. SAM is essential to the accomplishment of that mission. In addition to federal contracts, federal assistance programs also rely upon the integrity and security of the information in SAM. Without assurances that the information in SAM is protected and, is at minimal risk of compromise, GSA would risk losing the confidence of the federal acquisition and assistance communities which is serves. As a result, some entities may prefer not to do business with the Federal Government.

B. Annual Reporting Burden.

Respondents: 686,400.
Responses per Respondent: 1.
Total Annual Responses: 686,400.
Hours per Response: 2.25.
Total Burden Hours: 1,544,400.

The information collection allows GSA to request the notarized letter, and apply this approach to new registrants (an average of 7,200 per month) and to existing SAM registrants (an average of 50,000 re-register per month).

Entities registered and registering in SAM are provided the template for the requirements of the notarized letter. It is estimated that the Entity Administrator will take on average 0.5 hour to create the letter and 0.25 hour to mail the hard copy letter. GSA proposes that an Entity Administrator equivalent to a GS–5, Step 5 Administrative Support person within the Government would perform these tasks. The estimated hourly rate of $24.70 (Base + Locality + Fringe) was used for the calculation.

Based on historical data of the ratio of small entities to other than small entities registering in SAM, GSA approximates 32,200 of the 57,200 new and existing entities (re-registrants) will have in-house resources to notarize documents. GSA proposes that the entities with in-house notaries will typically be large businesses where the projected salary of the executive or officer responsible for signing the notarized letter is on average approximately $150 per hour. The projected time for signature and notarizing the letter internally is 0.5 hour.

The other remaining 25,000 new and existing entities (re-registrants) per month are estimated to be small entities where the projected salary of the executive or officer responsible signing the notarized letter is on average approximately $100 per hour. These entities will more than likely have to obtain notary services from an outside source. The projected time for signature and notarizing the letter externally is 1 hour. The estimate includes a nominal fee ($5.00) usually charged by third-party notaries.

C. Public Comments.

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration. Please cite OMB Control No. 3090–0317; Notarized Document Submittal for System for Award Management Registration, in all correspondence.

Dated: May 22, 2018.

David A. Shive,

Chief Information Officer.

[FR Doc. 2018–11321 Filed 5–24–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3354–N]

Medicare Program; Announcement of the Reapproval of the Joint Commission as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments of 1988

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the application of the Joint Commission for reapproval as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program for all specialty and subspecialty areas under CLIA. We have determined that the Joint Commission meets or exceeds the applicable CLIA requirements. We are announcing the reapproval and grant the Joint Commission deeming authority for a period of 6 years.

DATES: *Effective Date:* This notice is effective from May 25, 2018 to May 28, 2024.

FOR FURTHER INFORMATION CONTACT: Kathleen Todd, (410) 786–3385.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

On October 31, 1988, the Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. 100–578) (CLIA). CLIA amended section 353 of the Public Health Service Act. We issued a final rule implementing the accreditation provisions of CLIA on July 31, 1992 (57 FR 33992). Under those provisions, we may grant deeming authority to an accreditation organization if its requirements for laboratories accredited under its program are equal to or more stringent than the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Subpart E of part 493 (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program) specifies the requirements an accreditation organization must meet to be approved by CMS as an accreditation organization under CLIA.

II. Notice of Reapproval of the Joint Commission as an Accreditation Organization

In this notice, we reapprove the Joint Commission as an organization that may accredit laboratories for purposes of establishing its compliance with CLIA requirements for all specialty and subspecialty areas under CLIA. We have examined the initial Joint Commission application and all subsequent submissions to determine its accreditation program's equivalency with the requirements for reapproval of an accreditation organization under subpart E of part 493. We have determined that the Joint Commission meets or exceeds the applicable CLIA requirements. We have also determined that the Joint Commission will ensure that its accredited laboratories will meet or exceed the applicable requirements in subparts H, I, J, K, M, Q, and the applicable sections of R. Therefore, we grant the Joint Commission reapproval as an accreditation organization under subpart E of part 493, for the period stated in the **DATES** section of this notice for all specialty and subspecialty areas under CLIA. As a result of this determination, any laboratory that is accredited by the Joint Commission during the time period stated in the **DATES** section of this notice will be deemed to meet the CLIA requirements for the listed subspecialties and specialties, and therefore, will generally not be subject to routine inspections by a state survey agency to determine its compliance with CLIA requirements. The accredited laboratory, however, is subject to validation and complaint investigation surveys performed by CMS, or its agent(s).

III. Evaluation of the Joint Commission Request for Reapproval as an Accreditation Organization Under CLIA

The following describes the process we used to determine that the Joint Commission accreditation program meets the necessary requirements to be approved by CMS and that, as such, we may approve Joint Commission as an accreditation program with deeming authority under the CLIA program. Joint Commission formally applied to CMS for reapproval as an accreditation organization under CLIA for all specialties and subspecialties under CLIA on 14 September 2017. In reviewing these materials, we reached the following determinations for each applicable part of the CLIA regulations:

A. Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

The Joint Commission submitted a description of its mechanisms for monitoring compliance with all requirements equivalent to condition-level requirements, a list of all its client laboratories and the expiration date of their accreditations, and a detailed comparison of the Joint Commission's individual accreditation requirements with the comparable condition-level requirements. We determined that the Joint Commission's policies and procedures for oversight of laboratory testing for all CLIA specialties and subspecialties with respect to inspection, monitoring proficiency testing (PT) performance, investigating complaints, and making PT information available, are equivalent to those of CMS. The Joint Commission also submitted descriptions of its infrastructure and procedures for monitoring and inspecting laboratories in the areas of data management, the inspection process, procedures for removal or withdrawal of accreditation, notification requirements, and accreditation organization resources. We have determined that the requirements of the Joint Commission accreditation program are equal to or more stringent than the requirements of the CLIA regulations.

Our evaluation determined that Joint Commission requirements regarding waived testing are more stringent than the CLIA requirements set out at Part 493, subpart B. The Joint Commission waived testing requirements include the following:

- Defining the extent that waived test results are used in patient care.
- Identifying the personnel responsible for performing and supervising waived testing.
- Assuring that personnel performing waived testing have adequate, specific training and orientation to perform the testing and can demonstrate satisfactory levels of performance.
- Making certain that policies and procedures governing waived testing-related procedures are current and readily available.
- Conducting defined quality control checks.
- Maintaining quality control and test records.

Our CLIA regulations at § 493.15(e) require that a laboratory follow the manufacturer's instructions and obtain a certificate of waiver.

B. Subpart H—Participation in Proficiency Testing for Laboratories Performing Nonwaived Testing

The Joint Commission's requirements are equivalent to the CLIA requirements at §§ 493.801 through 493.865.

C. Subpart J—Facility Administration for Nonwaived Testing

The Joint Commission's requirements are equal to the CLIA requirements at §§ 493.1100 through 493.1105.

D. Subpart K—Quality System for Nonwaived Testing

The Joint Commission requirements are as or more stringent than the CLIA requirements at §§ 493.1200 through 493.1299. For instance, the Joint Commission has control procedure requirements for all waived complexity testing performed.

E. Subpart M—Personnel for Nonwaived Testing

We have determined that Joint Commission requirements are equivalent to the CLIA requirements at §§ 493.1403 through 493.1495 for laboratories that perform moderate and high complexity testing.

F. Subpart Q—Inspections

We have determined that the Joint Commission requirements are equivalent to the CLIA requirements at §§ 493.1771 through 493.1780.

G. Subpart R—Enforcement Procedures

The Joint Commission meets the requirements of subpart R to the extent that it applies to accreditation organizations. The Joint Commission policy sets forth the actions the organization takes when laboratories it accredits do not comply with its requirements and standards for accreditation. When appropriate, the Joint Commission will deny, suspend, or revoke accreditation in a laboratory accredited by the Joint Commission and report that action to us within 30 days. The Joint Commission also provides an appeals process for laboratories that have had accreditation denied, suspended, or revoked.

We have determined that the Joint Commission laboratory enforcement and appeal policies are as or more stringent than the requirements of part 493 subpart R as they apply to accreditation organizations.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of laboratories accredited by the Joint Commission may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (that is, complaint inspections). The outcome of those validation inspections, performed by CMS or our agents, or the state survey agencies, will be our principal means for verifying that the laboratories accredited by the Joint Commission remain in compliance with CLIA requirements. This federal monitoring is an ongoing process.

V. Removal of Approval as an Accrediting Organization

Our regulations provide that we may rescind the approval of an accreditation organization, such as that of the Joint Commission, for cause, before the end of the effective date of the approval period. If we determine that the Joint Commission has failed to adopt, maintain and enforce requirements that are equal to, or more stringent than, the CLIA requirements, or that systemic problems exist in its monitoring, inspection or enforcement processes, we may impose a probationary period, not to exceed 1 year, in which the Joint Commission would be allowed to address any identified issues. Should the Joint Commission be unable to address the identified issues within that timeframe, we may, in accordance with the applicable regulations, revoke Joint Commission's deeming authority under CLIA.

Should circumstances result in our withdrawal of the Joint Commission's approval, we will publish a notice in the **Federal Register** explaining the basis for removing its approval.

VI. Collection of Information Requirements

This notice does not impose any information collection and record keeping requirements subject to the Paperwork Reduction Act (PRA). Consequently, it does not need to be reviewed by the Office of Management and Budget (OMB) under the authority of the PRA. The requirements associated with the accreditation process for clinical laboratories under the CLIA program, codified in 42 CFR part 493 subpart E, are currently approved by OMB under OMB reapproval number 0938–0686.

VII. Executive Order 12866 Statement

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

Dated: May 16, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–11330 Filed 5–24–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0438]

Agency Information Collection Activities; Proposed Collection; Comment Request; Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's procedures for early food safety evaluation of new non-pesticidal proteins produced by new plant varieties intended for food use, including bioengineered food plants.

DATES: Submit either electronic or written comments on the collection of information by July 24, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 24, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of July 24, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'''' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–0438 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use

OMB Control Number 0910–0583—Extension

Since May 29, 1992, when FDA issued a policy statement on foods derived from new plant varieties, including those varieties that are developed through biotechnology, we have encouraged developers of new plant varieties to consult with us early in the development process to discuss possible scientific and regulatory issues that might arise (57 FR 22984). The guidance entitled ''Recommendations for the Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use'' continues to foster early communication by encouraging developers to submit to us their evaluation of the food safety of their new protein. Such communication helps to ensure that any potential food safety issues regarding a new protein in a new plant variety are resolved early in development, prior to any possible inadvertent introduction into the food supply of material from that plant variety.

We believe that any food safety concern related to such material entering the food supply would be limited to the potential that a new protein in food from the plant variety could cause an allergic reaction in susceptible individuals or could be a toxin in people or animals. The guidance describes the procedures for early food safety evaluation of new proteins produced by new plant varieties, including bioengineered food plants, and the procedures for

communicating with us about the safety evaluation.

Interested persons may use Form FDA 3666 to transmit their submissions to the Office of Food Additive Safety in the Center for Food Safety and Applied Nutrition. Form FDA 3666 is entitled ''Early Food Safety Evaluation of a New Non-Pesticidal Protein Produced by a New Plant Variety (New Protein Consultation)'' (*https://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Forms/UCM350010.pdf*) and may be used in lieu of a cover letter for a New Protein Consultation (NPC). Form FDA 3666 prompts a submitter to include certain elements of a NPC in a standard format and helps the respondent organize their submission to focus on the information needed for our safety review. The form, and elements that would be prepared as attachments to the form, may be submitted in electronic format via the Electronic Submission Gateway (*https://www.fda.gov/ForIndustry/ElectronicSubmissionsGateway/default.htm*), paper format, or as electronic files on physical media with a paper signature page. FDA uses this information to evaluate the food safety of a specific new protein produced by a new plant variety.

Description of Respondents: The respondents to this collection of information are developers of new plant varieties intended for food use.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Category	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
First four data components	3666	6	1	6	4	24
Two other data components	3666	6	1	6	16	96
Total						120

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate. The estimated number of annual responses and average burden per response are based on our experience with early food safety evaluations. Completing an early food safety evaluation for a new protein from a new plant variety is a one-time burden (one evaluation per new protein). Many developers of novel plants may choose not to submit an evaluation because the field testing of a plant containing a new protein is conducted in such a way (*e.g.,* on such a small scale, or in such isolated conditions, etc.) that cross-pollination with traditional crops or commingling of plant material is not likely to be an issue. Also, other developers may have previously communicated with us about the food safety of a new plant protein, for example, when the same protein was expressed in a different crop.

We estimate the annual number of NPCs submitted by developers will be six or fewer. The early food safety evaluation for new proteins includes six main data components. Four of these data components are easily and quickly obtainable, having to do with the identity and source of the protein. We estimate that completing these data components will take about 4 hours per NPC. We estimate the reporting burden for the first four data components to be 24 hours (4 hours × 6 responses).

Two data components ask for original data to be generated. One data component consists of a bioinformatics analysis that can be performed using publicly available databases. The other data component involves ''wet'' lab work to assess the new protein's stability and the resistance of the protein to enzymatic degradation using appropriate in vitro assays (protein digestibility study). The paperwork burden of these two data components consists of the time it takes the company to assemble the information on these two data components and include it in a NPC. We estimate that completing these data components will take about 16 hours per NPC. We estimate the reporting burden for the two other data components to be 96 hours (16 hours × 6 responses). Thus, we estimate the total annual burden for this collection of information to be 120 hours.

Dated: May 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–11281 Filed 5–24–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Commission on Childhood Vaccines

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of Advisory Committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Commission on Childhood Vaccines (ACCV) will hold a public meeting. This meeting will be open to the public.

DATES: Friday, June 15, 2018, from 10:00 a.m. to 2:00 p.m. ET.

ADDRESSES: The meeting is a teleconference and webinar. The conference call-in number is 1–800–988–0218; passcode: 9302948. The webinar link is *https://hrsa.connectsolutions.com/accv/.* Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview.*

FOR FURTHER INFORMATION CONTACT: Annie Herzog, Principal Staff Liaison, Division of Injury Compensation Programs (DICP), Healthcare Systems Bureau (HSB), HRSA, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; phone: (301) 443–6593; or email: *aherzog@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The ACCV advises the Secretary on the implementation of the Vaccine Injury Compensation Program (VICP). Other activities of the ACCV include: Recommending changes to the Vaccine Injury table, at its own initiative or as the result of the filing of a petition; advising the Secretary on implementing section 2127 of the Public Health Service Act (PHS Act) regarding

the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying federal, state, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125 (b) of the PHS Act; advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; consulting on the development or revision of Vaccine Information Statements; and recommending to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the VICP.

Agenda: During the June 15, 2018, meeting, agenda items may include updates from DICP, Department of Justice (DOJ), National Vaccine Program Office (NVPO), Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health) and Center for Biologics, Evaluation and Research (Food and Drug Administration). Information about the ACCV, a roster of members, the meeting agenda, as well as past meeting summaries, is located on the ACCV website: *http://www.hrsa.gov/advisorycommittees/childhoodvaccines/index.html.* Agenda items are subject to change as priorities dictate.

Public Participation: Members of the public will have the opportunity to provide comments. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to make oral comments or provide written comments to the ACCV should be sent to Annie Herzog by June 5, 2018. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Annie Herzog, using the address and phone number above at least 10 days prior to the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–11298 Filed 5–24–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Closed Meeting

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

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

Name of Committee: Board of Scientific Counselors of the NIH Clinical Center Board meeting.

Date: June 15, 2018.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate reports and responses to the following Clinic Center's Departments: Rehabilitation Medicine, Bioethics, Critical Care Medicine, Imaging Sciences, Transfusion Medicine, Laboratory Medicine, Nursing, and Pediatrics.

Place: National Institutes of Health, Building 10, 10 Center Drive, Bethesda, MD 20892.

Contact Person: John I. Gallin, M.D., Associate Director for Clinical Research, Office of Director, NIH Clinical Center, 1 Center Drive, Room 201, Bethesda, MD 20892, 301–827–5428.

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.

Dated: May 18, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11212 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Production of Monovalent Live Attenuated Zika Vaccines and Multivalent Live Attenuated Flavivirus Vaccines

AGENCY: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Summary Information section of this notice to to Fundacao Butantan, having a place of business in Sao Paulo, Brazil.

DATES: Only written comments and/or application for a license which are received by the NIAID Technology Transfer and Intellectual Property Office on or before June 25, 2018 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated Exclusive Commercialization Patent License should be directed to: Peter Soukas, Technology Transfer and Patent Specialist, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Suite 6D, Rockville, MD 20852–9804; Email: *ps193c@nih.gov;* Telephone: (301) 496–2644; Facsimile: (240) 627–3117.

SUPPLEMENTARY INFORMATION:

Intellectual Property

U.S. Provisional Patent Application Number 62/307,170, filed March 11, 2016 and entitled ''Live Attenuated Zika Virus Vaccines,'' Whitehead et al., and PCT Patent Application Number PCT/US2017/0021989, filed March 11, 2017 and entitled ''Live Attenuated Zika Virus Vaccines,'' Whitehead et al. [HHS Reference E–118–2016/0]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned to the government of the United States of America.

The field of use may be limited to monovalent live attenuated Zika vaccines and multivalent live attenuated flavivirus vaccines. The Licensed Territory may be limited to the United States of America, Canada, Mexico, Brazil and Argentina.

Zika virus (ZIKV) is an emerging infectious disease that was first identified in 1947, and that has more recently become a major public health threat around the world. ZIKV has recently been shown to cause devastating neurological damage in infants and serious complications in adults in some cases, and may have other effects that have not yet been identified or definitively linked to the virus. There are no treatments or vaccines for this insidious virus. While important, current measures for mosquito control are insufficient in most settings to prevent the spread of the virus. Recommendations that women who live in or travel to endemic areas avoid pregnancy for long periods of time are unrealistic, particularly in contexts where access to reproductive services is limited, and threaten to leave those most likely to suffer the devastating consequences of Zika without effective protection. There is therefore urgent need to develop biomedical interventions in parallel with ongoing public health efforts against ZIKV.

No vaccine exists today to prevent ZIKV infections. The methods and compositions of this invention provide a means for prevention of ZIKV infection by immunization with live attenuated, immunogenic viral vaccines against ZIKV and/or Dengue virus.

Many entities, governmental, academic, and commercial, are actively pursuing development of ZIKV vaccines each using a different approach to address this public health need. The U.S. Government is coordinating its vaccine development response to ZIKV and has published this plan at *https://www.phe.gov/Preparedness/planning/Pages/zika-white-paper.aspx.*

Vaccine development approaches for ZIKV include but are not limited to inactivated virus (dead virus), live attenuated virus (weakened virus), recombinant viral vectors (weakened virus with target genes added), and subunit (portion of a virus) as well as mRNA- and DNA-based (gene-targeted). These various strategies provide multiple redundancies, expanded choice, and ensure short and long term maximal benefits to the public.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within thirty (30) days from the date of this published notice, the National Institute of Allergy and Infectious Diseases receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Commercialization Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: May 14, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–11257 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

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

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

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Summer Research Education Experience Programs (R25).

Date: June 21, 2018.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov*.

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

Date: June 25, 2018.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

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

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11220 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

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

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

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; SBIR Phase II ''Analytical Tools for Scholarly Research Assessment and Decision in the Biomedical Enterprise'' (1214, 1217).

Date: May 31, 2018.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

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

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; SBIR Phase II ''Virtual Reality Tools for Treatment of Substance Use Disorders'' (5583).

Date: June 4, 2018.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate contract proposals.

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

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11216 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Production of Monovalent Live Attenuated Zika Vaccines and Multivalent Live Attenuated Flavivirus Vaccines

AGENCY: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Summary Information section of this notice to Medigen Vaccines Biologics Corp. (Medigen), having a place of business in Zhubei, Taiwan.

DATES: Only written comments and/or application for a license which are received by the NIAID Technology Transfer and Intellectual Property Office on or before June 25, 2018 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated Exclusive Commercialization Patent License should be directed to: Peter Soukas, Technology Transfer and Patent Specialist, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Suite 6D, Rockville, MD 20852–9804; Email: *ps193c@nih.gov;* Telephone: (301) 496–2644; Facsimile: (240) 627–3117.

SUPPLEMENTARY INFORMATION:

Intellectual Property

U.S. Provisional Patent Application Number 62/307,170, filed March 11, 2016 and entitled ''Live Attenuated Zika Virus Vaccines,'' Whitehead et al., and PCT Patent Application Number PCT/US2017/0021989, filed March 11, 2017 and entitled ''Live Attenuated Zika Virus Vaccines,'' Whitehead et al. [HHS Reference E–118–2016/0]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned to the government of the United States of America.

The field of use may be limited to monovalent live attenuated Zika vaccines and multivalent live attenuated flavivirus vaccines. The Licensed Territory may be limited to Europe, China, South Korea, Japan, India, Australia and New Zealand.

Zika virus (ZIKV) is an emerging infectious disease that was first identified in 1947, and that has more recently become a major public health threat around the world. ZIKV has recently been shown to cause devastating neurological damage in infants and serious complications in adults in some cases, and may have other effects that have not yet been identified or definitively linked to the virus. There are no treatments or vaccines for this insidious virus. Recommendations that women who live in or travel to endemic areas avoid pregnancy for long periods of time are unrealistic, particularly in contexts where access to reproductive services is limited, and threaten to leave those most likely to suffer the devastating consequences of Zika without effective protection. There is therefore urgent need to develop biomedical interventions in parallel with ongoing public health efforts against ZIKV.

No vaccine exists today to prevent ZIKV infections. The methods and compositions of this invention provide a means for prevention of ZIKV infection by immunization with live attenuated, immunogenic viral vaccines against ZIKV and/or Dengue virus.

Many entities, governmental, academic, and commercial, are actively pursuing development of ZIKV vaccines each using a different approach to address this public health need. The U.S. Government is coordinating its vaccine development response to ZIKV and has published this plan at *https://www.phe.gov/Preparedness/planning/Pages/zika-white-paper.aspx.*

Vaccine development approaches for ZIKV include but are not limited to inactivated virus (dead virus), live attenuated virus (weakened virus), recombinant viral vectors (weakened virus with target genes added), and subunit (portion of a virus) as well as mRNA- and DNA-based (gene-targeted). These various strategies provide multiple redundancies, expanded choice, and ensure short and long term maximal benefits to the public.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within thirty (30) days from the date of this published notice, the National Institute of Allergy and Infectious Diseases receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Commercialization Patent License Agreement. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: May 14, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–11258 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

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

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

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Next Generation Multipurpose Prevention Technologies (NGM) (R61/R33 Clinical Trial Optional).

Date: June 12, 2018.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Audrey O. Lau, Ph.D., MPH, Scientific Review Officer AIDS REVIEW BRANCH SRP, RM 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852–9834, 240–669–2081, *audrey.lau@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Partnerships for Countermeasures against Select Pathogens (R01).

Date: June 28–29, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Amir E. Zeituni, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9834, Rockville, MD 20852, 301–496–2550, *amir.zeituni@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Partnerships for Countermeasures against Select Pathogens (R01).

Date: July 10–11, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Amir E. Zeituni, Ph.D., Scientific Review Officer Scientific Review Program Division of Extramural Activities NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9834, Rockville, MD 20852, 301–496–2550, *amir.zeituni@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11215 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing.

FOR FURTHER INFORMATION CONTACT: Dr. Amy Petrik, 240–627–3721; *amy.petrik@nih.gov.* Licensing information and copies of the U.S. patent application listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Antibodies and Methods for the Diagnosis and Treatment of Epstein-Barr Virus Infection

Description of Technology

According to the World Health Organization, over 90% of the worldwide population is infected with Epstein-Barr virus by adulthood. In most cases, the disease accompanying initial infection is subclinical though some individuals who are infected as adolescents or adults do experience infectious mononucleosis. However, once infected, individuals carry latent EBV for their remaining lifespan. In such individuals, immune suppression can result in reactivation of the EBV and consequently, EBV-associated lymphoproliferative disease. Currently, there is no prophylactic to prevent primary EBV infection and additional therapeutics would be useful to treat EBV-associated B-cell driven lymphoproliferative disease.

Scientists at the NIAID are developing neutralizing antibodies, originally isolated from humans or non-human primates, that could be useful in preventing primary infection or reactivation of EBV in immunocompromised individuals. These antibodies are 10–100 times more potent than the most potent EBV neutralizing antibody identified to date (72A1). The antibodies target epitopes on either the gp350 surface glycoprotein of EBV or the gH/gL heterodimer. In vitro experiments have demonstrated that the antibodies effectively inhibit EBV infection of B cells and epithelial cells as well as cell-to-cell fusion of cells expressing the viral proteins gH/gL.

Potential Commercial Applications

- Treatment of individuals with compromised immune systems to prevent EBV-associated lymphoproliferative diseases.
- Prevention of primary EBV infection in individuals with compromised immune systems to prevent EBV-associated lymphoproliferative diseases.

Competitive Advantages

- No EBV therapeutics or prophylactics currently exist.

Development Stage

- In vitro

Inventors: Masaru Kanekiyo (NIAID), W. Gordon Joyce (WRAIR), Wei Bu (NIAID), Jeffrey Cohen (NIAID).

Publications: N/A.

Intellectual Property: HHS Reference Number E–001–2017 includes U.S. Provisional Patent Application No. 62/490,023 filed April 25, 2017 (Pending); PCT Application No. PCT/US2018/29463 filed April 25, 2018.

HHS Reference Number E–079–2018 includes U.S. Provisional Patent Application No. 62/665,977 filed May 2, 2018.

Related Intellectual Property: HHS Reference Number E–001–2017; E–079–2018.

Licensing Contact: Dr. Amy Petrik, 240–627–3721; *amy.petrik@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to

further develop, evaluate or commercialize Epstein-Barr monoclonal antibody technologies. For collaboration opportunities, please contact Dr. Amy Petrik, 240–627–3721; *amy.petrik@nih.gov.*

Dated: May 10, 2018.

Suzanne M. Frisbie

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–11256 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Amy Petrik, Ph.D., 240–627–3721; *amy.petrik@nih.gov.* Licensing information and copies of the U.S. patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Middle East Respiratory Syndrome Coronavirus Antibodies

Description of Technology

Middle East Respiratory Syndrome coronavirus (MERS-CoV) causes a highly lethal pulmonary infection with ~35% mortality. Currently there are no prophylactic measures or effective therapies. Inventors at the Vaccine Research Center of the National Institute of Allergy and Infectious Diseases have identified and developed neutralizing monoclonal antibodies (nMAbs) against the MERS-CoV. This invention describes antibodies that target the Spike (S) glycoprotein on the coronavirus surface, which mediates viral entry into host cells. These novel antibodies target different regions of the S protein, and when administered in combination, reduce the possibility of viral escape. In preclinical testing, these nMAbs have demonstrated potent protective effects, preventing death, viral replication in the lower airways and severe disease in challenge studies with mice. In addition, these nMAbs have potential application for use in assays for detecting MERS-CoV S protein in infected patients or animals.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

Monoclonal antibodies developed against multiple regions of the coronavirus spike protein have potential application in the prevention and treatment of MERS-CoV. There is also potential application for their use as a diagnostic tool of infection.

Competitive Advantages

- *In vitro* models, the combinations of antibodies have been demonstrated to be effective in reducing viral escape.
- *In vivo* data in animal models demonstrated a potent ability to control infection.
- Applicable in diagnostic assays.

Development Stage

- *In vivo* data available (animal)

Inventors: Barney Graham (NIAID), Wing-Pui Kong (NIAID), Kayvon Modjarrad (NIAID), Lingshu Wang (NIAID), Wei Shi (NIAID), Michael Gordon Joyce (NIAID), Masaru Kanekiyo (NIAID), John Mascola (NIAID).

Intellectual Property: HHS Reference No. E–239–2014, U.S. Provisional Patent Application Number 62/120,353 filed February 25, 2015, PCT Patent Application PCT/US2016/019395 filed February 24, 2016, Europe Patent Application Number 16711059.2 filed February 24, 2016, South Korea Patent Application Number 10–2017–7027105 filed September 25, 2017, Saudi Arabia Patent Application Number 5173382168 filed August 21, 2017, and U.S. Patent Application Number 15/553,466 filed August 24, 2017.

Licensing Contact: Amy Petrik Ph.D., 240–627–3721; *amy.petrik@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize MERS-CoV monoclonal antibodies. For collaboration opportunities, please contact Amy Petrik, Ph.D., 240–627–3721; *amy.petrik@nih.gov.*

Dated: May 14, 2018.

Suzanne M. Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2018–11255 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Eye Council, June 14, 2018, 08:30 a.m. to June 14, 2018, 05:00 p.m., NIH, National Eye Institute, 5635 Fishers Lane, Terrace Level Conference Rooms, Rockville, MD 20852 which was published in the **Federal Register** on May 04, 2018, 83 FR 19791.

This meeting is being amended to change the Open and Close times. The Closed portion is now from 8:30 a.m. to 10:30 a.m. The Open portion is now from 10:45 a.m. to 3:00 p.m. The meeting is partially Closed to the public.

Dated: May 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11211 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

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

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: June 15, 2018.

Time: 1:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Priti Mehrotra, Ph.D., Chief, Immunology Review Branch Scientific Review Program, Division of Extramural Activities, Room #3G40, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–7616, 240–669–5066, *pmehrotra@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grant (R34); NIAID Clinical Trial Implementation Grant (R01); NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: June 18–19, 2018.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer Scientific Review Program Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 21, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–11213 Filed 5–24–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Omni Hydrocarbon Measurement, Inc. (Crosby, TX), as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Omni Hydrocarbon Measurement, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Omni Hydrocarbon Measurement, Inc. has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of July 6, 2017.

Applicable Dates: The approval of Omni Hydrocarbon Measurement, Inc., as commercial gauger became effective on July 6, 2017. The next triennial inspection date will be scheduled for July 2020.

FOR FURTHER INFORMATION CONTACT: Melanie Glass, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Omni Hydrocarbon Measurement, Inc., 914 Kennings Avenue, Crosby, TX 77532, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Omni Hydrocarbon Measurement, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
8	Sampling.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf.*

Dated: May 1, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services, Operations Support.

[FR Doc. 2018–11312 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation (Houston, TX), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation (Houston, TX), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Houston, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 11, 2017.

DATES: Inspectorate America Corporation (Houston, TX) was accredited and approved, as a commercial gauger and laboratory as of July 11, 2017. The next triennial inspection date will be scheduled for July 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 16025–C Jacintoport Blvd., Houston, TX 77015 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for

petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D 93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.
27–54	D 1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 18, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–11314 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0055]

Agency Information Collection Activities: Harbor Maintenance Fee

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than June 25, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 55849) on November 24, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Harbor Maintenance Fee.

OMB Number: 1651–0055.

Form Number: CBP Forms 349 and 350.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to Forms 349 and 350.

Type of Review: Extension (without change).

Abstract: The Harbor Maintenance Fee (HMF) and Trust Fund is used for the operation and maintenance of certain U.S. channels and harbors by the Army Corps of Engineers. U.S. Customs and Border Protection (CBP) is required to collect the HMF from importers, domestic shippers, and passenger vessel operators using federal navigation projects. Commercial cargo loaded on or unloaded from a commercial vessel is subject to a port use fee of 0.125 percent of its value if the loading or unloading occurs at a port that has been designated by the Army Corps of Engineers. The HMF also applies to the total ticket value of embarking and disembarking passengers and on cargo admissions into a Foreign Trade Zone (FTZ).

CBP Form 349, *Harbor Maintenance Fee Quarterly Summary Report,* and CBP Form 350, *Harbor Maintenance Fee Amended Quarterly Summary Report* are completed by domestic shippers, foreign trade zone applicants, and passenger vessel operators and submitted with payment to CBP.

CBP uses the information collected on CBP Forms 349 and 350 to verify that the fee collected is timely and accurately submitted. These forms are authorized by the Water Resources Development Act of 1986 (26 U.S.C. 4461, *et seq.*) and provided for by 19 CFR 24.24, which also includes the list of designated ports. CBP Forms 349 and 350 are accessible at *http://www.cbp.gov/newsroom/publications/forms* or they may be completed and filed electronically at *www.pay.gov.*

Affected Public: Businesses.

CBP Form 349

Estimated Number of Respondents: 560.

Estimated Number of Total Annual Responses: 2,240.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,120.

CBP Form 350

Estimated Number of Respondents: 15.

Estimated Number of Total Annual Responses: 60.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 30.

Recordkeeping

Estimated Number of Respondents: 575.

Estimated Number of Total Annual Responses: 575.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 96.

Dated: May 22, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–11289 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0007]

Agency Information Collection Activities: Application for Allowance in Duties

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than June 25, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (83 FR 824) on January 8, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Allowance in Duties.

OMB Number: 1651–0007.

Form Number: CBP Form 4315.

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to Form 4315.

Type of Review: Extension (without change).

Abstract: CBP Form 4315, ''Application for Allowance in Duties,'' is submitted to CBP in instances of claims of damaged or defective imported merchandise on which an allowance in duty is made in the liquidation of the entry. The information on this form is used to substantiate an importer's claim for

such duty allowances. CBP Form 4315 is authorized by 19 U.S.C. 1506 and provided for by 19 CFR 158.11, 158.13 and 158.23. This form is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%204315_0.pdf.*

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Number of Total Annual Responses: 12,000.

Estimated Time per Response: 8 minutes.

Estimated Annual Burden Hours: 1,600.

Dated: May 22, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch U.S. Customs and Border Protection.

[FR Doc. 2018–11291 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0021]

Agency Information Collection Activities: Crew Member's Declaration

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than June 25, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (83 FR 827) on January 8, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Crew Member's Declaration.

OMB Number: 1651–0021.

Form Number: CBP Form 5129.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 5129.

Type of Review: Extension (without change).

Abstract: CBP Form 5129, *Crew Member's Declaration,* is a declaration made by crew members listing all goods acquired abroad which are in his/her possession at the time of arrival in the United States. The data collected on CBP Form 5129 is used for compliance with currency reporting requirements, supplemental immigration documentation, agricultural quarantine matters, and the importation of merchandise by crew members who complete the individual declaration. This form is authorized by 19 U.S.C. 1431 and provided for by 19 CFR 4.7, 4.81, 122.44, 122.46, 122.83, 122.84 and 148.61–148.67. CBP Form 5129 is accessible at *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%205129.pdf.*

Affected Public: Businesses.

Estimated Number of Respondents: 6,000,000.

Estimated Number of Total Annual Responses: 6,000,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 996,000.

Dated: May 22, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–11290 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0138]

Agency Information Collection Activities: Biometric Identity

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; revision and extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted July 24, 2018 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0138 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Biometric Identity.

OMB Number: 1651–0138.

Type of Review: Revision and Extension (with change).

Current Actions: This submission is being made to revise the information collection and extend the expiration date with a change to the burden hours due to an increase in the number of respondents in agency estimates and separating the different biometric modalities. *Proposed Change:* CBP is proposing to revise this collection of information to include the collection of biometrics from vehicles, this collection will not impose a time burden on the respondents and may reduce wait times at the ports of entry and exit.

Affected Public: Individuals.

Abstract: In order to enhance national security, the Department of Homeland Security is developing a biometric based entry and exit system capable of improving the information resources available to immigration and border management decision-makers. These biometrics may include: Digital fingerprint scans, facial images, iris images or other biometrics. Biometrics may be collected from travelers entering or exiting the United States. CBP will store and use biometric data from those aliens specified in 8 CFR 215.8 and 8 CFR 235.1 in order to verify identity, determine admissibility of those seeking entry into the United States, confirm exit from the United States for the purpose of tracking aliens who have overstayed their visa or are otherwise illegally present in the United States, prevent visa fraud, and identify known or suspected criminals or terrorists. CBP continues to test and evaluate different technological and operational changes to improve the accuracy and speed of biometric collection.

The federal statutes that mandate DHS to create a biometric entry and exit system include: Section 2(a) of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Public Law 106–215, 114 Stat. 337 (2000); Section 205 of the Visa Waiver Permanent Program Act of 2000, Public Law 106–396, 114 Stat. 1637, 1641 (2000); Section 414 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107–56, 115 Stat. 272, 353 (2001); Section 302 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107–173, 116 Stat. 543, 552, (2002); Section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108–458, 118 Stat. 3638, 3817 (2004); Section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53, 121 Stat. 266 (2007), Consolidated Appropriations Act, 2016, Public Law 114–113, 129 Stat. 2242, 2493 (2016), Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, 110 Stat. 3009–546 (1997), Section 802 of the Trade Facilitation and Trade Enforcement Act of 2015, Public Law 114–125, 130 Stat. 122, 199 (2015), and Sections 214, 215(a), 235(a), 262(a), 263(a) and 264(c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1184, 1185(a), 1225(a), 1302(a)(1303(a), 1304(c) and 1365b.

Fingerprint Modality

Estimated Number of Respondents: 58,657,882.

Estimated Time per Response: .0097 hours.

Estimated Total Annual Burden Hours: 568,981.

Facial/Iris Modality

Estimated Number of Respondents: 54,542,118.

Estimated Time per Response: .0025 hours.

Estimated Total Annual Burden Hours: 136,355.

Biometrics Collected From Vehicles

Estimated Number of Respondents: 300,000.*

Estimated Time per Response: None.

Estimated Total Annual Burden Hours: None.

* Vehicle time per Respondent is estimated at zero due to no physical response required from the respondent.

Dated: May 22, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–11287 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0100]

Agency Information Collection Activities: Petition for Remission or Mitigation of Forfeitures and Penalties Incurred

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than June 25, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (83 FR 826) on January 8, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Petition for Remission or Mitigation of Forfeitures and Penalties Incurred.

OMB Number: 1651–0100.

Form Number: CBP Form 4609.

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Abstract: CBP Form 4609, Petition for Remission or Mitigation of Forfeitures and Penalties Incurred, is completed and filed with the CBP FP&F Officer designated in the notice of claim by individuals who have been found to be in violation of one or more provisions of the Tariff Act of 1930, or other laws administered by CBP. Persons who violate the Tariff Act are entitled to file a petition seeking mitigation of any statutory penalty imposed or remission of a statutory forfeiture incurred. This petition is submitted on CBP Form 4609. The information provided on this form is used by CBP personnel as a basis for granting relief from forfeiture or penalty. CBP Form 4609 is authorized by 19 U.S.C. 1618 and provided for by 19 CFR 171.1. It is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=4609.*

Affected Public: Businesses.

Estimated Number of Respondents: 1,610.

Estimated Number of Total Annual Responses: 1,610.

Estimated Time per Response: 14 minutes.

Estimated Annual Burden Hours: 376.

Dated: May 22, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–11288 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0012]

Record of Decision for the Final National Flood Insurance Program Nationwide Programmatic Environmental Impact Statement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability of the Record of Decision for the final nationwide programmatic environmental impact statement.

SUMMARY: The Federal Emergency Management Agency (FEMA) announces the availability of the Record of Decision (ROD) for the final nationwide programmatic environmental impact statement (NPEIS) evaluating the environmental impacts of proposed modifications to the National Flood Insurance Program (NFIP). The NPEIS was completed in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality's (CEQ's) regulations for implementing the procedural provisions of NEPA, and FEMA's Directive 108–1 ''Environmental Planning and Historic Preservation Responsibilities and Program Requirements.''

ADDRESSES: Electronic versions of the ROD are available for viewing at FEMA's website at *https://www.fema.gov/programmatic-environmental-impact-statement.*

FOR FURTHER INFORMATION CONTACT: For more information on the ROD, contact Bret Gates, FEMA, Federal Insurance and Mitigation Administration, Floodplain Management Division, 400 C Street SW, Washington, DC 20472, or

via email at *Bret.Gates@fema.dhs.gov,* or by phone at 202–646–2780.

SUPPLEMENTARY INFORMATION:

Development of the NFIP NPEIS began with publication of the Notice of Intent in the **Federal Register** on May 16, 2012. (77 FR 28891) The evaluation process included the NFIP Stakeholder Listening Session with key stakeholders in November 2009. In addition, FEMA conducted two public meetings in December 2010 and opened a public comment period on four alternatives for NFIP Reform. Comments received were considered part of the scoping process for this NPEIS. Additionally, FEMA held three public webinars in April and May of 2014 to further the scoping process. (79 FR 16354, March 25, 2014)

Publication of the draft NPEIS on April 7, 2017 included a 60-day comment period with public meetings and webinars to obtain comments on the document. (82 FR 17023) FEMA accepted comments on the draft NPEIS until June 6, 2017. Comments on the draft NPEIS were incorporated, as appropriate, into the final NPEIS (see Appendix M).

Publication of the final NPEIS on November 3, 2017 (82 FR 51286) initiated a 30-day hold period for the final NPEIS that ended on December 3, 2017. A summary of the comments received on the final NPEIS and explanations as to why changes to the NPEIS were not warranted is included in the ROD.

The modifications to the NFIP are needed to (a) implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW–12) and the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA); and (b) to demonstrate compliance with the Endangered Species Act (ESA). As stated in the final NPEIS, the need to implement the legislative requirements of BW–12 and HFIAA arises from the recent concerns over the fiscal soundness of the NFIP.

The final NPEIS considered four alternatives and described the potential environmental effects of each alternative. With this notice FEMA is announcing the availability of the ROD on the actions to be taken, including potential mitigation measures, and its intent to implement the Preferred Alternative from the NFIP's final NPEIS. The preferred alternative consists of the following program modifications:

—Preferred Alternative 2 (Legislatively Required Changes, Floodplain Management Criteria Guidance, and Letter of Map Change [LOMC] Clarification) (Preferred Alternative)

- Phase out of subsidies on certain pre-Flood Insurance Rate Map (pre-FIRM) properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.
- Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.
- Implement a monthly installment plan payment option for non-escrowed flood insurance policies.
- Clarify that pursuant to 44 CFR 60.3(a)(2), a community must obtain and maintain documentation of compliance with the appropriate Federal or State laws, including the ESA, as a condition of issuing floodplain development permits.
- Clarify that the issuing of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

The ROD is available for viewing at *https://www.fema.gov/programmatic-environmental-impact-statement.*

Authority: 42 U.S.C. 4331 *et seq.;* 40 CFR part 1500; FEMA Instruction 108–1–1.

Dated: May 18, 2018.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–11210 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–A6–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0135]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Travel Document (Carrier Documentation)

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 25, 2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0135 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 13, 2018 at 83 FR 10868, allowing for a 60-day public comment period. USCIS did not receive any comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the

Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2015–0004 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Travel Document (Carrier Documentation).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–131A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS uses the information provided on Form I–131A to verify the status of permanent or conditional residents, and determine whether the applicant is eligible for the requested travel document.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–131A is 4,110 and the estimated hour burden per response is .92 hours; biometrics processing is 4,110 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 8,590 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $704,620.

Dated: May 21, 2018.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–11264 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0012]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Alien Relative

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 25, 2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number [1615–0012] in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 15, 2018, at 83 FR 6873, allowing for a 60-day public comment period. USCIS did receive four comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0037 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Relative.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–130; I–130A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–130 allows U.S. citizens or lawful permanent residents of the United States to petition on behalf of certain alien relatives who wish to immigrate to the United States. Form I–130A allows for the collection of additional information for spouses of the petitioners necessary to facilitate a decision.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–130 is 978,500 and the estimated hour burden per response is 2 hours. The estimated total number of respondents for the information collection I–130A is 45,614 and the estimated hour burden per response is 0.883 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,994,996 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $391,400,000.

Dated: May 21, 2018.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–11265 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0017]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Advance Permission To Enter as Nonimmigrant

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 25, 2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0017 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 27, 2018, at 83 FR 8498, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0009 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Advance Permission to Enter as Nonimmigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–192; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The data collected will be used by CBP and USCIS to determine whether the applicant is eligible to enter the United States temporarily under the provisions of section 212(d)(3), 212(d)(13), and 212(d)(14) of the INA. The respondents for this information collection are certain inadmissible nonimmigrant aliens who wish to apply for permission to enter the United States, applicants for T nonimmigrant status (victims of a severe form of trafficking in persons), and petitioners for U nonimmigrant status (victims of qualifying criminal activity).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–192 is 68,050 and the estimated hour burden per response is 1.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 102,075 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $16,672,250.

Dated: May 21, 2018.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–11263 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0013]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Travel Document, Form I–131; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until July 24, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0013 in the body of the letter, the agency name and Docket ID USCIS–2007–0045. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0045;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0045 in the search box. 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 consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Travel Document, Form I–131; Extension, Without Change, of a Currently Approved Collection.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–131; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Certain aliens, principally permanent or conditional residents, refugees or asylees, applicants for adjustment of status, aliens in Temporary Protected Status (TPS), and aliens abroad seeking humanitarian parole who need to apply for a travel document to lawfully enter or reenter the United States. Eligible recipients of deferred action under childhood arrivals (DACA) may now request an advance parole documents based on humanitarian, educational and employment reasons. Lawful permanent residents may now file requests for travel permits (transportation letter or boarding foil).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–131 is 483,920 and the estimated hour burden per response is 2.33 hours; the estimated total number of respondents for biometrics processing is 82,974 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,222,042 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $142,272,480.

Dated: May 21, 2018.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–11266 Filed 5–24–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7006–N–07]

60-Day Notice of Proposed Information Collection: Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 24, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, ODAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–0306 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street, SW, Room 3178, Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Housing Choice Voucher (HCV) Program.

OMB Approval Number: 2577–0169.

Type of Request: Revision of currently approved collection with changes that include new requirements of the Housing Opportunities Through Modernization Act (HOTMA) of 2016 and inclusion of contract amendments for both the HCV and project-based voucher (PBV) programs.

Form Numbers: HUD–52515, HUD–52667, HUD–52580, HUD–52580–A, HUD–52517, HUD–52646, HUD–52665, HUD–52641, HUD–52641–A, HUD 52642, HUD 52649, HUD 52531A and B, HUD 52530A, HUD 52530B, HUD 52530C, HUD 52578B, HUD–50164.

Description of the Need for the Information and Proposed Use

Public Housing Agencies (PHA) will prepare an application for funding which specifies the number of units requested, as well as the PHA's objectives and plans for administering the Housing Choice (HCV) and Project Base Voucher (PBV) programs. The application is reviewed by HUD Headquarters and HUD Field Offices and ranked according to the PHA's administrative capability, the need for housing assistance, and other factors specified in a notice of funding availability. The PHAs must establish a utility allowance schedule for all utilities and other services. Units must be inspected using HUD-prescribed forms to determine if the units meet the Housing Quality Standards (HQS) of the HCV program. After the family is issued a HCV to search for a unit pursuant to attending a briefing and receiving an information packet, the family must complete and submit to the PHA a Request for Tenancy Approval when it finds a unit which is suitable for its needs. Initial PHAs will use a standardized form to submit portability information to the receiving PHA who will also use the form for monthly portability billing. PHAs and owners will enter into housing assistance payments (HAP) contract each providing information on rents, payments, certifications, notifications, and owner agreement in a form acceptable to the PHA. A Tenancy Addendum for the HCV program is included in the HAP contract as well as incorporated in the lease between the owner and the family. Families that participate in the Homeownership option will execute a statement regarding their responsibilities and execute contracts of sale including an additional contract of sale for new construction units. PHAs participating in the PBV program will enter into Agreements with owners for developing projects, HAP contracts with the existing and New Construction/Rehabilitation owners, a Statement of Family Responsibilities with the family and a lease addendum for execution between the family and the owner. New requirements have been established for independent entities in both the HCV and PBV programs. In addition, new requirements have been established for the Housing Opportunities Through Modernization (HOTMA) rule of 2016. HOTMA made changes to both the definition of PHA-owned housing and several changes to the PBV program to conform with HOTMA requirements. As a result of these updates, changes have been made to the following forms: PBV HAP Contracts (both for existing housing (HUD–52530 A and B) and new Construction/Rehab (HUD 52531 A and B); PBV Tenancy Addendum; (HUD 53530c) and HCV HAP Contract (HUD 52641).

Other forms that are being updated are: The Funding Application (HUD 52515); the Request for Tenancy Approval (HUD–2517); and Allowances for Tenant-Furnished Utilities and Other Services (HUD 5267). Three new documents each will be added for the Family Unification Program application process and the HUD–VASH Application Process. Additionally, the forms will be updated to remove outdated references (such as those to the Certificate Program). Such updates do not result in an increase in burden hours.

Respondents (*i.e.* affected public): State and Local Governments, businesses or other non-profits.

Estimated Number of Respondents: 2,192 PHAs.

Estimated Number of Responses: 3.680,493.

Frequency of Response: Varies by form.

Average Hours per Response: 1.

Total Estimated Burdens Hours: 1,643,173.

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: May 10, 2018.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2018–11306 Filed 5–24–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7006–N–08]

60-Day Notice of Proposed Information Collection: Public Housing Flat Rent Exception Request Market Analysis

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 24, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Flat Rent Exception Request Market Analysis.

OMB Approval Number: Pending OMB approval.

Type of Request: New Collection.

Form Number: Under development.

Description of the need for the information and proposed use: The form will streamline the process and reduce burden on PHAs when submitting a market analysis as part of a flat rent exception request in accordance with Notice PIH 2015–13(HA), which implements Section 238 of Title II of Public Law 113–235, the Department of Housing and Urban Development Appropriations Act of 2015. Notice PIH 2015–13(HA) allows PHAs to request flat rents that are based on the local rental market conditions, when the PHA can demonstrate through a market analysis that the FMRs are not reflective of the local market. The current submission process does not stipulate a template for PHA submissions, therefore PHAs spend widely varying amounts of time and effort compiling information which may or may not facilitate HUD's review of their request.

Respondents: Public Housing Authorities (PHAs)

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
.....	95	1	1	8	760	$17.11	$13,003.60
Total	.....	.....	.....	.....	.....	.....	.....

Explanation of burden hour and cost calculation:

- Number of respondents = 95
- Frequency of response/responses per annum = 1/1 (PHAs make one submission per fiscal year)
- Burden hours per response = estimated time to complete a market analysis
- Annual burden hours = 95 * 1 *1 *8
- Hourly cost per response = the average hourly pay rate earned by a housing specialist in a PHA responsible for collecting market data
- Annual cost = 760 * $17.11

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.

Date: May 15, 2018.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2018–11305 Filed 5–24–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R6–ES–2017–0044; FF06E11000–167–FXES11120600000]

Montana Department of Natural Resources Final Amended Habitat Conservation Plan and Final Supplemental Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the final supplemental environmental impact statement (SEIS) and final Montana Department of Natural Resources Amended Habitat Conservation Plan (HCP) for forest management in Montana. The Montana Department of Natural Resources and Conservation (DNRC) applied to the Service for an amended incidental take permit (permit) under the Endangered Species Act of 1973, as amended (ESA). DNRC is requesting authorization of additional incidental take of three federally listed and one unlisted species on 81,416 acres to be added to its HCP-covered lands. DNRC also amended the HCP to incorporate the terms of a settlement agreement from a 2013 lawsuit on the original permit. The final SEIS considers the environmental effects of amending the HCP and permit and addresses public comments received on the 2017 draft EIS.

DATES: The documents will be available for inspection through June 25, 2018. We will not decide whether to issue an amended permit before the 30-day review period ends. We will document our decision in a record of decision (ROD).

ADDRESSES: *Reviewing Documents:* You may review the final SEIS and final amended HCP in any of the following ways:

- *Internet:* Go to *www.regulations.gov* and search for Docket No. FWS–R6–ES–2017–0044.
- *In-person Review or Pick-up:* Documents will also be available for public inspection by appointment during normal business hours at the U.S. Fish and Wildlife Service, 780 Creston Hatchery Road, Kalispell, MT 59901 (telephone, 406–758–6882); U.S. Fish and Wildlife Service, 585 Shepard Way, Suite 1, Helena, MT 59601 (telephone, 406–449–5225); and Montana DNRC Forest Management Bureau, 2705 Spurgin Rd, Missoula, MT 59804 (telephone, 406–542–4328).
- Information regarding the final documents is available in alternative formats upon request (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Conard, Assistant Field Supervisor, Kalispell Field Office, via email at *Ben_Conard@fws.gov* or via telephone at 406–758–6882; or Gary Frank, Deputy Chief, Forest Management Bureau, Montana DNRC, via email at *gfrank@mt.gov,* or via telephone at 406–542–4328. Information on this proposed action is also available at the DNRC's website at *http://dnrc.mt.gov/divisions/trust/forest-management/hcp.* If you use a telecommunications device for the deaf, hard-of-hearing, or speech disabled, please call the Federal Relay Service at 800–877–8337.

SUPPLEMENTARY INFORMATION: With this notice, we are advising the public that we are providing the final SEIS and amended HCP for public review. We jointly prepared the final SEIS for our compliance with the National Environmental Policy Act (NEPA) and DNRC's compliance with the Montana Environmental Policy Act.

Background

Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under section 3 of the ESA, the term ''take'' means to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). The term ''harm'' is defined in title 50 of the Code of Federal Regulations as ''an act which actually kills or injures wildlife. Such acts may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering'' (50 CFR 17.3). The term ''harass'' is defined in the regulations as ''an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering'' (50 CFR 17.3).

Under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed fish and wildlife species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Section 10(a)(1)(B) of the ESA contains provisions for issuing incidental take permits to non-Federal entities for the incidental take of endangered and threatened species. Regulations governing activities involving endangered species are at 50 CFR part 17, subpart C, and regulations governing activities involving threatened species are at 50 CFR part 17, subpart D.

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine whether the actions may significantly affect the human environment. Under NEPA and its implementing regulations (40 CFR 1500 *et seq.*), Federal agencies must also compare effects of a reasonable range of alternatives to the proposed action. In these analyses, the Federal agency will identify potentially significant direct, indirect, and cumulative effects, as well as possible mitigation for any significant effects, on biological resources, land use, air quality, water resources, socioeconomics, environmental justice, cultural resources, and other environmental resources that could occur with the implementation of the proposed action and alternatives.

The Applicant's Project

In 2011, we issued a permit to DNRC for take of the grizzly bear, Canada lynx, bull trout, westslope cutthroat trout, and Columbia redband trout incidental to forest management activities covered in their HCP (75 FR 57059). The grizzly bear, Canada lynx, and bull trout are listed as threatened under the ESA, while the westslope and Columbia redband trout are not listed species. The original permit covered approximately 548,500 acres of forested State trust lands in western Montana. The HCP addressed the process and contingencies for DNRC to transfer, exchange, or add lands for their forest management activities in the future. Thus, the Service had considered in the 2011 final EIS the potential effects of amending the HCP and permit to cover such actions, but was not able to analyze effects from adding specific lands that had not yet been identified. The final SEIS analyzes potential effects to the human and natural environment from the preferred alternative to amend the permit to cover take from DNRC's forest management activities on an additional 81,416 acres. The permit's take authorization would increase for the grizzly bear, Canada lynx, bull trout, and westslope cutthroat

trout. Change in authorized take of the Columbia redband trout is not necessary, because it does not occur on the additional lands. The amended permit would require DNRC to implement all applicable HCP conservation commitments on the additional lands to avoid, minimize, and mitigate the impacts of the take.

In April, 2013, Friends of the Wild Swan, Montana Environmental Information Center, and Natural Resources Defense Council challenged the issuance of the permit in a Federal District Court in Montana. The Court ruled in the Service's favor on all but one count. DNRC and the plaintiffs subsequently entered a settlement agreement for the remaining count in September 2015. The future addition of lands to the HCP and permit were not part of the complaint or the settlement agreement. The DNRC amended the HCP to incorporate the terms of the settlement agreement, which would not result in any changes to the permit.

National Environmental Policy Act Compliance

Issuing an amended permit is a Federal action that requires compliance with NEPA. The amended permit would require the implementation of DNRC's amendments to the HCP. Therefore, the final SEIS analyzes the direct, indirect, and cumulative effects of issuing an amended permit and implementing the required measures in the amended HCP to avoid, minimize, and mitigate the impacts of the take. We also analyzed the effects of a no-action alternative. The no-action alternative includes amending the HCP to incorporate the terms of the settlement agreement, which is legally required, but does not include adding lands or issuing an amended permit authorizing additional take. The final SEIS also includes all comments we received on the draft SEIS and our response to those comments.

In accordance with NEPA (40 CFR 1502.14(e)), we identified the proposed action as our preferred alternative in the final SEIS. The action agency's preferred alternative is a preliminary indication of its preference of action, chosen from among the alternatives analyzed. It is the alternative that the agency believes would fulfill its statutory mission and responsibilities, giving consideration to environmental, economic, technical, and other factors (43 CFR 46.420(d)). The preferred alternative is not a final agency decision; the final agency decision will be presented in the ROD after the 30-day review period for the final SEIS.

Public Review

Copies of the Final SEIS and Amended HCP are available for review (see **ADDRESSES**). Any comment we receive will become part of the administrative record and may be available to the public. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public disclosure in their entirety.

In addition to our publication of this notice, the U.S. Environmental Protection Agency (EPA) will publish a **Federal Register** notice. The EPA is charged, under section 309 of the Clean Air Act, to review all Federal agencies' EISs and to comment on the adequacy and the acceptability of the environmental impacts of proposed actions in the EISs. EPA also serves as the repository for EISs prepared by Federal agencies and provides notice of their availability in the **Federal Register**. The Environmental Impact Statement (EIS) Database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability on Fridays in the **Federal Register**. The notice of availability is the start of the 30-day ''wait period'' for final EISs, during which agencies are generally required to wait 30 days before making a decision on a proposed action. For more information, see *https://www.epa.gov/nepa.* You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

Authority: We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations for incidental take permits (50 CFR 17.22) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Dated: May 16, 2018.

Marjorie Nelson,

Chief—Ecological Services, Mountain-Prairie Region, U.S. Fish and Wildlife Service, Lakewood, Colorado.

[FR Doc. 2018–11209 Filed 5–24–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–20520; 18X.LLAK.944000.L14100000.HY0000.P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface and subsurface estates in certain lands to Kukulget, Inc., and Sivuqaq, Inc., both Alaska Native corporations, pursuant to the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA).

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the BLM, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION, CONTACT: Eileen Bryant, BLM Alaska State Office, 907–271–5715 or *ebryant@blm.gov.* The BLM Alaska State Office may also be contacted via a Telecommunications Device for the Deaf (TDD) through the Federal Relay Service at 1–800–877–8339. The relay service is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to Kukulget, Inc., and Sivuqaq, Inc. The decision approves conveyance of the surface and subsurface estates in certain lands pursuant to the ANCSA (43 U.S.C. 1601, *et seq.*). The lands are located on St. Lawrence Island, Alaska, and are described as:

Lots 4 and 5, U.S. Survey No. 4340, Alaska.
Containing 424.35 acres.

The grant of the lands described above shall be to Kukulget, Inc., and Sivuqaq, Inc., as tenants in common in the following proportions:

Kukulget, Inc., an undivided 415/842 interest, and Sivuqaq, Inc., an undivided 427/842 interest.

The BLM will also publish notice of the decision once a week for four consecutive weeks in the *Nome Nugget* newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until June 25, 2018 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30-days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

Eileen Bryant,

Land Transfer Resolution Specialist, Adjudication Section.

[FR Doc. 2018–11337 Filed 5–24–18; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR–936000–L14400000–ET0000; HAG–17–0166; OR–19014]

Public Land Order No. 7867: Partial Withdrawal Revocation, Water Power Designation No. 14, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order (PLO).

SUMMARY: This Order revokes in part a Secretarial Order dated December 12, 1917, which established Water Power Designation No. 14, insofar as it affects 350 acres of Revested Oregon and California Railroad Grant Lands administered by the United States Forest Service. Subject to valid existing rights, Section 24 of the Federal Power Act, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law, this Order opens the lands to a Federal land exchange.

DATES: This PLO takes effect on May 25, 2018.

FOR FURTHER INFORMATION CONTACT: Jacob Childers, Bureau of Land Management, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–808–6225. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual. The FRS is available 24 hours a day, 7-days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management (BLM), with concurrence of the Federal Energy Regulatory Commission, has determined that a portion of the lands classified for water power purposes under Water Power Designation No. 14 will not be injured by conveyance out of Federal ownership. Any land conveyance will be subject to the General Exchange Act of 1922 (16 U.S.C. 485); the Federal Land Policy and Management Act of October 21, 1976, as amended (43 U.S.C. 1716); and the Act of November 23, 1977 (91 Stat. 1425) authorizing the administration of the Bull Run Watershed.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. The withdrawal created by a Secretarial Order dated December 12, 1917, which established Water Power Designation No. 14, is hereby revoked insofar as it affects the following described Revested Oregon and California Railroad Grant lands:

Willamette Meridian

T. 1 S., R. 6 E.,
Sec. 9, SE¼SE¼SE¼;
Sec. 17, E½NE¼, SE¼SW¼NE¼, SE¼NE¼SW¼, S½SW¼, and SE¼.
The area described contains 350 acres in Multnomah County.

2. At 9 a.m. on May 25, 2018 the lands described in Paragraph 1 are hereby opened to such forms of disposition as may be made of the Revested Oregon and California Railroad Grant lands, subject to Section 24 of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 818), to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: April 18, 2018.

Joseph R. Balash,

Assistant Secretary—Lands and Minerals Management.

[FR Doc. 2018–11338 Filed 5–24–18; 8:45 am]

BILLING CODE 3411–16–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–OIA–WASO–23628; PIN00IO14.XI0000]

U.S. Nomination to the World Heritage List: Hopewell Ceremonial Earthworks

AGENCY: Department of the Interior, National Park Service.

ACTION: Second notice.

SUMMARY: This notice announces the decision to request that a draft nomination of the Hopewell Ceremonial Earthworks for inclusion on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List be prepared. The decision is the result of consultation with the Federal Interagency Panel for World Heritage and the review of public comments submitted in response to earlier notices. This notice complies with applicable World Heritage Program regulations.

ADDRESSES: To request paper copies of documents discussed in this notice, contact April Brooks, Office of International Affairs, NPS, 1849 C St. NW, Room 3313, Washington, DC 20240. Email: *april_brooks@nps.gov.* Information on the U.S. World Heritage program can be found at *https://www.nps.gov/subjects/internationalcooperation/worldheritage.htm.*

FOR FURTHER INFORMATION CONTACT: Jonathan Putnam, 202–354–1809 or April Brooks, 202–354–1808.

SUPPLEMENTARY INFORMATION:

Background: The World Heritage List is an international list of cultural and natural properties nominated by the signatories to the World Heritage Convention (1972). The United States was the prime architect of the Convention, an international treaty for preservation of natural and cultural heritage sites of global significance proposed by President Richard M. Nixon, and the U.S. was the first nation to ratify it. The World Heritage Committee, composed of representatives of 21 nations periodically elected as the governing body of the World Heritage Convention, makes the final decisions on which nominations to accept on the World Heritage List at its annual meeting each summer.

There are 1,052 sites in 165 of the 192 signatory countries. Currently there are 23 World Heritage Sites in the United States. U.S. participation and the roles of the Department and the National Park Service (NPS) are authorized by Title IV of the Historic Preservation Act Amendments of 1980 and conducted in accordance with 36 CFR 73—World Heritage Convention. The NPS serves as the principal technical agency for World Heritage in the Department, which has the lead role for the U.S. Government in the implementation of the Convention and manages all or parts of 18 of the 23 U.S. World Heritage Sites, including Yellowstone National Park, the Everglades, and the Statue of Liberty.

Each State Party to the Convention maintains a Tentative List, periodically updated, of properties that are considered suitable for nomination. Only properties on the official Tentative List are eligible to officially prepare nominations that the Department may consider for submission. The Hopewell Ceremonial Earthworks have been included on the U.S. Tentative List since January 24, 2008. Neither inclusion in the list nor inscription as a World Heritage Site imposes legal restrictions on owners or neighbors of sites, nor does it give the United Nations any management authority or ownership rights in U.S. World Heritage Sites, which continue to be subject only to U.S. law.

NPS regulations at 36 CFR part 73 establish the process for making nominations to the World Heritage List. This is the second notice as required by 36 CFR 73.7(f) on the proposed nomination of the Hopewell Ceremonial Earthworks. On December 9, 2016, the Department requested public comment on which property or properties on the U.S. World Heritage tentative list should be nominated next by the United States to the World Heritage List. This was the First Notice in the **Federal Register** (81 FR 89143), as required by 36 CFR 73.7(c).

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks and includes representatives from various Federal Departments and agencies with Federal land management and policy-making responsibilities.

Decision to Request the Preparation of a New U.S. World Heritage Nomination: The Department received a large number of comments on this proposal, including those made in response to previous opportunities for public comment. These included approximately 80 expressions of support for a nomination by the property owners and managers, non-profit organizations, elected officials at the local, state, and Federal levels, representatives of Indian tribes, universities, and individuals, as well as an internet petition with over 800 signatures. Some earlier comments also suggested that the nomination be made in combination with North American earthworks of other periods, but the Department has determined that such an approach would be too broadly defined to present a clear justification to meet the World Heritage criteria. There were no comments against nominating the properties. There were no comments made in the current comment period recommending the nomination of any other properties on the Tentative List. The Department considered all comments received as well as the advice of the Federal Interagency Panel for World Heritage. The Panel made its recommendations to the Department on the next U.S. World Heritage nomination at a meeting on January 6, 2017. The Panel agreed by consensus to support the preparation of a nomination at this time for the Hopewell Ceremonial Earthworks.

The Department has selected the Hopewell Ceremonial Earthworks as a proposed nomination to the World Heritage List. With the assistance of the Department, the owners of this group of sites are encouraged to prepare a complete nomination document in accordance with 36 CFR part 73 and the nomination format required by the World Heritage Committee.

Hopewell Ceremonial Earthworks in Ohio includes:

- Hopewell Culture National Historical Park, including the Mound City Group, Hopewell Mound Group, Seip Earthworks, High Bank Earthworks, and Hopeton Earthworks
- Newark Earthworks State Memorial, including the Octagon Earthworks, Great Circle Earthworks, and Wright Earthworks
- Fort Ancient State Memorial

Dating from the middle Woodland period (1,500–2,200 years ago) the Hopewell people built enormous, landscape-scale geometric earthwork sites over a large area of southern Ohio, in an extraordinary expression of pre-Columbian ritual cultural activity which was at the center of a tradition that interacted with people as far away as the Yellowstone basin and Florida. The circles, squares and octagons are intricately related by precise and standard units of measure. They also demonstrate sophisticated astronomical observation, and contain extensive deposits of artifacts that are among the most outstanding art objects produced in pre-Columbian North America. The property includes below-ground evidence as well.

Next Steps: A draft World Heritage nomination for the Hopewell Ceremonial Earthworks may now be prepared, in consultation with the National Park Service's Office of International Affairs. The World Heritage nomination format may be found at the World Heritage Centre website in Annex 5 of the *Operational Guidelines* of the World Heritage Convention at *http://whc.unesco.org/en/guidelines.* The NPS will coordinate the review and evaluation of the draft nomination and will establish in consultation with the property owners and managers a memorandum that describes the roles, responsibilities, and process to be followed in developing a nomination, including the documentation of protective measures as provided for in 36 CFR 73.13. Following NPS review of a complete draft nomination, the Department may submit it to the World Heritage Centre for technical review by September 30 of any year. The Centre will then provide comments by November 15 of that year. The Federal Interagency Panel for World Heritage will review a draft nomination following receipt of the Centre's comments. The Interagency Panel will evaluate the adequacy of the nomination, the significance of the property and whether the nomination should be formally submitted to the World Heritage Centre for consideration by the World Heritage Committee, and will make a recommendation to the Department. Submittal to the World Heritage Centre by the Department through the Department of State can be made by February 1 of any year; the World Heritage Committee will then consider the nomination at its annual meeting in the summer of the following year, following an evaluation by an official Advisory Body to the Committee.

Authority: 54 U.S.C. 307 101; 36 CFR part 73.

Dated: April 24, 2018.

Susan Combs,

Senior Advisor to the Secretary, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2018–11363 Filed 5–24–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A00 18XS501520]

Notice of Availability for the San Juan Mine Deep Lease Extension Mining Plan Modification Draft Environmental Impact Statement

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Office of Surface Mining Reclamation and Enforcement (OSMRE) has prepared a Draft Environmental Impact Statement (EIS) for the San Juan Coal Company's (SJCC) proposed Deep Lease Extension (DLE) at the existing San Juan Mine (Project) in San Juan County, New Mexico, and by this notice is announcing the opening of the comment period.

DATES: This Notice of Availability (NOA) initiates the public review period. To ensure consideration of your comments, OSMRE must receive your electronic or written comments by the close of the 45-day public comment period on July 9, 2018.

OSMRE will host public comment meetings where written and/or verbal comments may be submitted. These meetings will be open-house style with information stations around the meeting room that provide overviews of the Project, NEPA process, analysis of resources/issues in the Draft EIS, and how to submit a comment. Subject matter experts will be present to discuss the key issues and answer your questions. There will be oral and written comment stations at the meetings where you can submit comments.

The public comment meetings will be held at the following locations:

- On Monday, June 25th from 5:00 p.m. to 8:00 p.m. at the Indian Pueblo Cultural Center at 2401 12th St. NW, Albuquerque, New Mexico.
- On Tuesday, June 26th from 5:00 p.m. to 8:00 p.m. at the Farmington City Civic Center at 200 West Arrington St., Farmington, New Mexico.
- On Wednesday, June 27th from 5:00 p.m. to 8:00 p.m. at the Ute Community Center at 785 Sunset Blvd., Towaoc, Colorado.
- On Thursday, June 28th from 5:00 p.m. to 8:00 p.m. at the Shiprock High School approximately a half-mile west on US–64 from US–491 in Shiprock, New Mexico.
- On Friday, June 29th from 4:00 p.m. to 7:00 p.m. at the Durango Community Recreation Center at 2700 Main Avenue, Durango, Colorado.

At a minimum of 15 days prior to each event, the foregoing times, dates, and specific locations for these meetings will be announced through email notifications, local newspapers, radio announcements, and the OSMRE Western Region (WR) website *https://www.wrcc.osmre.gov/sanJuanMine.shtm*.

OSMRE WR offers the following accommodations for the meetings:

1. Navajo and Ute interpreters will be present at meetings held on the Navajo and Southern Ute Reservations.

2. For reasonable accommodations regarding disabilities that may impact your ability to attend or comment, contact Gretchen Pinkham, OSMRE Project Manager, at 303–293–5088 or by email at *osm-nepa-nm@osmre.gov,* at least one week before the meeting.

ADDRESSES: Comments on the Draft EIS may be submitted in paper form or by email. At the top of your letter or in the subject line of your email message, please indicate that the comments are ''San Juan Mine DLE EIS Comments.''

- Email—Comments should be sent to: *osm-nepa-nm@osmre.gov*.
- Mail/Courier—Written comments should be sent to: Office of Surface Mining Reclamation and Enforcement, c/o Catalyst Environmental Solutions, P.O. Box 56539, Sherman Oaks, CA 91413.

You can download the Draft EIS at the following OSMRE WR website: *https://www.wrcc.osmre.gov/sanJuanMine.shtm*. Paper and electronic copies of the Draft EIS are available for review at the OSMRE Western Region Office, 1999 Broadway Street, Suite 3320, Denver, Colorado 80202. In addition, a paper and electronic copy of the Draft EIS is available for review at each of the following locations:

- Bureau of Land Management (BLM) Farmington Field Office—6251 College Blvd., Suite A, Farmington, NM, 87402. Between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (Closed Saturday and Sunday).
- Navajo Nation Library—Highway 264 Loop Road, Window Rock, AZ 86515. Between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday (Closed Sunday).
- Albuquerque Main Library—501 Copper Ave NW, Albuquerque, NM 87102. Between the hours of 10:00 a.m. and 6:00 p.m. Monday through Saturday (Closed Sunday).
- Cortez Public Library—202 N. Park Street, Cortez, CO 81321. Between the hours of 9:00 a.m. and 7:00 p.m. Monday through Thursday; 9:00 a.m. and 4:00 p.m. Friday through Saturday (Closed Sunday).
- Durango Public Library—1900 E. Third Ave, Durango, CO 81301. Between the hours of 8:00 a.m. and 8:00 p.m. Monday through Wednesday; 9:00 a.m. and 5:30 p.m. Thursday through Saturday (Closed Sunday).
- Farmington Public Library—2101 Farmington Ave, Farmington, NM 87401. Between the hours of 9:00 a.m. and 9:00 p.m. Monday through Thursday; 9:00 a.m. and 5:00 p.m. Friday through Saturday; and, 1:00 p.m. and 5:00 p.m. on Sunday.

FOR FURTHER INFORMATION CONTACT: For further information about the Project and/or to have your name added to the mailing list, contact: Gretchen Pinkham, OSMRE Project Manager, at 303–293–5088 or by email at *osm-nepa-nm@osmre.gov*. Persons who use a telecommunications device for the deaf 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:

I. Background on the Project

As established by the Mineral Leasing Act (MLA) of 1920, the Surface Mining Control and Reclamation Act (SMCRA) of 1977, as amended (30 U.S.C. 1201–1328), and the Cooperative Agreement between the State of New Mexico and the Secretary of the U.S. Department of the Interior (DOI) in accordance with Section 523(c) of SMCRA (30 U.S.C. 1273(c)), SJCC's Permit Application Package (PAP) must be reviewed by OSMRE and a mining plan modification approved by the Assistant Secretary for Land and Minerals Management (ASLM) before SJCC may significantly disturb the environment in order to develop the DLE Federal Coal Lease Tract NM–99144. The NM Mining and Minerals Division (NM MMD) is the SMCRA regulatory authority principally responsible for reviewing and approving PAPs. Under the MLA, OSMRE is responsible for making a recommendation to the ASLM about

whether the proposed mining plan modification should be approved, disapproved, or approved with conditions (30 CFR 476.13). The NM MMD approved the PAP for the DLE on October 22, 1999. The ASLM first approved the mining plan modification for DLE Federal Coal Lease Tract NM–99144 on January 17, 2008, after receiving a recommendation from OSMRE for approval that included a Finding of No Significant Impact signed by OSMRE in 2007 and the Bureau of Land Management's (BLM) 1998 decision record on an amendment to the 1988 Farmington Resource Management Plan to include Federal Coal Lease Tract NM–99144.

OSMRE's NEPA analysis supporting the 2008 mining plan modification was challenged in the U.S. District Court of New Mexico. *WildEarth Guardians* v. *U.S. Office of Surface Mining et al.,* Case 1:14–cv–00112–RJ–CG (D. NM) (amended petition filed March 14, 2014). On August 31, 2016, the Court granted OSMRE's Motion for voluntary remand, which remanded the matter to OSMRE to prepare an EIS within three years of the Court's order. The Draft EIS available today has been prepared in accordance with the voluntary remand.

The San Juan Mine has contractual obligations to deliver approximately 3 million tons of coal per year to the San Juan Generating Station (Generating Station) from 2008 through 2033. Mining activities within the DLE have been ongoing since OSMRE approval in 2008 and continue presently. Per the voluntary remand, mining operations within the DLE are allowed to proceed during the EIS process. However, the court-approved voluntary remand indicated that the Secretary's approval of the 2008 mining plan modification for the DLE would be vacated if the agency does not complete the required NEPA analysis in a timely manner. As a result, OSMRE has prepared this Draft EIS to re-evaluate its previous mining plan modification recommendation for this area. Among other information, this Draft EIS considers (1) the PAP submitted to OSMRE and NM MMD, and (2) new information available since the 2008 MPDD approval for potentially affected resources considered under direct, indirect, and cumulative analytical frameworks.

The DLE underground operations use longwall mining methods consisting of one longwall miner and two continuous miners (*i.e.* pieces of equipment). The mine employed approximately 282 people in 2017. The mining plan modification would not add any acres of federal surface lands or any acres of federal coal to the approved permit area but would authorize the recovery of approximately 53 million tons of coal from 4,464.87 acres of federal coal and would add approximately 10 to 15 years to the life of the operation until 2033. For reasons discussed in sections II and III below, annual production rates of the mine are projected to be approximately 3 million tons per year in order to meet the contractual obligations with the Generating Station.

The BLM, U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and New Mexico MMD are Cooperating Agencies for this EIS. As the NEPA analysis proceeds, OSMRE is also consulting with the New Mexico State Historic Preservation Officer in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 300101–307108), as provided for in 36 CFR part 800.2(d)(3) and providing for public involvement, as required. Consultations with Native American Tribes are being conducted in accordance with DOI policy.

As part of its consideration of impacts of the proposed Project on threatened and endangered species, OSMRE initiated formal consultation with the USFWS on May 8, 2018, pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and its implementing regulations. The consultation considers direct and indirect impacts from the proposed Project, including Project related coal combustion emissions generated by the generating station.

In addition to compliance with NEPA, NHPA Section 106, and ESA Section 7, all Federal actions will be in compliance with applicable requirements of the SMCRA; the CWA, 33 U.S.C. 1251–1387; the Clean Air Act of 1970, as amended, 42 U.S.C. 7401–7671q; the Native American Graves Protection and Repatriation Act of 1990, as amended, 25 U.S.C. 3001–3013; and all applicable laws, regulation, and Executive Order on topics such as Environmental Justice, Sacred Sites, and Tribal Consultation.

II. Background on the San Juan Generating Station

The Generating Station, operated by the Public Service Company of New Mexico, is one of the largest coal-fired generating stations in the United States and provides power to customers in Arizona, New Mexico, and Utah. The generating station is located approximately 4 miles northeast of Waterflow, NM and 15 miles west of Farmington, NM. Pursuant to an agreement with the EPA, the Generating Station shut down two of the four energy generation units (Units 2 and 3) on December 19, 2017, decreasing the power output from approximately 1,800 megawatts to 910 megawatts (specifically, Units 2 and 3). The continued operation of Units 1 and 4 will require approximately 3 million tons of coal per year to produce the 910 megawatts.

III. Mining Plan Modification for the DLE

SJCC's mining plan modification would continue to develop the DLE, Federal Lease NM–99144, within the San Juan Mine. Due to the retirement of energy generating Units 2 and 3, the annual production rate of the DLE was reduced from the previous annual production rate of 6 million tons to an annual production rate of approximately 3 million tons beginning in 2017. Federal lease NM–99144 encompasses 4,464.87 acres and includes:

Township 30, North, Range 14 West, New Mexico Prime Meridian
Section 17: All;
Section 18: All;
Section 19: All;
Section 20: All;
Section 29: All;
Section 30: All; and portions of
Section 31: (Lots 1, 2, 3, and 4).

Upon completion of the EIS process and issuance of the Record of Decision, OSMRE will submit a mine plan decision document to the ASLM to recommend approval, disapproval, or approval with conditions of the proposed mining plan modification for the continuation or cessation of the San Juan Mine to mine the DLE within federal coal lease NM–99144. The ASLM will decide whether the mining plan modification is approved, disapproved, or approved with conditions.

IV. Alternatives

The analysis in the Draft EIS considers direct, indirect, and cumulative impacts of the Proposed Action and two Alternatives. Per 40 CFR 1501.7, the issues raised during the scoping period (March 22–May 8, 2017) were used to inform the analyses and identify the alternatives considered in the Draft EIS. Alternatives for the Project that were analyzed in the Draft EIS include:

(a) *Alternative A—Proposed Action:* As described above in Section I, second paragraph. The Proposed Action Alternative would be as approved from the time of the original PAP and initial approval of the mining plan modification in 2008 until 2033.

(b) *Alternative B—Continuation of San Juan Mine Operations Following*

Generating Station Shut-Down in 2022: This alternative assumes that that the remaining units of the Generating Station shut down in 2022, but that mining continues at the DLE at the same rate (approximately 3 million tons annually) from 2023 through 2033. After 2023, this alternative assumes that the mine will send the coal to an unidentified coal-fired power plant. Without knowing the location of the end-use of the DLE coal, the Draft EIS bounds the potential effects of combusting DLE coal at an unidentified power plant by relying on the analysis of effects at the San Juan Generating Station. Under Alternative B, the mining techniques would be identical to those for the Proposed Action.

(c) *Alternative C—No Action Alternative:* This alternative assumes that OSMRE would recommend that the ASLM disapprove the mining plan modification for the DLE at the San Juan Mine, the ASLM disapproves of the mining plan, and mining ceases on August 31, 2019. Implementation of the No Action Alternative would result in the discontinuation of mining activities at San Juan Mine and cessation of burning coal from San Juan Mine at the Generating Station on August 31, 2019. Considering mining activities in the DLE have been ongoing since 2008 and will continue throughout the NEPA process, the baseline conditions for the No Action Alternative includes mining through August 2019.

A wide range of additional Alternatives were considered by OSMRE but not carried forward for detailed analysis in the Draft EIS. The following Alternatives were not analyzed in the Draft EIS because they either did not meet the purpose and need of the Project or were not considered technically feasible or economically feasible or cost-effective:

- Alternative D—Alternative Panel Alignment, Timing or Sequence
- Alternative E—Continue to Mine at a Rate of 6 Million Tons Per Year
- Alternative F—Modifications to Underground Mining Technique
- Alternative G—Relocation of Portal Sites
- Alternative H—Alternative Coal Combustion Residue Disposal Sites
- Alternative I—''Just'' Transition Alternative

V. Environmental Impact Analysis

The Draft EIS analyzes the potential environmental impacts to 16 different resource categories, including:

- Air Quality
- Climate Change
- Geology and Soils
- Archaeology and Cultural Resources
- Water Resources and Hydrology
- Vegetation
- Wildlife and Habitats
- Special Status Species
- Land Use, Transportation, and Agriculture
- Recreation
- Social and Economic Values
- Environmental Justice
- Visual Resources
- Noise and Vibration impacts
- Hazardous and Solid Wastes
- Public Health and Safety

VI. Public Comment Procedures

In accordance with the Council on Environmental Quality's regulations for implementing NEPA and the DOI's NEPA regulations, OSMRE is soliciting public comments on the Draft EIS. The comment period is being held over 45 days from July 9, 2018.

Written comments, including email comments, should be sent to OSMRE at the addresses given in the **ADDRESSES** section of this NOA. Comments should be specific and pertain only to the issues relating to the Project and Draft EIS. If you would like to be placed on the mailing list to receive future information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, above.

If you require reasonable accommodation to attend one of the meetings, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least one week before the meeting.

Availability of Comments

OSMRE will include all comments in the project's administrative record. These comments, including name of respondent, address, phone number, email address, or other personal identifying information, will be available for public review during normal business hours. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the subsequent decision.

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—will be publicly available. 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.

All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.

Dated: May 17, 2018.

David Berry,

Regional Director, Western Region.

[FR Doc. 2018–11107 Filed 5–24–18; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–921 (Third Review)]

Folding Gift Boxes From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on folding gift boxes from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Abu Kanu (202–(202) 205–2597), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 7, 2018, the Commission determined that the domestic interested party group response to its notice of institution (83 FR 4679, February 1, 2018) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant

conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on June 1, 2018, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 6, 2018 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by June 6, 2018. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 22, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–11301 Filed 5–24–18; 8:45 am]

BILLING CODE 7020–02–P

[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.

[2] Vice Chairman David S. Johanson voted to conduct a full review. Commissioner Jason E. Kearns did not participate.

[3] The Commission has found the responses submitted by Harvard Folding Box Company, Inc. and P.S. Greetings, Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–567]

Generalized System of Preferences: Possible Modifications, 2017 Review

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on May 18, 2018, from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–567, *Generalized System of Preferences: Possible Modifications, 2017 Review,* for the purpose of providing advice and information relating to the possible designation of additional articles, removal of articles, waiver of competitive need limitations, redesignation of articles, and denial of a de minimis waiver.

DATES:

June 4, 2018: Deadline for filing requests to appear at the public hearing.
June 7, 2018: Deadline for filing pre-hearing briefs and statements.
June 14, 2018: Public hearing.
June 21, 2018: Deadline for filing post-hearing briefs and statements.
June 21, 2018: Deadline for filing all other written submissions.
September 7, 2018: Transmittal of Commission report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Sabina Neumann, Project Leader, Office of Industries (202–205–3000 or *sabina.neumann@usitc.gov*), Mark Brininstool, Deputy Project Leader, Office of Industries (202–708–1395 or *mark.brininstool@usitc.gov*), or Marin Weaver, Technical Advisor, Office of Industries (202–205–3461 or *marin.weaver@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*http://www.usitc.gov*). 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.

Background: In his letter, the USTR requested the advice and information described below.

(1) Advice concerning the probable economic effect of elimination of U.S. import duties on certain articles from all beneficiary developing countries under the GSP program. In accordance with sections 503(a)(1)(A), 503(e), and 131(a) of the Trade Act of 1974, as amended (''the 1974 Act'') and pursuant to the authority of the President delegated to the USTR by sections 4(c) and 8(c) and (d) of Executive Order 11846 of March 31, 1975, as amended, and pursuant to section 332(g) of the Tariff Act of 1930, the USTR notified the Commission that the articles identified in Table A of the Annex to the USTR request letter are being considered for designation as eligible articles for purposes of the GSP program. The USTR requested that the Commission provide its advice as to the probable economic effect on total U.S. imports, U.S. industries producing like or directly competitive articles, and on U.S. consumers of the elimination of U.S. import duties on the articles identified in Table A of the Annex to

the USTR request letter for all beneficiary developing countries under the GSP program (see Table A below).

TABLE A—PETITIONS SUBMITTED FOR PRODUCTS TO BE CONSIDERED FOR ADDITION TO THE LIST OF GSP-ELIGIBLE PRODUCTS

HTS subheading	Brief description	Countries
0808.30.40	Pears, fresh, if entered during the period from July 1 through the following March 31, inclusive.	Beneficiary Developing Countries.
0814.00.80	Peel of citrus fruit, excl. orange or citron and peel, nesi, of melon, fresh, frozen, dried or provisionally preserved.	Beneficiary Developing Countries.
1207.29.00	Cotton seeds, whether or not broken, other than seed for sowing	Beneficiary Developing Countries.
1512.11.00	Sunflower-seed or safflower oil, crude, and their fractions, whether or not refined, not chemically modified.	Beneficiary Developing Countries.
2008.99.05	Apples, otherwise prepared or preserved, nesi	Beneficiary Developing Countries.
2918.99.05	p-Anisic acid; clofibrate and 3-phenoxybenzoic acid	Beneficiary Developing Countries.
2918.99.43	Aromatic carboxylic acids with additional oxygen function and their anhydrides, halide, etc deriv described in add US note 3 to sect VI, nesoi.	Beneficiary Developing Countries.
2918.99.47	Other aromatic carboxylic acids with additional oxygen function and their anhydrides, halide, etc deriv (excluding goods in add US note 3 to sec VI).	Beneficiary Developing Countries.
4010.33.30	Transmission V-belts of vulcanized rubber, V-ribbed, circumference exceeding 180 cm but not exceeding 240 cm, combined with textile materials.	Beneficiary Developing Countries.

(2) Advice concerning the probable economic effect of removal of certain articles from certain countries from eligibility for duty-free treatment. The USTR notified the Commission that two articles are being considered for removal from eligibility for duty free treatment under the GSP program from certain countries. Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, with respect to the article listed in Table B of the Annex to the USTR request letter, the USTR requested that the Commission provide its advice as to the probable economic effect of the removal from eligibility for duty-free treatment under the GSP program for these articles from certain countries on total U.S. imports, U.S. industries producing like or directly competitive articles, and on U.S. consumers (see Table B below).

TABLE B—PETITIONS SUBMITTED TO REMOVE DUTY-FREE STATUS FROM CERTAIN COUNTRIES FOR A PRODUCT ON THE LIST OF ELIGIBLE ARTICLES FOR THE GENERALIZED SYSTEM OF PREFERENCES

HTS subheading	Brief description	Country
2009.89.6011 and 2009.89.6019	Cherry juice—Part of 2009.89.60 ''Juice of any other single fruit, nesoi''	Turkey.
3920.51.50	Nonadhesive plates, sheets, film, foil and strip, noncellular, not combined with other materials, of polymethyl methacrylate, not flexible.	Indonesia and Thailand.

(3) Advice concerning waiver of certain competitive need limitations. Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, and in accordance with section 503(d)(1)(A) of the 1974 Act, the USTR requested that the Commission provide advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limitations (CNL) specified in section 503(c)(2)(A) of the 1974 Act for the countries and articles specified in Table C of the attached Annex to the request letter (see Table C below). The USTR also requested that the Commission provide its advice as to the probable economic effect on total U.S. imports, as well as on consumers, of the requested waivers. With respect to the competitive need limit in section 503(c)(2)(A)(i)(I) of the 1974 Act, the USTR requested that the Commission use the dollar value limit of $180,000,000. Further, pursuant to section 332(g) of the Tariff Act of 1930 and in accordance with section 503(c)(2)(E) of the 1974 Act, the USTR requested that the Commission provide its advice with respect to whether a like or directly competitive article was produced in the United States in any of the preceding three calendar years.

TABLE C—PETITIONS SUBMITTED FOR WAIVER OF GSP CNLS

HTS subheading	Brief description	Country
0410.00.00	Edible products of animal origin, nesi	Indonesia.
2836.91.00	Lithium carbonates	Argentina.
3301.13.00	Essential oils of lemon	Argentina.
6802.99.00	Monumental or building stone & arts. thereof, nesoi, further worked than simply cut/sawn, nesoi.	Brazil.
7202.50.00	Ferrosilicon chromium	Kazakhstan.

(4) Advice concerning redesignations. The USTR notified the Commission that seven articles are being considered for redesignation as eligible articles for purposes of the GSP program. Under authority delegated by the President,

pursuant to section 332(g) of the Tariff Act of 1930, the USTR requested that the Commission provide its advice as to the probable economic effect on total U.S. imports, on U.S. industries producing like or directly competitive articles, and on U.S. consumers of the elimination of U.S. import duties on the articles in Table D of the Annex to the USTR request letter from the listed beneficiary countries.

TABLE D—PETITIONS SUBMITTED FOR REDESIGNATION OF EXCLUDED ITEMS

HTS subheading	Brief description	Country
2007.99.48	Apple, quince and pear pastes and purees, being cooked preparations	Argentina.
2306.30.00	Oilcake and other solid residues, resulting from the extraction of vegetable fats or oils, of sunflower seeds.	Argentina.
2841.90.20	Ammonium perrhenate	Kazakhstan.
2909.50.40	Odoriferous or flavoring compounds of ether-phenols, ether-alcohol-phenols & their halogenated, sulfonated, nitrated, nitrosated derivatives.	Indonesia.
4107.11.80	Full grain unsplit whole bovine (not buffalo) nesoi and equine leather nesoi, w/o hair, prepared after tanning or crusting, fancy, not 4114.	Argentina.
6802.93.00	Monumental or building stone & arts. thereof, of granite, further worked than simply cut/sawn, nesoi.	India.
7202.93.80	Ferroniobium, nesoi	Brazil.

(5) Advice concerning redesignation and advice on whether a like or directly competitive domestic article was produced in any of the preceding three years. The USTR notified the Commission that one article is being considered for redesignation as an eligible article for purposes of the GSP program. Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, the USTR requested that the Commission provide its advice as to the probable economic effect on total U.S. imports, on U.S. industries producing like or directly competitive articles, and on U.S. consumers of the elimination of U.S. import duties on the articles in Table E of the Annex to the USTR request letter from the listed beneficiary countries. Further, pursuant to section 332(g) of the Tariff Act of 1930 and in accordance with section 503(c)(2)(E) of the 1974 Act, the USTR requested that the Commission provide its advice as to whether a like or directly competitive article was produced in the United States in any of the preceding three calendar years.

TABLE E—PETITION SUBMITTED FOR REDESIGNATION OF EXCLUDED ITEM

HTS subheading	Brief description	Country
4412.31.41, Including 4412.31.4150 and 4412.31.4160.	Plywood sheets n/o 6mm thick, with specified tropical wood outer ply, with face ply nesoi, not surface covered beyond clear/transparent.	Indonesia.

(6) Advice concerning denial of de minimis waiver. The USTR notified the Commission that one article from a GSP beneficiary country is being considered for denial of a de minimis CNL waiver. Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, with respect to the article listed in Table F of the Annex to the USTR request letter, the USTR requested that the Commission provide its advice as to the probable economic effect of the removal from eligibility for duty-free treatment under the GSP program of this article from the specified country on total U.S. imports, on U.S. industries producing like or directly competitive articles, and on U.S. consumers. Further, pursuant to section 332(g) of the Tariff Act of 1930 and in accordance with section 503(c)(2)(E) of the 1974 Act, the USTR requested that the Commission provide its advice with respect to whether a like or directly competitive article was produced in the United States in any of the preceding three calendar years.

TABLE F—PETITION SUBMITTED FOR DENIAL OF DE MINIMIS WAIVER

HTS subheading	Brief description	Country
3802.90.10	Bone black	Brazil.

Time for reporting, HTS detail, portions of report to be classified. As requested by the USTR, the Commission will provide the requested advice and information by September 7, 2018. The USTR asked that the Commission issue, as soon as possible thereafter, a public version of the report containing only the unclassified information, with any confidential business information deleted. As requested, the Commission will provide its economic effect advice and statistics (profile of the U.S. industry and market and U.S. import and export data) and any other relevant information or advice separately and individually for each U.S. Harmonized Tariff Schedule subheading for all products subject to the request. The USTR indicated that those sections of the Commission's report and working papers that contain the Commission's advice and assessment will be classified as ''confidential.'' The USTR also stated that his office considers the Commission's report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on June 14, 2018. Requests to appear at the public hearing should be filed with

the Secretary no later than 5:15 p.m., June 4, 2018. All pre-hearing briefs and statements should be filed no later than 5:15 p.m., June 7, 2018; and all post-hearing briefs and statements should be filed no later than 5:15 p.m., June 21, 2018. All requests to appear, and pre- and post-hearing briefs and statements should be filed in accordance with the requirements of the ''written submissions'' section below.

Written Submissions: In lieu of or in addition to appearing at the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., June 21, 2018. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential Business Information: Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. Additionally, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel (a) for cybersecurity purposes or (b) in monitoring user activity on U.S. government classified networks. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons. Persons wishing to have a summary of their position included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.
Issued: May 23, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–11458 Filed 5–24–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–025]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 31, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. Nos. 701–TA–606 and 731–TA–1416 (Preliminary) (Quartz Surface Products from China). The Commission is currently scheduled to complete and file its determinations on June 1, 2018; views of the Commission are currently scheduled to be completed and filed on June 8, 2018.
5. Vote on Inv. No. 731–TA–860 (Third Review) (Tin- and Chromium-Coated Steel Sheet from Japan). The Commission is currently scheduled to complete and file its determination and views of the Commission by June 19, 2018.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.
Issued: May 22, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–11444 Filed 5–23–18; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1103 (Second Review)]

Activated Carbon From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on activated carbon from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Amanda Lawrence (202–205–3185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by

accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On May 7, 2018, the Commission determined that the domestic interested party group response to its notice of institution (83 FR 4681, February 1, 2018) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on May 30, 2018, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 4, 2018 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by June 4, 2018. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.
Issued: May 22, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–11273 Filed 5–24–18; 8:45 am]

BILLING CODE 7020–02–P

[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.

[2] Vice Chairman David S. Johanson and Commissioner Meredith M. Broadbent determined that the respondent interested party group response was adequate and voted to conduct a full review.

[3] The Commission has found the responses submitted by ADA Carbon Solutions, Cabot Norit Americas Inc., Calgon Carbon Corporation, Carbon Activated Corporation, and Carbon Activated (Tianjin) Co., Ltd. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–672–673 (Fourth Review)]

Silicomanganese From China and Ukraine; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on silicomanganese from China and Ukraine would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: May 17, 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.*

SUPPLEMENTARY INFORMATION:

Background.—On January 5, 2018, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (83 FR 3025, January 22, 2018); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the review and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

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 and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Limited disclosure of business proprietary information (BPI) under an

administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on September 4, 2018, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on Tuesday, September 25, 2018, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 17, 2018. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on September 24, 2018, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is September 13, 2018. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is October 4, 2018. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before October 4, 2018. On October 26, 2018, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 30, 2018, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

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: May 22, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–11295 Filed 5–24–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Mechanical Stratigraphy and Natural Deformation in the Permian Strata of Texas and New Mexico: Implications for Exploitation of the Permian Basin

Notice is hereby given that, on May 9, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Mechanical Stratigraphy and Natural Deformation in the Permian Strata of Texas and New Mexico: Implications for Exploitation of the Permian Basin (''Permian Basin'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Chevron U.S.A. Inc., Midland, TX, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Permian Basin intends to file additional written notifications disclosing all changes in membership.

On April 18, 2017, Permian Basin filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 12, 2017 (82 FR 22159).

The last notification was filed with the Department on June 22, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 2017 (82 FR 34551).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–11234 Filed 5–24–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on May 8, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Fire Protection Association (''NFPA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publically available at *nfpa.org.*

On September 20, 2004, NFPA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61869).

The last notification was filed with the Department on March 6, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 24, 2018 (83 FR 17852).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–11242 Filed 5–24–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 18–11]

Health Fit Pharmacy; Decision and Order

On November 15, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Health Fit Pharmacy (Respondent), of Houston, Texas. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration No. FH1729942 on the ground that he has ''no state authority to handle controlled substances.'' Order to Show Cause, at 1 (citing 21 U.S.C. 824(a)(3)). For the same reason, the Order also proposed the denial of any of Respondent's ''applications for renewal or modification of such registration and any applications for any other DEA registrations.'' *Id.*

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Respondent is the holder of Certificate of Registration No. FH1729942, pursuant to which it is authorized to dispense controlled substances as a retail pharmacy in schedules II through V, at the registered address of 1307 Yale Street, Suite H, Houston, Texas. *Id.* The Order also alleged that this registration does not expire until October 31, 2018. *Id.*

Regarding the substantive grounds for the proceeding, the Show Cause Order alleged that on September 15, 2017, the Texas State Board of Pharmacy (TSBP) ''suspended'' Respondent's Texas pharmacy license, and Respondent is therefore ''without authority to practice pharmacy or handle controlled substances in the State of Texas, the [S]tate in which [it is] registered with the DEA.'' *Id.* at 2. Based on its ''lack of authority to [dispense] controlled substances in . . . Texas,'' the Order asserted that ''DEA must revoke'' Respondent's registration. *Id.* (citing 21 U.S.C. 824(a)(3); 21 CFR 1301.37(b)).

The Show Cause Order notified Respondent of (1) its right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Order also notified Respondent of its right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

On December 4, 2017, Respondent, through counsel, filed a letter requesting a hearing on the allegations. Letter from Respondent's Counsel to Hearing Clerk (dated Nov. 30, 2017) (hereinafter, Hearing Request). In this letter, Respondent ''objects to the cancellation of Health Fit Pharmacy[']s DEA] controlled substance registration'' for two reasons. First, Respondent states that, ''although temporar[il]y suspended,'' it ''maintains an active license.'' *Id.* at 1. Second, Respondent ''expects to prevail'' in a ''final contested hearing regarding the temporary suspension of this license on the merits . . . scheduled for February, 2018.'' *Id.*

The matter was placed on the docket of the Office of Administrative Law Judges and assigned to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, CALJ). On December 4, 2017, the CALJ ordered the Government to file ''evidence to support the allegation that the Respondent lacks state authority to handle controlled substances'' and file ''any Government motion for summary disposition'' no later than December 15, 2017. Order Directing the Filing of Government Evidence of Lack of State Authority Allegation and Briefing Schedule, at 1–2. The CALJ also directed Respondent to file its response to any summary disposition motion no later than December 29, 2017. *Id.* at 2.

On December 15, 2017, the Government filed its Motion for Summary Disposition. In its Motion, the Government argued that it is undisputed that Respondent lacks authority to handle controlled substances in Texas because the TSBP suspended Respondent's Texas medical license on September 15, 2017. Government's Motion for Summary Disposition (hereinafter Government's Motion or Govt. Mot.) at 2–3; TSBP Temporary Suspension Order #A–16–008–BS1 (Government Exhibit (GX) 2 to Govt. Mot. or ''Sept. 15, 2017 TSBP Order''). The Government also noted that, in its Hearing Request, Respondent did not dispute that the TSBP had suspended Respondent's pharmacy license. Govt. Mot. at 3 n.1. The Government further argued that, ''[a]bsent authority by the State of Texas to dispense controlled substances, Respondent is not authorized to possess a DEA registration in that state.'' *Id.* at 3. Lastly, the Government argued that under Agency precedent, revocation is warranted even where a State has temporarily suspended a practitioner's state authority with the possibility of future reinstatement. *Id.* at 3–4 (citations omitted). As support for its summary disposition request, the Government attached, *inter alia,* a copy of the TSBP's September 15, 2017 Order directing that Respondent's license ''is hereby temporarily suspended . . . effective immediately and shall continue in effect, pending a contested hearing on disciplinary action against the suspended license.'' GX 2 to Govt. Mot., at 14.

In its responsive pleading, Respondent did not dispute that it ''maintains a[n] active suspended license'' in the State of Texas. Respondent's Dec. 29, 2017 Response to Government's Motion for Summary Disposition (hereinafter, Resp. Br.), at 2. Instead, Respondent argued that ''the

merits of the temporary suspension is being disputed by'' Respondent and that the Government filed its Motion ''prematurely in li[ght] of the fact that a final order . . . has not been entered.'' *Id.* at 2–3. Finally, Respondent argued that ''[t]he effect of'' the Government's motion for summary disposition ''is to circumvent contested litigation procedure.'' *Id.* at 3.

After considering these pleadings, the CALJ issued an order recommending that I find that there was no dispute over the fact that ''Respondent lacks state authority to handle controlled substances in Texas.'' Order Granting the Government's Motion for Summary Disposition, and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (R.D.), at 6. As a result, the CALJ granted the Government's motion for summary disposition and recommended that I revoke Respondent's DEA registration and deny any pending renewal applications. *Id.*

Neither party filed exceptions to the CALJ's Recommended Decision. Thereafter, the record was forwarded to my Office for Final Agency Action. Having reviewed the record, I find that Respondent is currently without authority to handle controlled substances in Texas, the State in which it holds its registration with the Agency, and is thus not entitled to maintain its DEA registration. I adopt the CALJ's recommendation that I revoke Respondent's registration and deny any pending renewal application. I make the following factual findings.

Findings of Fact

Respondent is the holder of DEA Certificate of Registration No. FH1729942, pursuant to which it is authorized to dispense controlled substances in schedules II through V as a retail pharmacy. GX 1 to Govt. Mot. On September 15, 2017, the TSBP issued an Order temporarily suspending Respondent's Texas Pharmacy License #26701 ''pending a contested case hearing on disciplinary action against the suspended license to be held . . . not later than . . . [90] days after the date of this Order.'' GX 2 to Govt. Mot., at 4–5.[1] In its Order, the TSBP specifically directed that Respondent ''not operate as a pharmacy in this state in any manner that would allow receipt, distribution, or dispensing prescription drugs during the period said license is suspended.'' *Id.* at 5. The TSBP also ordered Respondent to ''immediately transfer all prescription drugs to a secured licensed pharmacy or other entity with the authority to legally possess prescription drugs, not later than September 22, 2017.'' *Id.* There is no evidence in the record establishing that the TSBP ever lifted this suspension.

In its Order, the TSBP also stated that Respondent's pharmacy license was ''current through November 30, 2017.'' *Id.* at 2. Neither the CALJ nor the parties addressed the fact that the Order stated that Respondent's Texas pharmacy license would expire on November 30, 2017. As a result, I have reviewed the TSBP's official website, and it confirms that Respondent's current ''License status'' is ''Expired.'' [2] Accordingly, I find that Respondent currently does not possess a pharmacy license in the State of Texas, and thus does not possess authority to dispense controlled substances in the State in which it is registered with the DEA. *See id.* at 5.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA), ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' Also, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton,* 43 FR 27616 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f).

Moreover, because ''the controlling question'' in a proceeding brought under 21 U.S.C. 824(a)(3) is whether the holder of a DEA registration ''is currently authorized to handle controlled substances in the [S]tate,'' *Hooper,* 76 FR at 71371 (quoting *Anne Lazar Thorn,* 62 FR 12847, 12848 (1997)), the Agency has also long held that revocation is warranted even where a practitioner has lost his state authority by virtue of the State's use of summary process and the State has yet to provide a hearing to challenge the suspension. *Bourne Pharmacy,* 72 FR 18273, 18274 (2007); *Wingfield Drugs,* 52 FR 27070, 27071 (1987). Thus, even assuming that Respondent's pharmacy license is not expired but is still active and suspended, it is of no consequence that the TSBP has suspended Respondent's

[1] The principal basis for the TSBP's Order was the TSBP's finding that Respondent's pharmacist-in-charge filled prescriptions for controlled substances such as alprazolam 2mg and carisoprodol 350mg when he ''should have known the prescriptions . . . were invalid, *i.e.,* not issued for a legitimate therapeutic purpose or valid medical need and/or prescription forgeries, due to prescription red flags factors indicating recurrent and readily-identifiable nontherapeutic prescribing and dispensing activity to a reasonable pharmacist.'' *Id.* at 2–3.

[2] *See www.pharmacy.texas.gov/dbsearch/phy_zoom.asp?id=26701&type=1.* On November 9, 2017, the TSBP issued another suspension order stating that Respondent ''agreed to the entry of this Order continuing the suspension of pharmacy number 26701 held by Respondent for an additional period of . . . [120] days from the date of entry of this Order pending a contested case hearing . . . against the suspended license'' before ''the State Office of Administrative Hearings.'' TSBP Temporary Suspension Order #A–16–008–BS2 (*see www.pharmacy.texas.gov/abo/detail/282232%20%20P26701%20%20Health%20Fit%20Pharmacy%20%20EDTSO%20%20A160008BS2%20%202017-11.pdf*), at 1. The TSBP also repeated its directive that ''Respondent shall not operate as a pharmacy in this state in any manner that would allow receipt, distribution, or dispensing prescription drugs during the period said license is suspended.'' *Id.* The TSBP website does not show that the TSBP ever held a subsequent hearing regarding Respondent's suspended pharmacy license or took any other action to lift the suspension.

I take official notice of the TSBP's November 2017 enforcement action and the fact that the TSBP website currently shows that Respondent's Texas pharmacy license is expired. Under the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Respondent is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within 15 calendar days of service of this order which shall commence on the date this order is mailed.

pharmacy license and that Respondent may prevail in a future state hearing. What is consequential is the fact that Respondent is not currently authorized to dispense controlled substances in Texas, the State in which it is registered.[3] *See* GX2 to Govt. Mot. (Sept. 15, 2017 TSBP Order), at 4–5. Accordingly, Respondent is not entitled to maintain its DEA registration.

I will therefore adopt the CALJ's recommendation that I revoke Respondent's registration and deny any pending applications to renew its registration. R.D. at 6. I will also deny any pending application to modify its registration, or any pending application for any other DEA registration in Texas, as requested in the Show Cause Order. Order to Show Cause, at 1.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. FH1729942, issued to Health Fit Pharmacy, be, and it hereby is, revoked. I further order that any pending application of Health Fit Pharmacy to renew or modify the above registration, or any pending application of Health Fit Pharmacy for any other DEA registration in the State of Texas, be, and it hereby is, denied. This Order is effective immediately.[4]

Dated: May 17, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–11268 Filed 5–24–18; 8:45 am]

BILLING CODE 4410–09–P

[3] In its brief opposing summary disposition, Respondent argued that the TSBP ''abused it's [sic] discretion in granting the temporary suspension . . . because the evidence shows that an agent of the DEA entrapped the Pharmacy in[to] committing a violation of the Controlled Substance[s] Act by intentionally failing to inform the Registrant that'' it was filling prescriptions for a practitioner who ''was not authorized to issue these prescriptions.'' Resp. Br. at 2. Respondent's claim relates to its challenge to the merits of the TSBP's decision to suspend Respondent's Texas pharmacy license, and I agree with the CALJ that Respondent has failed to show why or how this claim relates to whether Respondent is currently authorized to dispense controlled substances in the State of Texas. *See* R.D. at 3 n.1.

[4] For the same reasons which led the TSBP to suspend Respondent's Texas pharmacy license, I conclude that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

DEPARTMENT OF LABOR

Employment and Training Administration

Program Year (PY) 2018 Workforce Innovation and Opportunity Act (WIOA) Allotments; PY 2018 Wagner-Peyser Act Final Allotments and PY 2018 Workforce Information Grants

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces allotments for PY 2018 for WIOA Title I Youth, Adult and Dislocated Worker Activities programs; final allotments for Employment Service (ES) activities under the Wagner-Peyser Act for PY 2018 and the allotments of Workforce Information Grants to States for PY 2018.

WIOA allotments for states and the state final allotments for the Wagner-Peyser Act are based on formulas defined in their respective statutes. WIOA requires allotments for the Outlying Areas to be competitively awarded rather than based on a formula determined by the Secretary of Labor (Secretary) as occurred under the Workforce Investment Act (WIA). However, for PY 2018, the Consolidated Appropriations Act, 2018 waives the competition requirement, and the Secretary is using the discretionary formula rationale and methodology for allocating PY 2018 funds for the Outlying Areas (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands) that was published in the **Federal Register** at 65 FR 8236 (Feb. 17, 2000). WIOA specifically included the Republic of Palau as an Outlying Area, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under WIOA; no such determinations prohibiting assistance have been made. The formula that the Department of Labor (Department) used for PY 2018 is the same formula used in PY 2017 and is described in the section on Youth Activities program allotments. The Department invites comments only on the formula used to allot funds to the Outlying Areas.

DATES: The Department must receive comments on the formula used to allot funds to the Outlying Areas by June 25, 2018.

ADDRESSES: Submit written comments to the Employment and Training Administration (ETA), Office of Financial Administration, 200 Constitution Avenue NW, Room N–4702, Washington, DC 20210, Attention: Ms. Anita Harvey, email: *harvey.anita@dol.gov.*

Commenters are advised that mail delivery in the Washington area may be delayed due to security concerns. The Department will receive hand-delivered comments at the above address. All overnight mail will be considered hand-delivered and must be received at the designated place by the date specified above.

Please submit your comments by only one method. The Department will not review comments received by means other than those listed above or that it receives after the comment period has closed.

Comments: The Department will retain all comments on this notice and will release them upon request via email to any member of the public. The Department also will make all the comments it receives available for public inspection by appointment during normal business hours at the above address. If you need assistance to review the comments, the Department will provide you with appropriate aids such as readers or print magnifiers. The Department will make copies of this notice available, upon request, in large print, Braille, and electronic file. The Department also will consider providing the notice in other formats upon request. To schedule an appointment to review the comments and/or obtain the notice in an alternative format, contact Ms. Harvey using the information provided above. The Department will retain all comments received without making any changes to the comments, including any personal information provided. The Department therefore cautions commenters not to include their personal information such as Social Security Numbers, personal addresses, telephone numbers, and email addresses in their comments; this information would be released with the comment if the comments are requested. It is the commenter's responsibility to safeguard his or her information.

FOR FURTHER INFORMATION CONTACT: WIOA Youth Activities allotments—Evan Rosenberg at (202) 693–3593 or LaSharn Youngblood at (202) 693–3606; WIOA Adult and Dislocated Worker Activities and ES final allotments—Robert Kight at (202) 693–3937; Workforce Information Grant allotments—Donald Haughton at (202) 693–2784. Individuals with hearing or

speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The Department is announcing WIOA allotments for PY 2018 for Youth Activities, Adults and Dislocated Worker Activities, Wagner-Peyser Act PY 2018 final allotments, and PY 2018 Workforce Information Grant allotments. This notice provides information on the amount of funds available during PY 2018 to states with an approved WIOA Combined or Unified State Plan, and information regarding allotments to the Outlying Areas.

On March 23, 2018, the Consolidated Appropriations Act, 2018, Public Law 115–141 was signed into law (''the Act''). The Act, Division H, Title I, Section 107 of the Act allows the Secretary of Labor (Secretary) to set aside up to 0.75 percent of most operating funds for evaluations. The evaluation provision is consistent with the Federal government's priority on evidence-based policy and programming providing opportunities to expand evaluations and demonstrations in the Department to build solid evidence about what works best. In the past, ETA separately managed funds for ETA evaluations and demonstrations. That separate authority has been replaced by the set aside provision. The Department transfers the funds to the Department's Chief Evaluation Office to implement formal evaluations and demonstrations in collaboration with ETA. For 2018, the Secretary set aside 0.125 percent of the Training and Employment Services (TES) and State Unemployment Insurance and Employment Services Operations (SUIESO) appropriations. ETA spread the amount to be set aside for each appropriation among the programs funded by that appropriation with more than $100 million in funding. This includes WIOA Adult, Youth and Dislocated Worker and Wagner-Peyser Employment Service program budgets.

The Consolidated Appropriations Act, 2018, Division H, Title I, sec. 106(b), allows the Secretary to set aside up to 0.5 percent of each discretionary appropriation for activities related to program integrity. For 2018, the Department set aside 0.3 percent of most discretionary appropriations, which reduced WIOA Adult, Youth, Dislocated Worker, Wagner-Peyser Employment Service and Workforce Information Grant program budgets.

We also have attached tables listing the PY 2018 allotments for programs under WIOA Title I Youth Activities (Table A), Adult and Dislocated Workers Employment and Training Activities (Tables B and C, respectively), and the PY 2018 Wagner-Peyser Act final allotments (Table D). We also have attached the PY 2018 Workforce Information Grant table (Table E).

Youth Activities Allotments. The appropriated level for PY 2018 for WIOA Youth Activities totals $903,416,000. After reducing the appropriation by $1,129,000 for evaluations and $2,710,000 for program integrity, $899,577,000, is available for Youth Activities. Table A includes a breakdown of the Youth Activities program allotments for PY 2018 and provides a comparison of these allotments to PY 2017 Youth Activities allotments for all States and Outlying Areas. For the Native American Youth program, the total amount available is 1.5 percent of the total amount for Youth Activities (after the evaluations and program integrity set-asides), in accordance with WIOA section 127. The total funding available for the Outlying Areas was reserved at 0.25 percent of the amount appropriated for Youth Activities (after the evaluations and program integrity set asides) after the amount reserved for Native American Youth (in accordance with WIOA section 127(b)(1)(B)(i)). On December 17, 2003, Public Law 108–188, the Compact of Free Association Amendments Act of 2003 (''the Compact''), was signed into law. The Compact specified that the Republic of Palau remained eligible for WIA Title I funding. See 48 U.S.C. 1921d(f)(1)(B)(ix). WIOA sec. 512(g)(1) updated the Compact to refer to WIOA funding. The Consolidated Appropriations Act, 2018 (Division H, Title III, Section 305 of Pub. L. 115–141) authorized WIOA Title I funding to Palau through FY 2018.

Under WIA, the Secretary had discretion for determining the methodology for distributing funds to all Outlying Areas. Under WIOA the Secretary must award the funds through a competitive process. However, for PY 2018, the Consolidated Appropriations Act, 2018 waives the competition requirement contained in WIOA secs. 127(b)(1)(B)(ii), 132(b)(1)(A)(ii), and 132(b)(2)(A)(ii) regarding funding to Outlying Areas (*e.g.,* American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the United States Virgin Islands). For PY 2018, the Department used the same methodology used since PY 2000 (*i.e.,* we distribute funds among the Outlying Areas by formula based on relative share of the number of unemployed, a minimum of 90 percent of the prior year allotment percentage, a $75,000 minimum, and a 130 percent stop-gain of the prior year share). For the relative share calculation in PY 2018, the Department continued to use the data obtained from the 2010 Census for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands. For the Republic of Palau, the Department used data from Palau's 2015 Census. The Department will accept comments on this methodology.

After the Department calculated the amount for the Outlying Areas and the Native American program, the amount available for PY 2018 allotments to the states is $883,868,137. This total amount is below the required $1 billion threshold specified in WIOA sec. 127(b)(1)(C)(iv)(IV); therefore, the Department did not apply the WIOA additional minimum provisions. Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. The Department used this same methodology to set a floor on the annual variation in allotments almost continuously for more than two decades. *See* sec. 262(b)(2) of the Job Training Partnership Act (JTPA) (Pub. L. 97–300), (as amended by sec. 207 of the Job Training Reform Amendments of 1992, Pub. L. 102–367); sec. 127(b)(1)(C)(iv)(IV) of the Workforce Investment Act of 1998 (Pub. L. 105–220). WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year. The three data factors required by WIOA sec. 127(b)(1)(C)(ii) for the PY 2018 Youth Activities state formula allotments are, summarized slightly, as follows:

(1) The average number of unemployed individuals in Areas of Substantial Unemployment (ASUs) for the 12-month period, July 2016–June 2017 in each state compared to the total number of unemployed individuals in ASUs for all states;

(2) Number of excess unemployed individuals or excess unemployed individuals in ASUs (depending on which is higher) averages for the same 12-month period used for ASU unemployed data compared to the total excess number in all states; and

(3) Number of disadvantaged youth (age 16 to 21, excluding college students not in the workforce and military) from special tabulations of data from the American Community Survey (ACS), which the Department obtained from the Census Bureau in each state

compared to the total number of disadvantaged youth in all states. The Department requested updated special tabulations for PY 2018. Census Bureau collected the data used in the special tabulations for disadvantaged youth between January 1, 2011–December 31, 2015.

For purposes of identifying ASUs for the Youth Activities allotment formula, the Department continued to use the data made available by BLS (as described in the Local Area Unemployment Statistics (LAUS) Technical Memorandum No. S–17–18). For purposes of determining the number of disadvantaged youth, the Department used the special tabulations of ACS data available at *http://www.doleta.gov/budget/disadvantagedYouthAdults.cfm*.

See TEGL No. 14–17 for further information.

Adult Employment and Training Activities Allotments. The total appropriated funds for Adult Activities in PY 2018 is $845,556,000. After reducing the appropriated amount by $890,000 for evaluations and $2,136,000 for program integrity, $842,530,000 remains for Adult Activities, of which $840,423,675 is for states and $2,106,325 is for Outlying Areas. Table B shows the PY 2018 Adult Employment and Training Activities allotments and a state-by-state comparison of the PY 2018 allotments to PY 2017 allotments.

In accordance with WIOA, the Department reserved the total available for the Outlying Areas at 0.25 percent of the full amount appropriated for Adult Activities (after the evaluations and program integrity set-asides). As discussed in the Youth Activities section above, in PY 2018 the Department will distribute the Adult Activities funding for the Outlying Areas, using the same principles, formula, and data as used for outlying areas for Youth Activities. The Department will accept comments on this methodology. After determining the amount for the Outlying Areas, the Department used the statutory formula to distribute the remaining amount available for allotments to the states. The Department did not apply the WIOA minimum provisions for the PY 2018 allotments because the total amount available for the states was below the $960 million threshold required for Adult Activities in WIOA sec. 132(b)(1)(B)(iv)(IV). Instead, as required by WIOA, the minimums of 90 percent of the prior year allotment percentage and 0.25 percent state minimum floor apply. As noted above, the Department applied this same methodology to set a floor on the annual variation in allotments almost continuously for more than two decades. WIOA also provides that no state may receive an allotment that is more than 130 percent of the allotment percentage for the state for the previous year. The three formula data factors for the Adult Activities program are the same as those used for the Youth Activities formula, except the Department used data for the number of disadvantaged adults (age 22 to 72, excluding college students not in the workforce and military).

Dislocated Worker Employment and Training Activities Allotments. The amount appropriated for Dislocated Worker activities in PY 2018 totals $1,261,719,000. The total appropriation includes formula funds for the states, while the National Reserve is used for National Dislocated Worker Grants, technical assistance and training, demonstration projects, and the Outlying Areas' Dislocated Worker allotments. After reducing the appropriated amount by $1,325,000 for evaluations and $3,180,000 for program integrity, a total of $1,257,214,000 remains available for Dislocated Worker activities. The amount available for Outlying Areas is $3,143,035, leaving $216,865,965 for the National Reserve and a total of $1,037,205,000 available for states. As for the Adult program, Table C shows the PY 2018 Dislocated Worker activities allotments and a state-by-state comparison of the PY 2018 allotments to PY 2017 allotments.

As for the Adult Activities program, the Department reserved the total available for the Outlying Areas at 0.25 percent of the full amount appropriated for Dislocated Worker Activities (after the evaluations and program integrity set-asides). Similar to Youth and Adult funds, instead of competition, in PY 2018 the Department will use the same *pro rata* share as the areas received for the PY 2018 WIOA Adult Activities program to distribute the Outlying Areas' Dislocated Worker funds, the same methodology used in PY 2017. The Department will accept comments on this methodology.

The three data factors required in WIOA sec. 132(b)(2)(B)(ii) for the PY 2018 Dislocated Worker state formula allotments are, summarized slightly, as follows:

(1) Relative number of unemployed, averages for the 12-month period, October 2016–September 2017;

(2) Relative number of excess unemployed individuals, averages for the 12-month period, October 2016–September 2017; and

(3) Relative number of long-term unemployed, averages for the 12-month period, October 2016–September 2017.

In PY 2018, under WIOA the Dislocated Worker formula uses minimum and maximum provisions. No state may receive an allotment that is less than 90 percent of the state's prior year allotment percentage or more than 130 percent of the state's prior year allotment percentage.

Wagner-Peyser Act ES Final Allotments. The appropriated level for PY 2018 for ES grants totals $666,413,000. After reducing the appropriated amount by $833,000 for evaluations and $1,999,000 for program integrity, a total of $663,581,000 remains available for ES programs. After determining the funding for Outlying Areas, the Department calculated allotments to states using the formula set forth at section 6 of the Wagner-Peyser Act (29 U.S.C. 49e). The Department based PY 2018 formula allotments on each state's share of calendar year 2017 monthly averages of the civilian labor force (CLF) and unemployment. Section 6(b)(4) of the Wagner-Peyser Act requires the Secretary to set aside up to three percent of the total funds available for ES to ensure that each state will have sufficient resources to maintain statewide ES activities. In accordance with this provision, the Department included the three percent set aside funds in this total allotment. The Department distributed the set-aside funds in two steps to states that have experienced a reduction in their relative share of the total resources available this year from their relative share of the total resources available the previous year. In Step 1, states that have a CLF below one million and are also below the median CLF density were maintained at 100 percent of their relative share of prior year resources. ETA calculated the median CLF density based on CLF data provided by the BLS for calendar year 2017. The Department distributed all remaining set-aside funds on a *pro-rata* basis in Step 2 to all other states experiencing reductions in relative share from the prior year but not meeting the size and density criteria for Step 1. The distribution of ES funds (Table D) includes $661,963,420 for states, as well as $1,617,580 for Outlying Areas.

Section 7(a) of the Wagner-Peyser Act (49 U.S.C. § 49f(a)) authorizes states to use 90 percent of funds allotted to a state for labor exchange services and other career services such as job search and placement services to job seekers; appropriate recruitment services for employers; program evaluations;

developing and providing labor market and occupational information; developing management information systems; and administering the work test for unemployment insurance claimants. Section 7(b) of the Wagner-Peyser Act states that 10 percent of the total sums allotted to each state must be reserved for use by the Governor to provide performance incentives for public ES offices and programs, provide services for groups with special needs, and to provide for the extra costs of exemplary models for delivering services of the type described in section 7(a) and models for enhancing professional development and career advancement opportunities of state agency staff.

Workforce Information Grants Allotments. Total PY 2018 funding for Workforce Information Grants allotments to states is $32,000,000. After reducing the total by $96,000 for program integrity, $31,904,000 is available for Workforce Information Grants. Table E contains the allotment figures for each state and Outlying Area. The Department distributes the funds by administrative formula, with a reserve of $176,570 for Guam and the United States Virgin Islands. Guam and the United States Virgin Islands allotment amounts are partially based on CLF data. The Department distributes the remaining funds to the states with 40 percent distributed equally to all states and 60 percent distributed based on each state's share of CLF for the 12 months ending September 2017.

TABLE A—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2018 ALLOTMENTS VS PY 2017 ALLOTMENTS

State	PY 2017	PY 2018	Difference	% Difference
Total Appropriated	$873,416,000	$903,416,000	$30,000,000	3.43
Total (WIOA Youth Activities)	866,560,920	899,577,000	33,016,080	3.81
Alabama	15,935,826	16,810,423	874,597	5.49
Alaska	2,749,556	3,248,821	499,265	18.16
Arizona	21,927,448	22,132,740	205,292	0.94
Arkansas	7,020,353	6,559,046	(461,307)	−6.57
California	122,708,017	122,420,854	(287,163)	−0.23
Colorado	10,014,113	9,356,087	(658,026)	−6.57
Connecticut	10,849,939	10,136,991	(712,948)	−6.57
Delaware	2,128,572	2,209,670	81,098	3.81
District of Columbia	3,048,727	3,369,642	320,915	10.53
Florida	47,191,033	50,918,130	3,727,097	7.90
Georgia	27,497,972	25,691,083	(1,806,889)	−6.57
Hawaii	2,128,572	2,209,670	81,098	3.81
Idaho	2,636,688	2,463,432	(173,256)	−6.57
Illinois	45,262,696	42,733,627	(2,529,069)	−5.59
Indiana	15,281,190	14,277,065	(1,004,125)	−6.57
Iowa	5,042,166	4,779,676	(262,490)	−5.21
Kansas	4,626,462	5,170,980	544,518	11.77
Kentucky	13,006,059	13,770,245	764,186	5.88
Louisiana	15,937,361	17,165,657	1,228,296	7.71
Maine	2,873,333	2,684,527	(188,806)	−6.57
Maryland	13,351,957	12,474,601	(877,356)	−6.57
Massachusetts	13,965,303	13,047,645	(917,658)	−6.57
Michigan	26,603,952	28,612,013	2,008,061	7.55
Minnesota	8,630,212	10,094,772	1,464,560	16.97
Mississippi	10,648,637	10,053,302	(595,335)	−5.59
Missouri	14,750,868	14,066,190	(684,678)	−4.64
Montana	2,128,572	2,209,670	81,098	3.81
Nebraska	2,432,570	2,656,124	223,554	9.19
Nevada	9,913,269	9,261,869	(651,400)	−6.57
New Hampshire	2,128,572	2,209,670	81,098	3.81
New Jersey	22,296,345	20,831,255	(1,465,090)	−6.57
New Mexico	7,484,241	9,176,874	1,692,633	22.62
New York	49,406,010	50,223,205	817,195	1.65
North Carolina	28,746,951	27,731,837	(1,015,114)	−3.53
North Dakota	2,128,572	2,209,670	81,098	3.81
Ohio	30,130,209	36,354,942	6,224,733	20.66
Oklahoma	7,802,022	9,577,406	1,775,384	22.76
Oregon	10,245,449	9,572,222	(673,227)	−6.57
Pennsylvania	32,264,694	39,419,602	7,154,908	22.18
Puerto Rico	25,176,038	26,554,369	1,378,331	5.47
Rhode Island	3,582,507	3,347,101	(235,406)	−6.57
South Carolina	13,932,904	13,017,374	(915,530)	−6.57
South Dakota	2,128,572	2,209,670	81,098	3.81
Tennessee	16,934,922	17,503,950	569,028	3.36
Texas	58,289,678	75,959,298	17,669,620	30.31
Utah	3,323,840	3,656,938	333,098	10.02
Vermont	2,128,572	2,209,670	81,098	3.81
Virginia	14,084,399	13,158,915	(925,484)	−6.57
Washington	18,561,132	19,115,058	553,926	2.98
West Virginia	6,247,535	5,837,010	(410,525)	−6.57
Wisconsin	11,985,441	11,197,879	(787,562)	−6.57
Wyoming	2,128,572	2,209,670	81,098	3.81

TABLE A—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA YOUTH ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2018 ALLOTMENTS VS PY 2017 ALLOTMENTS—Continued

State	PY 2017	PY 2018	Difference	% Difference
State Total	851,428,600	883,868,137	32,439,537	3.81
American Samoa	227,760	236,754	8,994	3.95
Guam	773,087	803,615	30,528	3.95
Northern Marianas	422,385	439,064	16,679	3.95
Palau	75,000	75,000	0	0.00
Virgin Islands	635,674	660,775	25,101	3.95
Outlying Areas Total	2,133,906	2,215,208	81,302	3.81
Native Americans	12,998,414	13,493,655	495,241	3.81
Evaluations set aside	2,488,000	1,129,000	(1,359,000)	−54.62
Program Integrity set aside	4,367,080	2,710,000	(1,657,080)	−37.94

TABLE B—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2018 ALLOTMENTS VS PY 2017 ALLOTMENTS

State	PY 2017	PY 2018	Difference	% Difference
Total Appropriated	$815,556,000	$845,556,000	$30,000,000	3.68
Total (WIOA Adult Activities)	809,155,220	842,530,000	33,374,780	4.12
Alabama	15,399,354	16,327,908	928,554	6.03
Alaska	2,571,516	3,040,398	468,882	18.23
Arizona	20,673,071	20,986,794	313,723	1.52
Arkansas	6,691,689	6,270,928	(420,761)	−6.29
California	117,464,601	117,884,993	420,392	0.36
Colorado	9,286,373	8,702,463	(583,910)	−6.29
Connecticut	9,998,629	9,369,933	(628,696)	−6.29
Delaware	2,017,831	2,101,059	83,228	4.12
District of Columbia	2,797,188	2,986,342	189,154	6.76
Florida	47,011,004	51,443,034	4,432,030	9.43
Georgia	26,342,217	24,685,866	(1,656,351)	−6.29
Hawaii	2,017,831	2,101,059	83,228	4.12
Idaho	2,448,953	2,294,967	(153,986)	−6.29
Illinois	42,455,721	40,226,996	(2,228,725)	−5.25
Indiana	13,857,417	12,986,088	(871,329)	−6.29
Iowa	3,620,871	3,393,197	(227,674)	−6.29
Kansas	3,832,189	4,357,065	524,876	13.70
Kentucky	13,297,308	13,740,037	442,729	3.33
Louisiana	15,196,124	16,647,287	1,451,163	9.55
Maine	2,609,532	2,445,449	(164,083)	−6.29
Maryland	12,390,856	11,611,741	(779,115)	−6.29
Massachusetts	12,457,534	11,674,227	(783,307)	−6.29
Michigan	24,352,532	26,127,450	1,774,918	7.29
Minnesota	7,225,904	8,472,215	1,246,311	17.25
Mississippi	10,146,478	9,681,200	(465,278)	−4.59
Missouri	13,746,334	13,103,150	(643,184)	−4.68
Montana	2,017,831	2,101,059	83,228	4.12
Nebraska	2,017,831	2,101,059	83,228	4.12
Nevada	9,643,279	9,036,927	(606,352)	−6.29
New Hampshire	2,017,831	2,101,059	83,228	4.12
New Jersey	21,541,938	20,187,420	(1,354,518)	−6.29
New Mexico	7,159,148	8,901,122	1,741,974	24.33
New York	47,853,408	49,370,737	1,517,329	3.17
North Carolina	27,433,397	26,346,674	(1,086,723)	−3.96
North Dakota	2,017,831	2,101,059	83,228	4.12
Ohio	27,953,259	33,780,803	5,827,544	20.85
Oklahoma	7,504,490	9,074,610	1,570,120	20.92
Oregon	9,805,449	9,188,900	(616,549)	−6.29
Pennsylvania	29,375,775	36,348,863	6,973,088	23.74
Puerto Rico	26,646,862	27,814,371	1,167,509	4.38
Rhode Island	3,065,937	2,873,156	(192,781)	−6.29
South Carolina	13,413,830	12,570,393	(843,437)	−6.29
South Dakota	2,017,831	2,101,059	83,228	4.12
Tennessee	16,453,879	17,019,935	566,056	3.44
Texas	55,507,822	71,907,136	16,399,314	29.54
Utah	2,791,005	2,867,024	76,019	2.72
Vermont	2,017,831	2,101,059	83,228	4.12
Virginia	13,095,513	12,272,091	(823,422)	−6.29
Washington	17,333,734	18,013,252	679,518	3.92

TABLE B—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA ADULT ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2018 ALLOTMENTS VS PY 2017 ALLOTMENTS—Continued

State	PY 2017	PY 2018	Difference	% Difference
West Virginia	6,199,542	5,809,726	(389,816)	−6.29
Wisconsin	10,320,191	9,671,276	(648,915)	−6.29
Wyoming	2,017,831	2,101,059	83,228	4.12
State Total	807,132,332	840,423,675	33,291,343	4.12
American Samoa	215,479	224,709	9,230	4.28
Guam	731,402	762,731	31,329	4.28
Northern Marianas	399,609	416,727	17,118	4.28
Palau	75,000	75,000	0	0.00
Virgin Islands	601,398	627,158	25,760	4.28
Outlying Areas Total	2,022,888	2,106,325	83,437	4.12
Evaluations set aside	2,323,000	890,000	(1,433,000)	−61.69
Program Integrity set aside	4,077,780	2,136,000	(1,941,780)	−47.62

TABLE C—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2018 ALLOTMENTS VS PY 2017 ALLOTMENTS

State	PY 2017	PY 2018	Difference	% Difference
Total Appropriated	$1,241,719,000	$1,261,719,000	$20,000,000	1.61
Total (WIOA Dislocated Worker Activities)	1,231,974,405	1,257,214,000	25,239,595	2.05
Alabama	20,979,198	19,335,341	(1,643,857)	−7.84
Alaska	3,691,597	4,914,486	1,222,889	33.13
Arizona	25,219,541	23,243,426	(1,976,115)	−7.84
Arkansas	6,946,313	6,402,024	(544,289)	−7.84
California	151,913,910	154,748,352	2,834,442	1.87
Colorado	11,035,397	10,170,702	(864,695)	−7.84
Connecticut	15,909,908	14,663,263	(1,246,645)	−7.84
Delaware	2,103,741	2,460,357	356,616	16.95
District of Columbia	4,870,170	6,483,476	1,613,306	33.13
Florida	58,254,657	53,690,026	(4,564,631)	−7.84
Georgia	36,286,309	40,436,884	4,150,575	11.44
Hawaii	1,757,907	1,620,164	(137,743)	−7.84
Idaho	2,136,125	1,968,746	(167,379)	−7.84
Illinois	68,248,493	62,900,780	(5,347,713)	−7.84
Indiana	15,279,474	14,082,228	(1,197,246)	−7.84
Iowa	4,495,013	4,142,800	(352,213)	−7.84
Kansas	4,508,709	4,670,889	162,180	3.60
Kentucky	13,849,199	17,761,938	3,912,739	28.25
Louisiana	15,576,306	20,736,157	5,159,851	33.13
Maine	2,910,185	2,682,153	(228,032)	−7.84
Maryland	16,638,448	15,334,717	(1,303,731)	−7.84
Massachusetts	17,226,845	15,877,010	(1,349,835)	−7.84
Michigan	32,469,417	29,925,227	(2,544,190)	−7.84
Minnesota	7,681,855	8,704,633	1,022,778	13.31
Mississippi	13,860,858	12,774,770	(1,086,088)	−7.84
Missouri	15,350,463	14,147,654	(1,202,809)	−7.84
Montana	1,693,774	1,561,056	(132,718)	−7.84
Nebraska	2,359,359	2,397,862	38,503	1.63
Nevada	15,103,430	13,919,978	(1,183,452)	−7.84
New Hampshire	1,907,791	1,758,303	(149,488)	−7.84
New Jersey	34,753,493	32,030,331	(2,723,162)	−7.84
New Mexico	10,266,720	13,667,703	3,400,983	33.13
New York	55,904,102	51,523,652	(4,380,450)	−7.84
North Carolina	32,747,320	30,181,355	(2,565,965)	−7.84
North Dakota	881,051	812,015	(69,036)	−7.84
Ohio	29,804,480	39,677,597	9,873,117	33.13
Oklahoma	6,954,719	7,724,855	770,136	11.07
Oregon	12,662,300	11,670,127	(992,173)	−7.84
Pennsylvania	42,289,168	53,520,091	11,230,923	26.56
Puerto Rico	33,402,882	44,468,015	11,065,133	33.13
Rhode Island	4,482,467	4,131,237	(351,230)	−7.84
South Carolina	16,832,563	15,513,622	(1,318,941)	−7.84
South Dakota	958,826	1,163,056	204,230	21.30
Tennessee	20,727,437	19,103,308	(1,624,129)	−7.84
Texas	49,097,497	62,116,365	13,018,868	26.52
Utah	3,927,378	4,395,205	467,827	11.91

TABLE C—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WIOA DISLOCATED WORKER ACTIVITIES STATE ALLOTMENTS COMPARISON OF PY 2018 ALLOTMENTS VS PY 2017 ALLOTMENTS—Continued

State	PY 2017	PY 2018	Difference	% Difference
Vermont	797,048	859,693	62,645	7.86
Virginia	15,174,451	13,985,434	(1,189,017)	−7.84
Washington	29,054,462	26,777,856	(2,276,606)	−7.84
West Virginia	8,137,616	7,499,981	(637,635)	−7.84
Wisconsin	12,769,724	11,769,133	(1,000,591)	−7.84
Wyoming	957,604	1,098,967	141,363	14.76
State Total	1,012,847,700	1,037,205,000	24,357,300	2.40
American Samoa	328,076	335,308	7,232	2.20
Guam	1,113,592	1,138,139	24,547	2.20
Northern Marianas	608,422	621,836	13,414	2.20
Palau	114,191	111,914	(2,277)	−1.99
Virgin Islands	915,655	935,838	20,183	2.20
Outlying Areas Total	3,079,936	3,143,035	63,099	2.05
National Reserve*	216,046,769	216,865,965	819,196	0.38
Evaluations set aside	3,536,000	1,325,000	(2,211,000)	−62.53
Program Integrity set aside	6,208,595	3,180,000	(3,028,595)	−48.78

*The PY 2017 Dislocated Worker National Reserve amount reflects the initial appropriation; however, the Consolidated Appropriations Act, 2018 contained a $12.5M rescission to the Dislocated Worker National Reserve, decreasing funding in that category to $203,546,769.

TABLE D—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION EMPLOYMENT SERVICE (WAGNER-PEYSER) PY 2018 VS PY 2017 FINAL ALLOTMENTS

State	Final PY 2017	Final PY 2018	Difference	% Difference
Total Appropriated	$671,413,000	$666,413,000	($5,000,000)	−0.74
Total (WIOA ES Activities)	666,229,935	663,581,000	(2,648,935)	−0.40
Alabama	9,027,135	8,908,780	(118,355)	−1.31
Alaska	7,242,237	7,213,442	(28,795)	−0.40
Arizona	12,978,929	13,165,903	186,974	1.44
Arkansas	5,217,919	5,162,355	(55,564)	−1.06
California	78,969,900	78,345,199	(624,701)	−0.79
Colorado	10,468,606	10,389,581	(79,025)	−0.75
Connecticut	7,612,739	7,574,461	(38,278)	−0.50
Delaware	1,860,897	1,858,689	(2,208)	−0.12
District of Columbia	2,015,455	1,988,531	(26,924)	−1.34
Florida	38,312,400	38,144,961	(167,439)	−0.44
Georgia	19,771,269	19,921,213	149,944	0.76
Hawaii	2,380,036	2,352,566	(27,470)	−1.15
Idaho	6,034,073	6,010,081	(23,992)	−0.40
Illinois	27,568,320	27,275,919	(292,401)	−1.06
Indiana	12,751,883	12,602,609	(149,274)	−1.17
Iowa	6,179,048	6,113,562	(65,486)	−1.06
Kansas	5,509,961	5,469,981	(39,980)	−0.73
Kentucky	8,242,605	8,204,609	(37,996)	−0.46
Louisiana	9,072,599	8,977,219	(95,380)	−1.05
Maine	3,588,406	3,574,138	(14,268)	−0.40
Maryland	12,194,677	12,141,754	(52,923)	−0.43
Massachusetts	13,481,619	13,412,552	(69,067)	−0.51
Michigan	20,282,456	20,064,262	(218,194)	−1.08
Minnesota	10,916,782	10,913,401	(3,381)	−0.03
Mississippi	5,540,675	5,475,041	(65,634)	−1.18
Missouri	12,085,367	11,926,706	(158,661)	−1.31
Montana	4,931,074	4,911,468	(19,606)	−0.40
Nebraska	5,270,650	5,167,751	(102,899)	−1.95
Nevada	6,059,257	6,016,403	(42,854)	−0.71
New Hampshire	2,611,819	2,587,728	(24,091)	−0.92
New Jersey	18,686,255	18,492,789	(193,466)	−1.04
New Mexico	5,533,534	5,511,533	(22,001)	−0.40
New York	38,225,469	38,073,357	(152,112)	−0.40
North Carolina	19,331,991	19,246,083	(85,908)	−0.44
North Dakota	5,021,310	5,001,345	(19,965)	−0.40
Ohio	23,078,542	23,186,548	108,006	0.47
Oklahoma	7,090,070	7,052,012	(38,058)	−0.54
Oregon	8,065,602	8,017,942	(47,660)	−0.59
Pennsylvania	26,109,470	25,958,852	(150,618)	−0.58
Puerto Rico	6,712,967	6,637,872	(75,095)	−1.12

TABLE D—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION EMPLOYMENT SERVICE (WAGNER-PEYSER) PY 2018 VS PY 2017 FINAL ALLOTMENTS—Continued

State	Final PY 2017	Final PY 2018	Difference	% Difference
Rhode Island	2,370,967	2,334,313	(36,654)	−1.55
South Carolina	9,245,152	9,156,790	(88,362)	−0.96
South Dakota	4,640,845	4,622,393	(18,452)	−0.40
Tennessee	12,465,126	12,319,202	(145,924)	−1.17
Texas	50,422,012	51,437,423	1,015,411	2.01
Utah	6,013,824	5,925,522	(88,302)	−1.47
Vermont	2,174,035	2,165,391	(8,644)	−0.40
Virginia	15,801,143	15,736,130	(65,013)	−0.41
Washington	14,769,360	14,707,432	(61,928)	−0.42
West Virginia	5,311,905	5,290,785	(21,120)	−0.40
Wisconsin	11,756,933	11,632,564	(124,369)	−1.06
Wyoming	3,600,593	3,586,277	(14,316)	−0.40
State Total	664,605,898	661,963,420	(2,642,478)	−0.40
Guam	311,744	310,505	(1,239)	−0.40
Virgin Islands	1,312,293	1,307,075	(5,218)	−0.40
Outlying Areas Total	1,624,037	1,617,580	(6,457)	−0.40
Evaluations set aside	1,826,000	833,000	(993,000)	−54.38
Program Integrity set aside	3,357,065	1,999,000	(1,358,065)	−40.45

TABLE E—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WORKFORCE INFORMATION GRANTS TO STATES PY 2018 VS PY 2017 ALLOTMENTS

State	PY 2017	PY 2018	Difference	% Difference
Total with Program Integrity	$32,000,000	$32,000,000	$0	0.00
Total	31,840,000	31,904,000	64,000	0.20
Alabama	500,653	501,509	856	0.17
Alaska	286,485	287,026	541	0.19
Arizona	625,139	633,995	8,856	1.42
Arkansas	404,113	404,109	(4)	0.00
California	2,515,226	2,510,570	(4,656)	−0.19
Colorado	585,031	592,880	7,849	1.34
Connecticut	468,956	469,696	740	0.16
Delaware	300,334	300,167	(167)	−0.06
District of Columbia	290,313	291,143	830	0.29
Florida	1,402,184	1,432,999	30,815	2.20
Georgia	819,642	837,522	17,880	2.18
Hawaii	325,006	325,866	860	0.26
Idaho	339,637	341,187	1,550	0.46
Illinois	1,026,731	1,009,506	(17,225)	−1.68
Indiana	640,403	637,470	(2,933)	−0.46
Iowa	447,097	443,793	(3,304)	−0.74
Kansas	421,676	419,199	(2,477)	−0.59
Kentucky	477,694	486,277	8,583	1.80
Louisiana	498,566	492,418	(6,148)	−1.23
Maine	324,364	326,794	2,430	0.75
Maryland	619,671	624,125	4,454	0.72
Massachusetts	670,024	675,725	5,701	0.85
Michigan	816,135	819,622	3,487	0.43
Minnesota	603,738	602,174	(1,564)	−0.26
Mississippi	396,216	396,428	212	0.05
Missouri	616,601	607,825	(8,776)	−1.42
Montana	305,779	306,190	411	0.13
Nebraska	364,584	363,280	(1,304)	−0.36
Nevada	413,767	414,233	466	0.11
New Hampshire	332,445	332,832	387	0.12
New Jersey	786,208	777,919	(8,289)	−1.05
New Mexico	353,041	354,069	1,028	0.29
New York	1,394,819	1,380,696	(14,123)	−1.01
North Carolina	816,832	825,773	8,941	1.09
North Dakota	293,299	293,506	207	0.07
Ohio	927,722	923,124	(4,598)	−0.50
Oklahoma	462,774	459,868	(2,906)	−0.63
Oregon	485,244	491,524	6,280	1.29
Pennsylvania	1,015,467	1,005,428	(10,039)	−0.99
Puerto Rico	378,636	375,763	(2,873)	−0.76

TABLE E—U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION WORKFORCE INFORMATION GRANTS TO STATES PY 2018 VS PY 2017 ALLOTMENTS—Continued

State	PY 2017	PY 2018	Difference	% Difference
Rhode Island	309,389	309,498	109	0.04
South Carolina	515,922	517,937	2,015	0.39
South Dakota	297,615	297,999	384	0.13
Tennessee	614,415	619,474	5,059	0.82
Texas	1,819,094	1,831,157	12,063	0.66
Utah	420,394	427,852	7,458	1.77
Vermont	284,535	284,871	336	0.12
Virginia	745,883	752,203	6,320	0.85
Washington	672,748	681,301	8,553	1.27
West Virginia	336,852	336,297	(555)	−0.16
Wisconsin	615,095	615,232	137	0.02
Wyoming	279,390	279,379	(11)	0.00
State Total	31,663,584	31,727,430	63,846	0.20
Guam	92,875	92,961	86	0.09
Virgin Islands	83,541	83,609	68	0.08
Outlying Areas Total	176,416	176,570	154	0.09
Program Integrity set aside	160,000	96,000	(64,000)	−40.00

Rosemary Lahasky,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 2018–11307 Filed 5–24–18; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Reintegration of Ex-Offenders Adult Reporting System

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Reintegration of Ex-Offenders Adult Reporting System.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by July 24, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Derrick Williams by telephone at 202–693–3931 (this is not a toll-free number), TTY/TDD by calling the toll-free Federal Information Relay Service at 1–877–889–5627, or by email at *Williams.Derrick.D@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Division of Youth Services, Room N–4508, 200 Constitution Avenue NW, Washington, DC 20210; by email: *Williams.Derrick.D@dol.gov;* or by Fax: 202–693–3113.

FOR FURTHER INFORMATION CONTACT: Contact Derrick Williams by telephone at 202–693–3931 (this is not a toll-free number) or by email at *Williams.Derrick.D@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

In applying for the Reentry Employment Opportunities (REO) Ex-Offender-Adult grants, applicants agree to submit participant data and quarterly aggregate reports for individuals who receive services through REO-Adult programs. The reports include aggregate data on demographic characteristics, types of services received, placements, outcomes, and follow-up status. Specifically, they summarize data on participants who received employment and placement services, mentoring, and other services essential to reintegrating ex-offenders through REO-Adult programs. The Department requests a revision of the currently approved information collection to meet the reporting and record-keeping requirements of the REO Ex-Offenders-Adult grants through an ETA-provided, Web-based Management Information System (MIS). The Department also requests an increase in the burden hours and additional data items because DOL is now awarding a larger number of adult versus juvenile offender grants. This information collection is conducted under the authority of Section 185(a)(2) of the Workforce Innovation and Opportunity Act which requires recipients of funds under Title I to maintain such records and submit such reports as the Secretary requires regarding the performance of programs and activities carried out under this title. This information collection maintains a reporting and record-keeping system for a minimum level of information collection that is necessary to: comply with Equal Opportunity requirements; hold REO-Adult grantees appropriately accountable for the Federal funds they receive, including common performance measures; and allow the Department to fulfill its oversight and management responsibilities.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0455.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Reintegration of Ex-Offenders Adult Reporting System.

Form: Quarterly Performance Report (ETA 9140).

OMB Control Number: 1205–0455.

Affected Public: Faith-Based and Community Organizations, State and Local Criminal Justice and Workforce Development Agencies, and Program Participants.

Estimated Number of Respondents: 20,472.

Frequency: Varies.

Total Estimated Annual Responses: 20,850.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 34,514.

Total Estimated Annual Other Cost Burden: $0.

Rosemary Lahasky,

Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 2018–11246 Filed 5–24–18; 8:45 am]

BILLING CODE 4510–FT–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Subgranting Disaster Relief Grant Funds for Hurricanes Harvey, Irma, and Maria and the 2017 California Wildfires

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications to subgrant Disaster Relief Grant Funds for Hurricanes Harvey, Irma, and Maria and the 2017 California Wildfires (''2017 Hurricanes and California Wildfires Grant'').

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 to make subgrants of LSC 2017 Hurricanes and California Wildfires 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 [applications to make subgrants of LSC funds] annually in the **Federal Register** and on its website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application on LSC's website satisfy § 1627.4(b)'s notice requirement for the LSC 2017 Hurricanes and California Wildfires Grant program. Only current or prospective recipients of LSC funds and applicants for LSC's 2017 Hurricanes and California Wildfires Grants may apply for approval to subgrant these funds.

Considering the emergency nature of the grants, subgrant applications may be submitted before or after a grant applicant receives a 2017 Hurricanes and California Wildfires Grants award notice. Applications received after the grant award notice is issued must be submitted at least 45 days in advance of the subgrant's proposed effective date. LSC grantees may subgrant up to $20,000 in LSC funds without submitting an application for prior approval. 45 CFR 1627.4(a)(1). All subgrants of LSC funds, however, are subject to LSC's regulations, guidelines, and instructions.

Subgrant applications must be submitted 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 LSC's Subgrant Agreement Template).

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 is 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 applications and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The applicants must then upload final and signed subgrant agreements 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.

For subgrant applications submitted by July 17, 2018, LSC will inform applicants of its decision to approve, disapprove, or request modifications to the subgrant by the end of August 2018. LSC will inform all other applicants of its decision by no later than the subgrant's proposed effective date. 45 CFR 1627.4(b)(2).

Dated: May 21, 2017.

Stefanie Davis,

Assistant General Counsel.

[FR Doc. 2018–11231 Filed 5–24–18; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

NAME AND COMMITTEE CODE: LIGO Operations Review for the Division of Physics (1208)—LIGO Livingston Observatory Site Visit.

DATE AND TIME:

June 19, 2018; 8:30 a.m.–5:30 p.m.

June 20, 2018; 9:00 a.m.–5:30 p.m.

June 21, 2018; 9:00 a.m.–4:00 p.m.

PLACE: LIGO Livingston Observatory, 19100 Ligo Ln, Livingston, LA 70754.

TYPE OF MEETING: Part-Open.

CONTACT PERSON: Dr. Mark Coles, Program Director, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue, Room W 9216, Alexandria, VA 22314; Telephone: (703) 292–4432.

PURPOSE OF MEETING: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

AGENDA

June 19, 2018:		
08:30 a.m.–09:15 a.m.	Executive Session	CLOSED.
09:15 a.m.–09:45 a.m.	Welcome	OPEN.
09:45 a.m.–10:30 a.m.	LIGO Laboratory Management	OPEN.
10:30 a.m.–10:40 a.m.	Break.	
10:40 a.m.–12:00 p.m.	LIGO Detector Commissioning and Upgrades	OPEN.
12:00 p.m.–01:00 p.m.	Lunch.	
01:00 p.m.–01:45 p.m.	LIGO Scientific Program	OPEN.
01:45 p.m.–02:30 p.m.	LIGO Computing	OPEN.
02:30 p.m.–03:15 p.m.	LIGO Laboratory LIGO-India Program	OPEN.
03:15 p.m.–03:30 p.m.	Break.	
03:30 p.m.–04:15 p.m.	LIGO Laboratory Education and Public Outreach	OPEN.
04:15 p.m.–05:30 p.m.	Panel Executive Session	CLOSED.
June 20, 2018:		
09:00 a.m.–11:00 a.m.	LIGO Laboratory Education and Public Outreach	OPEN.
11:00 a.m.–02:00 p.m.	American Physical Society Ceremony	OPEN.
02:00 p.m.–04:00 p.m.	LIGO Gravitational-wave Science; LIGO Laboratory Management/Budget I	OPEN.
04:00 p.m.–05:30 p.m.	Executive Session	CLOSED.
June 21, 2018:		
09:00 a.m.–10:00 a.m.	Responses to Committee Questions	OPEN.
10:00 a.m.–12:00 p.m.	LIGO Computing	OPEN.
12:00 p.m.–01:00 p.m.	Lunch.	
01:00 p.m.–03:30 p.m.	Executive Session	CLOSED.
03:30 p.m.–04:00 p.m.	Close Out Briefing	OPEN.

REASON FOR CLOSING: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–11271 Filed 5–24–18; 8:45 am]

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:

Monday, June 18, 2018; 9:00 a.m. to 5:00 p.m. (EDT).

Tuesday, June 19, 2018; 9:00 a.m. to 1:00 p.m. (EDT).

PLACE: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: (703) 292–8710.

TYPE OF MEETING: Part-Open.

CONTACT PERSON(S): Roxanne Nikolaus, Program Manager, OD/OISE, 703–292–8710; Diane Drew, Program Specialist, OD/OISE, 703–292–7220; and Suzanne Abo, Program Analyst, OD/OISE, 703–292–2704.

National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

PURPOSE OF MEETING: To provide advice, recommendations and counsel on major

goals and policies pertaining to international programs and activities.

AGENDA

Monday, June 18, 2018; 9:00 a.m. to 5:00 p.m.

- Update on OISE activities.
- Discussion of new NSF approach to international outreach—MULTIplying Impact Leveraging International Expertise in Research (MULTIPLIER) approach.
- Discussion of multilateral international research collaborations.
- Discussion of new approach to the Board on International Scientific Organizations (BISO) (CLOSED SESSION).

Tuesday, June 19, 2018; 9:00 a.m. to 1:00 p.m.

- Discussion of overall Advisory Committee strategic planning.
- Update on NSF international collaboration data analytics.
- Meet with NSF leadership.

REASON FOR CLOSING: Session on the new approach to the Board on International Scientific Organizations (BISO) will include discussion of potential proposed agency actions which may properly be closed to the public under 5 U.S.C. 552b(c), (4) of the Government in the Sunshine Act.

Dated: May 22, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–11272 Filed 5–24–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

DATE: Weeks of May 28, June 4, 11, 18, 25, July 2, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of May 28, 2018

There are no meetings scheduled for the week of May 28, 2018.

Week of June 4, 2018—Tentative

Wednesday, June 6, 2018

2:00 p.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Sally Wilding: 301–287–0596).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 7, 2018

9:00 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) (Public Meeting) To be held at FERC Headquarters, 888 First Street NE, Washington, DC. (Contact: Ngola Otto: 301–415–6695).

This meeting will be webcast live at the web address—*www.ferc.gov.*

Week of June 11, 2018—Tentative

There are no meetings scheduled for the week of June 11, 2018.

Week of June 18, 2018—Tentative

Tuesday, June, 19, 2018

9:00 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting) (Contact: Joanna Bridge: 301–415–4052).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 21, 2018

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Paul Michalak: 301–415–5804).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 25, 2018—Tentative

There are no meetings scheduled for the week of June 25, 2018.

Week of July 2, 2018—Tentative

There are no meetings scheduled for the week of July 2, 2018.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov or Wendy.Moore@nrc.gov.*

Dated: May 22, 2018.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–11361 Filed 5–23–18; 11:15 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting Notice

TIME AND DATE: Thursday, June 14, 2017, 2 p.m. (OPEN Portion), 2:15 p.m. (CLOSED Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW, Washington, DC.

STATUS: Meeting OPEN to the Public from 2 p.m. to 2:15 p.m., Closed portion will commence at 2:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Minutes of the Open Session of the December 14, 2017, Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED (CLOSED TO THE PUBLIC 2:15 P.M.):

1. Finance Project—Africa Regional
2. Finance Project—India
3. Finance Project—India
4. Finance Project—Central America
5. Finance Project—Africa Regional
6. Insurance Project—Ukraine
7. Finance Project—Latin America
8. Finance Project—Brazil
9. Finance Project—Colombia
10. Finance Project—El Salvador and Costa Rica
11. Finance Project—India
12. Minutes of the Closed Session of the December 14, 2017, Board of Directors Meeting
13. Reports
14. Pending Projects

CONTACT PERSON FOR MORE INFORMATION: Information on the meeting may be obtained from Catherine F. I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: May 23, 2018.

Catherine Andrade,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2018–11376 Filed 5–23–18; 11:15 am]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–155 and CP2018–224]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 29, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service has filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The requests(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–155 and CP2018–224; *Filing Title:* USPS Request to Add First-Class Package Service Contract 93 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 21, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* May 29, 2018.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–11282 Filed 5–24–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83296]

Order Granting Application by NYSE National, Inc. for an Exemption Pursuant to Section 36(a) of the Exchange Act From the Rule Filing Requirements of Section 19(b) of the Exchange Act With Respect to Certain Rules Incorporated by Reference

May 21, 2018.

NYSE National, Inc. (''NYSE National'' or ''Exchange'') has filed with the Securities and Exchange Commission (''Commission'') an application for an exemption under Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] from the rule filing requirements of Section 19(b) of the Exchange Act [2] with respect to certain rules of the Financial Industry Regulatory Authority, Inc. (''FINRA'') that the Exchange seeks to incorporate by reference.[3] Section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class thereof, from any provision of the Exchange Act or rule thereunder, if necessary or appropriate in the public interest and consistent with the protection of investors.

On May 17, 2018, the Commission approved the Exchange's proposed rule change that would delete the Exchange's current rules and replace them with rules to accommodate the re-launch of trading on the Exchange through the Pillar platform.[4] Among other things, the new rules include rules relating to the obligations and business conduct of the Exchange's members, referred to as ETP Holders.

NYSE National has requested, pursuant to Rule 0–12 under the Exchange Act,[5] that the Commission grant the Exchange an exemption from the rule filing requirements of Section 19(b) of the Act for changes to those Exchange rules that are effected solely by virtue of a change to a cross-referenced FINRA rule, including FINRA rules designated as NASD rules.[6] Specifically, the Exchange requests that it be permitted to incorporate by reference changes made to each FINRA rule (or series of rules, in the case of FINRA's Code of Arbitration Procedure) that is cross-referenced in the following

[1] 15 U.S.C. 78mm(a)(1).

[2] 15 U.S.C. 78s(b).

[3] *See* Letter from Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange, to Brent J. Fields, Secretary, Commission, dated May 18, 2018 (''Exemptive Request''). The Exchange submitted the Exemptive Request in connection with a proposed rule change, in connection with the re-launch of trading on NYSE National on the Pillar trading platform. The proposal, as amended by Amendment No. 1, which was filed by the Exchange on May 16, 2018, includes: (1) Amendments to Article V, Sections 5.01 and 5.8 of the Fourth Amended and Restated Bylaws of NYSE National (''Bylaws''); (2) new rules based on the rules of the Exchange's affiliates relating to (a) trading securities on an unlisted trading privileges basis (Rule 5), (b) trading on the Pillar trading platform (Rules 1 and 7), (c) disciplinary rules (Rule 10), and (d) administration of the Exchange (Rules 3, 12 and 13); (3) rule changes that renumber and update current Exchange rules relating to (a) membership (Rule 2), (b) order audit trail requirements (Rule 6), and (c) trading practices (Rule 11); and (4) deletion of Chapters I–XVI and the rules contained therein.

[4] *See* Securities Exchange Act Release No. 83289 (May 17, 2018).

[5] 17 CFR 240.0–12.

[6] *See* Exemptive Request, *supra* note 3, at 1–2.

proposed NYSE National Rules, without the need for the Exchange to file separately the same proposed rule changes pursuant to Section 19(b) of the Act: [7]

- Rule 2.2 (Obligations of ETP Holders and the Exchange) cross-references NASD Rule 1032(f)(1),
- Rule 6.7440 (Recording of Order Information) cross-references FINRA Rule 7740,
- Rule 6.7450 (Order Data Transmission Requirements) cross-references FINRA Rule 7450,
- Rule 11.2111 (Suitability) cross-references FINRA Rule 2111,
- Rule 11.2210 (Communications with the Public) cross-references FINRA Rule 2210 (except FINRA Rule 2210(c)),
- Rule 11.2232 (Customer Confirmations) cross-references FINRA Rule 2232,
- Rule 11.3310 (Anti-Money Laundering Compliance Program) cross-references FINRA Rule 3310,
- Rule 11.5320 (Prohibition Against Trading Ahead of Customer Orders) cross-references FINRA Rule 5310,
- Rule 11.5320 Commentary .01 (Large Orders and Institutional Account Exceptions) cross-references FINRA Rule 4512(c), and
- Rule 12 (Code of Arbitration Procedure for Customer and Industry Disputes) cross-references the 12000 and the 13000 Series of the FINRA Code of Arbitration and FINRA Rule 2268.

The Exchange states that the direct incorporations by reference of FINRA rules, certain of which are regulatory in nature,[8] are intended to be a comprehensive integration of the relevant FINRA rules into NYSE National's rules.[9] The Exchange represents that, as a condition to the requested exemption from Section 19(b) of the Act, the Exchange agrees to provide written notice to its members whenever FINRA proposes a change to a cross-referenced rule.[10] Such notice will alert Exchange members to the proposed rule change and give them an opportunity to comment on the proposal. The Exchange further represents that it will inform members in writing when the Commission approves any such proposed rule changes.[11]

According to the Exchange, this exemption is necessary and appropriate because it would result in the Exchange's rules being consistent with the relevant cross-referenced FINRA rules at all times, thus ensuring identical regulation of joint members of the Exchange and FINRA with respect to such rules. Without such an exemption, joint members of the Exchange and FINRA could be subject to two different standards.[12] Moreover, the Exchange believes that by incorporating the above-referenced FINRA rules in the Exchange's rulebook as rules of the Exchange, the exemption would ensure consistent regulation of Exchange ETP Holders that are not FINRA members and Exchange ETP Holders that are FINRA members.[13] In addition, the Exchange believes that the exemption would ensure consistency between certain Exchange and FINRA rules that are covered by the Exchange's regulatory services agreement (''RSA'') with FINRA, which would facilitate FINRA's provision of services to the Exchange under the RSA within the scope of those rules.[14]

The Commission has issued exemptions similar to the Exchange's request.[15] In granting one such exemption in 2010, the Commission repeated a prior, 2004 Commission statement that it would consider similar future exemption requests from other SROs, provided that:

- An SRO wishing to incorporate rules of another SRO by reference has submitted a written request for an order exempting it from the requirement in Section 19(b) of the Exchange Act to file proposed rule changes relating to the rules incorporated by reference, has identified the applicable originating SRO(s), together with the rules it wants to incorporate by reference, and otherwise has complied with the procedural requirements set forth in the Commission's release governing procedures for requesting exemptive orders pursuant to Rule 0–12 under the Exchange Act;[16]
- The incorporating SRO has requested incorporation of categories of rules (rather than individual rules within a category) that are not trading rules (*e.g.,* the SRO has requested incorporation of rules such as margin, suitability, or arbitration); and
- The incorporating SRO has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO.[17]

The Commission believes that the Exchange has satisfied each of these conditions. The Commission also believes that granting the Exchange an exemption from the rule filing requirements under Section 19(b) of the Exchange Act will promote efficient use of Commission and Exchange resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by more than one SRO.[18] The Commission therefore finds it appropriate in the public interest and consistent with the protection of investors to exempt the Exchange from the rule filing requirements under Section 19(b) of the Exchange Act with respect to the above-described rules it has incorporated by reference. This exemption is conditioned upon the Exchange

[7] *Id.*

[8] The Exchange represents that the FINRA rules proposed to be incorporated by reference are not trading rules. In addition, the Exchange notes that several other self-regulatory organizations (''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* Exemptive Request, *supra* note 3, at 2, n. 5.

[9] *See* Exemptive Request, *supra* note 3, at 2–3.

[10] *See* Exemptive Request, *supra* note 3, at 3. The Exchange represents that it will provide such notice via a posting on the same website location where the Exchange will post its own rule filings pursuant to Rule 19b–4(1) within the time frame required by such Rule. The website posting will include a link to the location on FINRA's website where the applicable proposed rule change is posted. *Id.*

[11] *See* Exemptive Request, *supra* note 3, at 3.

[12] *See* Exemptive Request, *supra* note 3, at 2.

[13] *Id.*

[14] *Id.*

[15] *See, e.g.,* Securities Exchange Act Release Nos. 83040 (April 12, 2018), 75 FR 17198 (April 18, 2018)(order granting MIAX PEARL, LLC's exemptive request relating to rules of the Miami International Securities Exchange, LLC incorporated by reference); 76998 (January 29, 2016), 81 FR 6066, 6083–84 (February 4, 2016) (order granting application for registration as a national securities exchange of ISE Mercury, LLC (now known as Nasdaq MRX, LLC) and exemptive request relating to rules of the International Securities Exchange, LLC (now known as Nasdaq ISE, LLC) (''ISE'') incorporated by reference, including index options rules); 70050 (July 26, 2013), 78 FR 46622, 46642 (August 1, 2013) (order granting application for registration as a national securities exchange of Topaz Exchange, LLC (now known as Nasdaq GEMX, LLC) and exemptive request relating to rules of ISE incorporated by reference, including index options rules); 61152 (December 10, 2009), 74 FR 66699, 66709–10 (December 16, 2009) (order granting application for registration as a national securities exchange of C2 Options Exchange, Incorporated (''C2'') and exemptive request relating to rules of the Chicago Board Options Exchange, Incorporated (''CBOE'') incorporated by reference, including index options rules). *See also, e.g.,* Securities Exchange Act Release No. 61534 (February 18, 2010), 75 FR 8760 (February 25, 2010) (order granting BATS Exchange, Inc.'s exemptive request relating to rules incorporated by reference by the BATS Exchange Options Market rules) (''BATS Options Market Order'').

[16] *See* 17 CFR 240.0–12 and Securities Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998) (''Commission Procedures for Filing Applications for Orders for Exemptive Relief Pursuant to Section 36 of the Exchange Act; Final Rule'').

[17] *See* BATS Options Market Order, *supra* note 15 (citing Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004) (order granting exemptive request relating to rules incorporated by reference by several SROs) (''2004 Order'')).

[18] *See* BATS Options Market Order, *supra* note 15, 75 FR at 8761; *see also* 2004 Order, *supra* note 17, 69 FR at 8502.

promptly providing written notice to its members whenever FINRA changes a rule that the Exchange has incorporated by reference.

Accordingly, *it is ordered*, pursuant to Section 36 of the Exchange Act,[19] that the Exchange is exempt from the rule filing requirements of Section 19(b) of the Exchange Act solely with respect to changes to the rules identified in its request that incorporate by reference certain FINRA rules that are the result of changes to such FINRA rules, provided that the Exchange promptly provides written notice to its members whenever FINRA proposes to change a rule that the Exchange has incorporated by reference.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11226 Filed 5–24–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83295; File No. SR–Phlx–2018–39]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Sections I and II of the Pricing Schedule

May 21, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 10, 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 Phlx's Pricing Schedule at Section I, entitled ''Rebates and Fees for Adding and Removing Liquidity in SPY,'' and Section II, entitled ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).''

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 amend Phlx's Pricing Schedule at Section I, entitled ''Rebates and Fees for Adding and Removing Liquidity in SPY,'' and Section II, entitled ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).'' Specifically, the Exchange proposes to amend a surcharge in Section I, Part B, which applies to options overlying SPY as well as a surcharge in Section II related to Complex Orders in order to further reduce the costs to the Exchange of such transactions. Each surcharge amendment is described below in more detail.

Section I, Part B

The Exchange proposes to amend Section I, Part B to amend Complex Order[4] fees for SPY. The Exchange proposes to increase a surcharge of $0.05 per contract, which is currently assessed to Customers[5] when executing the individual components of their Complex Orders in SPY against Market Maker[6] or Specialist[7] quotes that are resting on the Simple Order Book. Today, Customers submit Complex Orders to the Exchange because often, Customers are able to execute such Complex Orders immediately by executing the individual components thereof through interactions with Market Maker and Specialist quotes that rest on the Exchange's Simple Order Book. These Customers benefit from not having to wait for counterparties that are willing to execute against their Complex Orders in the Complex Order Book. The Exchange proposes to increase the surcharge from $0.05 to $0.15 per contract for Customers that execute Complex Orders against Market Maker or Specialist quotes resting on the Simple Order Book.[8] The Exchange proposes this surcharge increase to reduce further the Exchange's costs for these transactions. Not only does the Exchange receive no fees from Customers for engaging in these transactions,[9] but the Exchange also pays rebates to the Market Makers and Specialists whose quotes execute against the Customers' Complex Orders.[10] Pursuant to Section I, Part A of the Exchange's Pricing Schedule, these rebates range from $0.15 to $0.35 per contact.

Section II

The Exchange proposes to amend Section II to increase a surcharge assessed to electronic Complex Orders that remove liquidity[11] from the Complex Order Book and auctions,

[19] 15 U.S.C. 78mm.

[20] 17 CFR 200.30–3(a)(76).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A Complex Order is an order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced as a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. *See* Phlx Rule 1098.

[5] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

[6] The term ''ROT, SQT and RSQT'' applies to transactions for the accounts of Registered Option Traders (''ROTs''), Streaming Quote Traders (''SQTs''), and Remote Streaming Quote Traders (''RSQTs''). For purposes of the Pricing Schedule, the term ''Market Maker'' will be utilized to describe fees and rebates applicable to ROTs, SQTs and RSQTs. RSQTs may also be referred to as Remote Market Markers (''RMMs''). *See* Preface to Phlx's Pricing Schedule.

[7] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)). A Specialist is an Exchange member registered as an options specialist pursuant to Rule 1020(a). An options Specialist includes a Remote Specialist, which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

[8] A component of a Complex Order may ''leg'' against a resting order in the Simple Order Book.

[9] Non-Customer market participants pay fees for adding and removing liquidity in Complex Orders as noted in Section I, Part B of the Pricing Schedule, although Customers pay no such fees.

[10] *See* rebates in Section I, Part A of the Pricing Schedule.

[11] The Exchange notes that an order that is received by the trading system first in time shall be considered an order adding liquidity and an order that trades against that order shall be considered an order removing liquidity.

excluding PIXL,[12] in Non-Penny Pilot Options (excluding NDX and NDXP).[13] The Exchange proposes to increase this surcharge for electronically-delivered Complex Orders from $0.10 to $0.12 per contract to reduce further the Exchange's costs for these transactions. Today, Customers pay no Options Transaction Charges in Non-Penny Pilot Options.[14] The Exchange pays Customer rebates for Complex Orders in Section B of the Pricing Schedule. The Exchange desires to continue to incentivize Customers to interact with Complex Order liquidity by offering those rebates in Section B of the Pricing Schedule. The Exchange believes that while the surcharge is being increased for the Options Transaction Charge in Non-Penny Pilot Options excluding NDX and NDXP, the fees remain competitive as the Exchange does not assess Customers a fee but offers Customers rebates. The surcharge is assessed to Non-Customers.[15] The Exchange is proposing to add ''Non-Customers'' to footnote 7 of Section II of the Pricing Schedule to make clear that today, Customers do not get assessed a surcharge. The Exchange assesses surcharges to market participants that pay Options Transaction Charges. In this case, only Non-Customer market participants pay an Options Transaction Charge for Non-Penny Pilot Options. Customers are not assessed a surcharge today because they pay no Options Transaction Charge. By [sic] adding the term ''Non-Customer'' into this provision will amend the sentence to make clear that the surcharge is only being assessed to a Non-Customer.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[17] 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.

Section I, Part B

The Exchange's proposal to amend Section I, Part B related to Complex Order fees for SPY to increase the surcharge from $0.05 to $0.15 per contract on Customers that execute Complex Orders against Market Maker or Specialist quotes resting on the Simple Order Book is reasonable because the surcharge would reduce the Exchange's costs associated with these transactions. Each such transaction costs the Exchange between $0.15 and $0.35 per contract in rebates to Market Makers and Specialists. Moreover, it is reasonable to impose this surcharge on Customers because Customers benefit the most from being able to achieve immediate executions of their Complex Orders in the relevant scenario. The Exchange believes that the surcharge is minimal and will not be substantial enough to eliminate or even significantly diminish the benefits to Customers of being able to achieve immediate executions in this manner. Finally, the Exchange notes that all other account categories, Professionals,[18] Firms,[19] Broker-Dealers,[20] Specialists, and Market Makers, pay higher fees when the Complex Order removes liquidity from the Complex Order Book or the Simple Order Book [21] than Customers would pay under the proposal when they execute their Complex Orders against Simple Orders of Market Makers and Specialists that are resting on the Simple Order Book.[22]

The Exchange's proposal to amend Section I, Part B to amend Complex Order fees for SPY to increase the surcharge from $0.05 to $0.15 per contract on Customers that execute Complex Orders against Market Maker or Specialist quotes resting on the Simple Order Book is equitable and not unfairly discriminatory because the Exchange will uniformly apply the fee to all similarly-situated Customers. Even with this increased surcharge, Customers are assessed the least amount per contract for executions in SPY. As noted herein, Customers are not assessed fees for adding and removing liquidity for SPY Complex Orders. With respect to the Simple Market, a Customer is assessed the lowest fee for removing liquidity.[23] The Exchange believes that it is equitable and not unfairly discriminatory to assess Customers no fees or lower fees because Customer orders bring valuable liquidity to the market, which benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Section II

The Exchange's proposal to amend Section II to increase a surcharge assessed to electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options (excluding NDX and NDXP) from $0.10 to $0.12 per contract is reasonable because it will further offset the cost of paying rebates as provided for in Section I, Part A to Specialists and Market Makers. The Exchange believes that it is reasonable to only assess this surcharge to those orders which remove liquidity from the market because the Exchange wants to continue to encourage market participation and price improvement for those participants that seek to add liquidity on Phlx. The Exchange believes that not assessing the surcharge on PIXL and SPY orders is reasonable. PIXL has its own pricing,[24] and the Exchange wants to continue to encourage price improvement within PIXL. SPY has its own rebate program separate and apart from Section B.[25] Limiting the surcharges to electronically-delivered transactions is reasonable because the Section B rebates apply only to electronically-delivered Customer orders. Further, limiting the surcharge to orders entered electronically is

[12] PIXL℠ is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. *See* Phlx Rule 1087.

[13] Today, this surcharge is not subject to the Monthly Market Maker Cap. Phlx Specialists and Market Makers are subject to a ''Monthly Market Maker Cap'' of $500,000 for: (i) Electronic Option Transaction Charges, excluding surcharges and excluding options overlying NDX and NDXP; and (ii) QCC Transaction Fees (as defined in Exchange Rule 1080(o) and Floor QCC Orders, as defined in 1064(e)).

[14] Non-Customer market participants pay a $0.75 per contract Options Transaction Charge in Non-Penny Pilot Options excluding NDX and NDXP.

[15] The term ''Non-Customer'' applies to transactions for the accounts of Specialists, Market Makers, Firms, Professionals, Broker-Dealers and JBOs.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14) as any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[19] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC.

[20] The term ''Broker-Dealer'' applies to any transaction, which is not subject to any of the other transaction fees applicable within a particular category.

[21] A component of a Complex Order may ''leg'' against a resting order in the Simple Order Book.

[22] *See* Section I, Part B of the Pricing Schedule.

[23] A component of a Complex Order may ''leg'' against a resting order in the Simple Order Book.

[24] *See* Section IV, Part A of the Pricing Schedule.

[25] *See* Section I of the Pricing Schedule. SPY Pricing is only in Section I. Section II pricing applies to Multiply-Listed Options excluding SPY options.

equitable and not unfairly discriminatory because the Exchange has expended considerable resources to develop its electronic trading platforms and seeks to recoup the costs of such expenditures. Finally, excluding NDX and NDXP is reasonable because these symbols are currently subject to a surcharge.[26] The Exchange's proposal to add ''Non-Customers'' to footnote 7 of Section II of the Pricing Schedule is reasonable because today Customers do not get assessed a surcharge. The surcharge is assessed to Non-Customer market participants who pay an Options Transaction Charge for Non-Penny Pilot Options. Customers are not assessed a surcharge today because they pay no Options Transaction Charge. By [sic] adding the term ''Non-Customer'' into this provision will amend the sentence to make clear that the surcharge is only being assessed to a Non-Customer.

The Exchange's proposal to amend Section II to increase a surcharge assessed to electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options (excluding NDX and NDXP) from $0.10 to $0.12 per contract is equitable and not unfairly discriminatory because the Exchange will uniformly apply this surcharge to all Non-Customer or [sic] market participants that pay an Options Transaction Charge. The Exchange's proposal to add ''Non-Customers'' to footnote 7 of Section II of the Pricing Schedule is equitable and not unfairly discriminatory because Customers are not assessed a surcharge today because they pay no Options Transaction Charge. By [sic] adding the term ''Non-Customer'' into this provision will amend the sentence to make clear that the surcharge is only being assessed to a Non-Customers. The Exchange believes that it is equitable and not unfairly discriminatory to assess no Options Transaction Charge for Non-Penny Pilot Options or surcharge fee because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Section I, Part B

The Exchange's proposal to amend Section I, Part B to amend Complex Order fees for SPY to increase the surcharge from $0.05 to $0.15 per contract on Customers that execute Complex Orders against Market Maker or Specialist quotes resting on the Simple Order Book does not impose an undue burden on competition because the Exchange will uniformly apply the fee to all similarly-situated Customers. Even with this increased surcharge, Customers are assessed the least amount per contract for executions in SPY. As noted herein, Customers are not assessed fees for adding and removing liquidity for SPY Complex Orders. With respect to the Simple Market, a Customer is assessed the lowest fee for removing liquidity.[27] The Exchange believes that it is equitable and not unfairly discriminatory to assess Customers no fees or lower fees because Customer orders bring valuable liquidity to the market, which benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Section II

The Exchange's proposal to amend Section II to increase a surcharge assessed to electronic Complex Orders that remove liquidity from the Complex Order Book and auctions, excluding PIXL, in Non-Penny Pilot Options (excluding NDX and NDXP) from $0.10 to $0.12 per contract does not impose an undue burden on competition because the Exchange will uniformly apply this surcharge to all Non-Customer or [sic] market participants that pay an Options Transaction Charge. The Exchange's proposal to add ''Non-Customers'' to footnote 7 of Section II of the Pricing Schedule does not impose an undue burden on competition because Customers are not assessed a surcharge today because they pay no Options Transaction Charge. By [sic] adding the term ''Non-Customer'' into this provision will amend the sentence to make clear that the surcharge is only being assessed to a Non-Customers. The Exchange believes that assessing no Options Transaction Charge for Non-Penny Pilot Options and not assessing a surcharge fee does not impose an undue burden on competition because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

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.[28]

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,

[26] *See* Section II of the Pricing Schedule.

[27] A component of a Complex Order may ''leg'' against a resting order in the Simple Order Book.

[28] 15 U.S.C. 78s(b)(3)(A)(ii).

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–2018–39 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–2018–39. 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–2018–39 and should be submitted on or before June 15, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11225 Filed 5–24–18; 8:45 am]

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[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83293; File No. SR–CboeBZX–2018–010]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt BZX Rule 14.11(k) To Permit the Listing and Trading of Managed Portfolio Shares and To List and Trade Shares of the ClearBridge Appreciation ETF, ClearBridge Large Cap ETF, ClearBridge Mid Cap Growth ETF, ClearBridge Select ETF, and ClearBridge All Cap Value ETF

May 21, 2018.

On February 5, 2018, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt BZX Rule 14.11(k) to permit the listing and trading of Managed Portfolio Shares, and to list and trade shares (''Shares'') of the ClearBridge Appreciation ETF, ClearBridge Large Cap ETF, ClearBridge Mid Cap Growth ETF, ClearBridge Select ETF, and ClearBridge All Cap Value ETF under proposed BZX Rule 14.11(k). The proposed rule change was published for comment in the **Federal Register** on February 20, 2018.[3] On April 3, 2018, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has received four comment letters on the proposed rule change.[6] This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act [7] to determine whether to approve or disapprove the proposed rule change.

I. Summary of the Exchange's Description of the Proposed Rule Change [8]

The Exchange proposes to adopt BZX Rule 14.11(k), which would govern the listing and trading of Managed Portfolio Shares.[9] The Exchange also proposes to list and trade Shares of the ClearBridge Appreciation ETF, ClearBridge Large Cap ETF, ClearBridge Mid Cap Growth ETF, ClearBridge Select ETF, and ClearBridge All Cap Value ETF under proposed BZX Rule 14.11(k) (each a ''Fund,'' and collectively the ''Funds'').

A. Description of the Funds

The portfolio for each Fund will consist primarily of long and/or short positions in U.S. exchange-listed securities and shares issued by other U.S. exchange-listed exchange-traded funds (''ETFs'').[10] All exchange-listed equity securities in which the Funds will invest will be listed and traded on U.S. national securities exchanges.

1. ClearBridge Appreciation ETF

The ClearBridge Appreciation ETF will seek to provide long-term appreciation of shareholders' capital.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82705 (February 13, 2018), 83 FR 7256 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 82984, 83 FR 15181 (April 9, 2018). The Commission designated May 21, 2018, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] *See* letters to Brent J. Fields, Secretary, Commission, from: (1) Todd J. Broms, Chief Executive Officer, Broms & Company LLC, dated March 13, 2018 (''Broms Letter''); (2) Simon P. Goulet, Co-Founder, Blue Tractor Group, LLC, dated March 19, 2018 (''Blue Tractor Letter I''); (3) Terence W. Norman, Founder, Blue Tractor Group, LLC, dated March 20, 2018 (''Blue Tractor Letter II''); and (4) Terence W. Norman, Founder, Blue Tractor Group, LLC, dated May 8, 2018 (''Blue Tractor Letter III''). The comment letters are available at *https://www.sec.gov/comments/sr-cboebzx-2018-010/cboebzx2018010.htm*.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] For a complete description of the Exchange's proposal, including a description of the Precidian ETF Trust II (''Trust''), *see* Notice, *supra* note 3.

[9] Proposed BZX Rule 14.11(k)(3)(A) defines the term ''Managed Portfolio Share'' as a security that (a) represents an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a specified aggregate minimum number of shares equal to a Creation Unit (as defined in proposed BZX Rule 14.11(k)(3)(C)), or multiples thereof, in return for a designated portfolio of securities (and/or an amount of cash) with a value equal to the next determined net asset value (''NAV''); and (c) when aggregated in the same specified aggregate number of shares equal to a Redemption Unit (as defined in proposed BZX Rule 14.11(k)(3)(D)), or multiples thereof, may be redeemed at the request of an authorized participant, which authorized participant will be paid through a confidential account established for its benefit (''Confidential Account'') a portfolio of securities and/or cash with a value equal to the next determined NAV.

[10] The Exchange represents that, for purposes of describing the holdings of the Funds, ETFs include Portfolio Depository Receipts (as described in BZX Rule 14.11(b)); Index Fund Shares (as described in BZX Rule 14.11(c)); and Managed Fund Shares (as described in BZX Rule 14.11(i)). The ETFs in which a Fund will invest all will be listed and traded on national securities exchanges. While the Funds may invest in inverse ETFs, the Funds will not invest in leveraged (*e.g.,* 2X, –2X, 3X, or –3X) ETFs.

The Fund will seek to achieve its investment objective by investing primarily in U.S. exchange-listed equity securities. The Fund will typically invest in medium and large capitalization companies, but may also invest in small capitalization companies.

2. ClearBridge Large Cap ETF

The ClearBridge Large Cap ETF will seek long-term capital appreciation. The Fund will seek to achieve its investment objective by taking long and possibly short positions in equity securities or groups of equities that the portfolio managers believe will provide long term capital appreciation. The Fund will normally invest at least 80% of its net assets (plus borrowings for investment purposes) in stocks included in the Russell 1000 Index and ETFs that primarily invest in stocks in the Russell 1000 Index. The Fund will purchase securities that ClearBridge Investments, LLC (''Sub-Adviser'') believes are undervalued, and sell short securities that it believes are overvalued.

3. ClearBridge Mid Cap Growth ETF

The ClearBridge Mid Cap Growth ETF will seek long-term growth of capital. The Fund will seek to achieve its investment objective by investing primarily in U.S. exchange-listed, publicly traded equity and equity-related securities of U.S. companies or other instruments with similar economic characteristics. The Fund may invest in securities of issuers of any market capitalization.

4. ClearBridge Select ETF

The ClearBridge Select ETF will seek to provide long-term growth of capital. The Fund will seek to achieve its investment objective by investing primarily in U.S. exchange-listed, publicly traded equity and equity-related securities of U.S. companies or other instruments with similar economic characteristics. The Fund may invest in securities of issuers of any market capitalization.

5. ClearBridge All Cap Value ETF

The ClearBridge All Cap Value ETF will seek long-term capital growth with current income as a secondary consideration. The Fund will seek to achieve its investment objective by investing primarily in common stocks and common stock equivalents, such as preferred stocks and securities convertible into common stocks, of companies the Sub-Adviser believes are undervalued in the marketplace. The Fund may invest up to 25% of its net assets in equity securities of foreign issuers through U.S. exchange-listed depositary receipts.

6. Other Investments

While each Fund, under normal market conditions,[11] will invest primarily in U.S. exchange-listed securities, as described above, each Fund may invest its remaining assets in other securities and financial instruments, as described below.

Each Fund may enter into repurchase agreements. It will be the policy of the Trust to enter into repurchase agreements only with recognized securities dealers, banks, and the Fixed Income Clearing Corporation, a securities clearing agency registered with the Commission.

Each Fund may invest up to 5% of its total assets in warrants, rights, and options.

Each Fund may invest a portion of its assets in cash or cash equivalents.[12]

Each Fund may invest in the securities of other investment companies (including money market funds) to the extent allowed by law.

7. Investment Restrictions

Each Fund may invest up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment),[13] consistent with Commission guidance. Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are invested in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

Each Fund will seek to qualify for treatment as a Regulated Investment Company under the Internal Revenue Code.[14]

The Funds will not invest in securities listed on non-U.S. exchanges. The Funds also will not invest in futures, forwards, or swaps.

Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage. While a Fund may invest in inverse ETFs, a Fund will not invest in leveraged (*e.g.,* 2X, –2X, 3X, or –3X) ETFs.

B. Key Features of Managed Portfolio Shares

According to the Exchange, while funds issuing Managed Portfolio Shares would be actively-managed, and in that respect would be similar to Managed Fund Shares,[15] Managed Portfolio Shares would differ from Managed Fund Shares in the following respects:

- First, issues of Managed Fund Shares are required to disseminate their ''Disclosed Portfolio'' at least once daily.[16] By contrast, the portfolio for an issue of Managed Portfolio Shares would be disclosed only quarterly.
- Second, in connection with the creation of shares in Creation Unit size or the redemption of shares in Redemption Unit size, the delivery or receipt of any portfolio securities in kind would be effected through an agent (''AP Representative'') in a Confidential Account established for the benefit of the creating or redeeming authorized participant without disclosing the

[11] Proposed BZX Rule 14.11(k)(3)(F) defines the term ''normal market conditions'' as including, but not limited to, the absence of trading halts in the applicable financial markets generally; operational issues (*e.g.,* systems failure) causing dissemination of inaccurate market information; or force majeure type events such as natural or manmade disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[12] For purposes of this filing, cash equivalents include short-term instruments (instruments with maturities of less than 3 months) of the following types: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[13] In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[14] 26 U.S.C. 851.

[15] Managed Fund Shares are shares of actively-managed funds listed and traded under BZX Rule 14.11(i).

[16] BZX Rule 14.11(i)(3)(B) defines the term ''Disclosed Portfolio'' as the identities and quantities of the securities and other assets held by the Investment Company that will form the basis for the Investment Company's calculation of NAV at the end of the business day. BZX Rule 14.11(i)(4)(B)(ii)(a) requires that, for Managed Fund Shares, the Disclosed Portfolio be disseminated at least once daily and be made available to all market participants at the same time.

identity of the securities to the authorized participant.

• Third, for each series of Managed Portfolio Shares, a Verified Intraday Indicative Value (''VIIV'') would be widely disseminated by the Reporting Authority (as defined in proposed BZX Rule 14.11(k)(3)(E)) and/or by one or more major market data vendors every second during the Exchange's Regular Trading Hours (between 9:30 a.m. and 4:00 p.m. Eastern Time).[17] The Exchange states that the dissemination of the VIIV will allow investors to determine the estimated intraday value of the underlying portfolio of a series of Managed Portfolio Shares and will provide a close estimate of that value throughout the trading day.[18]

C. Arbitrage of Managed Portfolio Shares

The Exchange asserts that market makers will be able to make efficient and liquid markets in the Shares priced near the VIIV as long as the VIIV is disseminated every second and market makers employ market making techniques such as ''statistical arbitrage,'' including correlation hedging, beta hedging, and dispersion trading, which the Exchange represents is currently used throughout the financial services industry, to make efficient markets in exchange-traded products.[19] According to the Exchange, if an authorized participant believes that the Shares are trading at a price that is higher than the value of the underlying portfolio—for example, if the market price for the Shares is higher than the VIIV—then the authorized participant may sell the Shares short and purchase securities that the authorized participant believes will track the movements of the Shares. When the spread narrows, the authorized participant would execute offsetting orders or enter an order with its AP Representative to create Shares. According to the Exchange, the AP Representative's execution of a Creation Unit in a Confidential Account, combined with the sale of the Shares, may create downward pressure on the price of the Shares and/or upward pressure on the price of the portfolio securities, bringing the market price of the Shares and the value of a Fund's portfolio securities closer together.

Similarly, according to the Exchange, an authorized participant could buy the Shares and instruct the AP Representative to redeem them and then sell the underlying portfolio securities from its Confidential Account when the Shares trade at a discount to the portfolio securities. According to the Exchange, the authorized participant's purchase of the Shares in the secondary market, combined with the sale of the portfolio securities from its Confidential Account, may create upward pressure on the price of the Shares and/or downward pressure on the price of portfolio securities, driving the market price of the Shares and the value of a Fund's portfolio securities closer together. The Exchange states that, according to Precidian Funds LLC, the investment adviser to the Trust (''Adviser''), this process is identical to how many authorized participants currently arbitrage existing traditional ETFs, except for the use of the Confidential Account.

D. The Creation and Redemption Procedures

The Exchange states that, generally, the Shares will be purchased and redeemed on an in-kind basis, so that, except where the purchase or redemption would include cash under the circumstances described in the applicable Fund's registration statement, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'') in their Confidential Account through an AP Representative. On any given business day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.''

In the case of a redemption, the authorized participant will enter into an irrevocable redemption order and then immediately instruct the AP Representative to sell the underlying basket of securities that it will receive in the redemption. After receipt of a redemption order, a Fund's custodian (''Custodian'') will typically deliver securities to the Confidential Account on a *pro rata* basis with a value approximately equal to the value of the Shares tendered for redemption at the order cut-off time established by the Fund. The Custodian will make delivery of the securities by appropriate entries on its books and records, transferring ownership of the securities to the authorized participant's Confidential Account, subject to delivery of the Shares redeemed. The AP Representative will in turn liquidate the securities based on instructions from the authorized participant.[20] The AP Representative will pay the liquidation proceeds net of expenses, plus or minus any cash balancing amount, to the authorized participant through the Depository Trust Company.[21] The redemption securities that the Confidential Account receives are expected to mirror the portfolio holdings of a Fund *pro rata*.

In the case of a creation, the authorized participant will enter into an

[17] Proposed BZX Rule 14.11(k)(3)(B) defines the VIIV as the estimated indicative value of a Managed Portfolio Share based on all of the holdings of a series of Managed Portfolio Shares as of the close of business on the prior business day, and, for corporate actions, based on the applicable holdings as of the opening of business on the current business day, priced and disseminated in one second intervals during Regular Trading Hours.

[18] According to the Exchange, the VIIV should not be viewed as a ''real-time'' update of the NAV, because the VIIV may not be calculated in the same manner as the NAV, which will be computed once a day.

[19] According to the Exchange, statistical arbitrage enables a trader to construct an accurate proxy for another instrument, allowing it to hedge the other instrument or buy or sell the instrument when it is cheap or expensive in relation to the proxy. The Exchange states that statistical analysis permits traders to discover correlations, based purely on trading data without regard to other fundamental drivers. The Exchange also states that these correlations are a function of differentials, over time, between one instrument or group of instruments and one or more other instruments, and that once the nature of these price deviations have been quantified, a universe of securities is searched in an effort to, in the case of a hedging strategy, minimize the differential. In addition, the Exchange states that, once a suitable hedging proxy has been identified, a trader can minimize portfolio risk by executing the hedging basket. According to the Exchange, the trader then can monitor the performance of this hedge throughout the trade period, making correction where warranted. The Exchange states that, in the case of correlation hedging, the analysis seeks to find a proxy that matches the pricing behavior of a Fund, and that in the case of beta hedging, the analysis seeks to determine the relationship between the price movement over time of a Fund and that of another stock.

[20] The Exchange represents that an authorized participant will issue execution instructions to the AP Representative and be responsible for all associated profit or losses. Like a traditional ETF, the authorized participant has the ability to sell the basket securities at any point during normal trading hours.

[21] According to the Exchange, under applicable provisions of the Internal Revenue Code, the authorized participant is expected to be deemed a ''substantial owner'' of the Confidential Account because it receives distributions from the Confidential Account. As a result, the Exchange states, all income, gain, or loss realized by the Confidential Account will be directly attributed to the authorized participant. The Exchange also states that, in a redemption, the authorized participant will have a basis in the distributed securities equal to the fair market value at the time of the distribution, and any gain or loss realized on the sale of those Shares will be taxable income to the authorized participant.

irrevocable creation order with the Fund and then direct the AP Representative to purchase the necessary basket of portfolio securities. The AP Representative will then purchase the necessary securities in the Confidential Account. Once the necessary basket of securities has been acquired, the purchased securities held in the Confidential Account will be contributed in-kind to the Fund.

The Exchange states that, in purchasing the necessary securities for creation purposes, and, conversely, in selling the portfolio securities for redemption purposes, the AP Representative will be required, by the terms of the Confidential Account agreement, to obfuscate the trades by use of tactics such as breaking the trades into multiple purchases or sales and transacting in multiple marketplaces.

E. Availability of Information

Each Fund will be required to file with the Commission its complete portfolio schedules for the second and fourth fiscal quarters on Form N–CSR under the Investment Company Act of 1940 (''1940 Act''), and to file its complete portfolio schedules for the first and third fiscal quarters on Form N–Q under the 1940 Act, within 60 days of the end of the quarter. Form N–Q requires funds to file the same schedules of investments that are required in annual and semi-annual reports to shareholders. The Trust's SAI and each Fund's shareholder reports will be available free upon request from the Trust. These documents and forms may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

In addition, the VIIV will be widely disseminated by the Reporting Authority and/or one or more major market data vendors every second during the Exchange's Regular Trading Hours. According to the Exchange, the VIIV will include all accrued income and expenses of a Fund, and any extraordinary expenses booked during the day that would be taken into account in calculating the Fund's NAV will also be taken into account in calculating the VIIV.

For purposes of the VIIV, securities held by a Fund will be valued throughout the day based on the mid-point between the disseminated current national best bid and offer.[22] According to the Exchange, by utilizing mid-point pricing for purposes of VIIV calculation, stale prices are eliminated and a more accurate representation of the real-time value of the underlying securities is provided to the market. Specifically, according to the Exchange, quotations based on the mid-point of bid/ask spreads more accurately reflect current market sentiment by providing real time information on where market participants are willing to buy or sell securities at that point in time. The Exchange also believes that the use of quotations will dampen the impact of any momentary spikes in the price of a portfolio security.

According to the Exchange, each Fund will utilize two separate pricing feeds to provide two separate sources of pricing information. Each Fund will also utilize a ''Pricing Verification Agent'' and establish a computer-based protocol that will permit the Pricing Verification Agent to continuously compare the multiple intraday indicative values on a real time basis.[23] A single VIIV will be disseminated publicly for each Fund; however, the Pricing Verification Agent will continuously compare the public VIIV against a non-public alternative intraday indicative value to which the Pricing Verification Agent has access. Upon notification to the Exchange by the issuer of a series of Managed Portfolio Shares, or its agent, that the public VIIV and non-public alternative intraday indicative value differ by more than 25 basis points for 60 seconds, the Exchange will halt trading as soon as practicable in the Shares until the discrepancy is resolved.[24] Each Fund's board of directors will review the procedures used to calculate the VIIV and maintain its accuracy as appropriate, but not less than annually. The specific methodology for calculating the VIIV will be disclosed on each Fund's website.

F. Surveillance

The Exchange represents that trading in the Shares will be subject to the Exchange's surveillance procedures for derivative products. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.[25]

The Exchange represents that the Adviser will make available daily to FINRA and the Exchange the portfolio holdings of each Fund in order to facilitate the performance of the surveillances. In addition, the Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees.

II. Summary of Comment Letters

The Commission has received four comment letters on the proposed rule change, each of which expresses opposition to the proposed rule change.[26] As of the date of this order instituting proceedings, the Exchange has not submitted a response to the comments.

A. *Broms Letter.*[27] The commenter opposes the proposed rule change and raises the following concerns: [28]

- Selective disclosure of confidential portfolio information to AP Representatives for trading on behalf of authorized participants violates federal securities law and facilitates illegal insider trading;
- The portfolio holdings can be reverse engineered, resulting in harm to the Funds' shareholders;

[22] If the Adviser determines that the mid-point of the bid/ask spread is inaccurate, a Fund will use fair value pricing.

[23] The Exchange states that a Fund's Custodian will provide, on a daily basis, the identities and quantities of portfolio securities that will form the basis for a Fund's calculation of NAV at the end of the business day, plus any cash in the portfolio, to the Pricing Verification Agent for purposes of pricing. According to the Exchange, the Pricing Verification Agent will utilize at least two separate calculation engines to calculate intraday indicative values, based on the mid-point between the disseminated current national best bid and offer, to provide the real-time value on a per Share basis of each Fund's holdings every second during Regular Trading Hours.

[24] According to the Exchange, a continuous deviation for 60 seconds could indicate an error in the feed or in a calculation engine used to calculate the intraday indicative values. The Exchange states that the Trust reserves the right to change these thresholds to the extent deemed appropriate and approved by a Fund's board of directors.

[25] The Exchange represents that the Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, underlying stocks, ETFs, and exchange-listed options with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding such securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, underlying stocks, ETFs, and exchange-listed options from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[26] *See supra* note 6.

[27] The Broms Letter is available at *https://www.sec.gov/comments/sr-cboebzx-2018-010/cboebzx2018010-3254113-162031.pdf.*

[28] The commenter also generally references concerns that it raised in its comment letter related to a similar, previous proposal filed by the Exchange to list and trade Managed Portfolio Shares, which the Exchange withdrew. *See* Securities Exchange Act Release No. 80911 (June 13, 2017), 82 FR 27925 (June 19, 2017) (SR–BatsBZX–2017–30) (''Prior Proposal''); and letter to Brent J. Fields, Secretary, Commission, from Todd J. Broms, Chief Executive Officer, Broms & Company LLC, dated July 10, 2017, available at *https://www.sec.gov/comments/sr-batsbzx-2017-30/batsbzx201730-1842158-155104.pdf.*

• The Funds would serve no useful public purpose without clear protections against reverse engineering and every other plausible means by which confidential portfolio holdings information could be used by other market participants to harm the Funds' shareholders; and

• Authorized participants and other market makers cannot engage in bona fide arbitrage, and the Shares will not trade efficiently without an effective arbitrage mechanism, with particularly poor trading performance to be expected during periods of market stress and volatility.

B. *Blue Tractor Letter I.*[29] The commenter opposes the proposed rule change and expresses concern that the Funds can be reverse engineered to determine their composition and trading strategies, and that ''predatory traders'' can use such information in order to front run the Funds.

C. *Blue Tractor Letter II.*[30] The commenter opposes the proposed rule change and raises the following concerns: [31]

• Under the proposal, market participants will not be able to engage in bona fide arbitrage or efficient statistical arbitrage to keep the price of Shares close to a Fund's NAV; [32]

• Funds can be reverse engineered to determine the composition of the portfolio securities, which will make the Funds susceptible to front-running;

• The proposed fund structure will result in asymmetric disclosure of confidential portfolio information to selected parties;

• Details regarding the VIIV generation process, as well as calculation engine verification procedures, are inadequate for market participants and market makers;

• One second dissemination of VIIVs in a high frequency trading environment is inadequate for authorized participants and market makers and not of value to retail investors; and

• Requiring AP Representatives to obfuscate trades for creation and redemption purposes in an effort to keep portfolio composition confidential will delay execution and increase costs for authorized participants.

D. *Blue Tractor Letter III.*[33] The commenter reiterates that the Funds will be susceptible to reverse engineering resulting in predatory front-running, and will not have efficient primary and secondary market trading. The commenter again requests that the Commission include in its deliberation the comment letters it submitted on the Prior Proposal.

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2018–010 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [34] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[35] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, . . . to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.'' [36]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Exchange Act,[37] any request for an opportunity to make an oral presentation.[38]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by June 15, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 29, 2018.

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[39] the issues raised by the commenters, and any other issues raised by the proposed rule change under the Exchange Act. In particular, the Commission seeks commenters' views regarding the concerns raised with respect to selective disclosure of confidential portfolio information,

[29] The Blue Tractor Letter I is available at *https://www.sec.gov/comments/sr-cboebzx-2018-010/cboebzx2018010-3287448-162066.pdf.*

[30] The Blue Tractor Letter II is available at *https://www.sec.gov/comments/sr-cboebzx-2018-010/cboebzx2018010-3294085-162071.pdf.*

[31] Although the commenter purports to comment on the Notice, the comments are more directly related to the Trust's December 4, 2017, exemptive application. *See* Fifth Amended and Restated Application for an Order under Section 6(c) of the 1940 Act for exemptions from various provisions of the 1940 Act and rules thereunder (File No. 812–14405), dated December 4, 2017. The commenter also references concerns that it raised in its comment letters related to the Prior Proposal. *See* letters to Brent J. Fields, Secretary, Commission, from Terence W. Norman, Founder, Blue Tractor Group, LLC, dated August 1, 2017, available at *https://www.sec.gov/comments/sr-batsbzx-2017-30/batsbzx201730-2161995-157800.pdf* and Terence W. Norman, Founder, Blue Tractor Group, LLC, dated December 5, 2017, available at *https://www.sec.gov/comments/sr-batsbzx-2017-30/batsbzx201730-2755179-161594.pdf.*

[32] The commenter also notes that market makers will not be able to construct optimized tracking portfolios using the proposed fund structure and cites to comment letters that it submitted in response to a proposal filed by NYSE Arca, Inc. to list and trade Managed Portfolio Shares, which was withdrawn. *See* Securities Exchange Act Release No. 80553 (April 28, 2017), 82 FR 20932 (May 4, 2017) (SR–NYSEArca–2017–36); and letters to Brent J. Fields, Secretary, Commission, from Simon P. Goulet, Co-Founder, Blue Tractor Group, LLC, dated November 22, 2017, available at *https://www.sec.gov/comments/sr-nyseArca-2017-36/nysearca201736-2735961-161533.pdf* and Terence W. Norman, Founder, Blue Tractor Group, LLC, dated October 31, 2017, available at *https://www.sec.gov/comments/sr-nyseArca-2017-36/nysearca201736-2659706-161420.pdf.*

[33] The Blue Tractor Letter III is available at *https://www.sec.gov/comments/sr-cboebzx-2018-010/cboebzx2018010-3604029-162352.pdf.*

[34] 15 U.S.C. 78s(b)(2)(B).

[35] *Id.*

[36] 15 U.S.C. 78f(b)(5).

[37] 17 CFR 240.19b–4.

[38] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[39] *See supra* note 3.

namely, whether such disclosure is consistent with the requirement of Section 6(b)(5) that the rules of the exchange be designed to prevent fraudulent and manipulative acts and practices. The Commission also seeks commenters' views regarding the various concerns raised about how the Shares may trade in the secondary market, including the calculation engine verification and trading halt procedures and the potential for poor trading performance during times of market stress and volatility. In this regard, the Commission specifically seeks commenters' views on whether the proposal is consistent with the maintenance of a fair and orderly market.

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–CboeBZX–2018–010 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–CboeBZX–2018–010. 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–CboeBZX–2018–010 and should be submitted by June 15, 2018. Rebuttal comments should be submitted by June 29, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11223 Filed 5–24–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83292; File No. SR–CBOE–2018–040]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.3, Criteria for Underlying Securities

May 21, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 7, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 Rule 5.3, Interpretation and Policy .01.

(additions are italicized; deletions are [bracketed])

* * * * *

Cboe Exchange, Inc.

Rules

* * * * *

Rule 5.3. Criteria for Underlying Securities

(a)–(b) (No change).

. . . Interpretations and Policies:

.01 The Board of Directors has established guidelines to be considered by the Exchange in evaluating potential underlying securities for Exchange option transactions. Absent exceptional circumstances with respect to Paragraphs (a)(1) or (2), or (b)(1) or (2) listed below, at the time the Exchange selects an underlying security for Exchange option transactions, the following guidelines with respect to the issuer shall be met.

(a) (No change).

(b) Guidelines applicable to the market for the security are:

(1) (No change).

(2)

(A) If the underlying security is a ''covered security'' as defined under Section 18(b)(1)(A) of the Securities Act of 1933, the market price per share of the underlying security has been at least $3.00 for the previous [five]*three* consecutive business days preceding the date on which the Exchange submits a certificate to the Options Clearing Corporation for listing and trading. For purposes of this Interpretation .01(b)(2)(A), the market price of such underlying security is measured by the closing price reported in the primary market in which the underlying security is traded.

(B) (No change).

(c) (No change).

.02–.13 (No change).

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, 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.

[40] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .01 of Rule 5.3, Criteria for Underlying Securities, to modify the criteria for listing options on an underlying security as defined in Section 18(b)(1)(A) of the Securities Act of 1933 (hereinafter ''covered security'' or ''covered securities''). This is a competitive filing that is based on a proposal recently submitted by Nasdaq PHLX LLC (''Nasdaq Phlx'') and approved by the Commission.[5]

In particular, the Exchange proposes to modify Rule 5.3, Interpretation and Policy .01(b)(2)(A) to permit the listing of an option on an underlying covered security that has a market price of at least $3.00 per share for the previous three (3) consecutive business days preceding the date on which the Exchange submits a certificate to the Options Clearing Corporation (''OCC'') for listing and trading. The Exchange does not intend to amend any other criteria for listing options on an underlying security in Rule 5.3.

Currently the underlying covered security must have a closing market price of $3.00 per share for the previous five (5) consecutive business days preceding the date on which the Exchange submits a listing certificate to OCC. In the proposed amendment, the market price will still be measured by the closing price reported in the primary market in which the underlying covered security is traded, but the measurement will be the price over the prior three (3) consecutive business day period preceding the submission of the listing certificate to OCC, instead of the prior five (5) business day period.

The Exchange acknowledges that the Options Listing Procedures Plan [6] requires that the listing certificate be provided to OCC no earlier than 12:01 a.m. and no later than 11:00 a.m. (Chicago time) on the trading day prior to the day on which trading is to begin.[7] The proposed amendment will still comport with that requirement. For example, if an initial public offering (''IPO'') occurs at 11:00 a.m. on Monday, the earliest date the Exchange could submit its listing certificate to OCC would be on Thursday by 12:01 a.m. (Chicago time), with the market price determined by the closing price over the three-day period from Monday through Wednesday. The option on the IPO would then be eligible for trading on the Exchange on Friday. The proposed amendment would essentially enable options trading within four (4) business days of an IPO becoming available instead of six (6) business days (five (5) consecutive days plus the day the listing certificate is submitted to OCC).

The Exchange's initial listing standards for equity options in Rule 5.3 (including the current price/time standard of $3.00 per share for five (5) consecutive business days) are substantially similar to the initial listing standards adopted by other options exchanges.[8] At the time the options industry adopted the ''look back'' period of five consecutive business days, it was determined that the five-day period was sufficient to protect against attempts to manipulate the market price of the underlying security and would provide a reliable test for stability.[9] Surveillance technologies and procedures concerning manipulation have evolved since then to provide adequate prevention or detection of rule or securities law violations within the proposed time frame.

The Exchange notes that the proposed listing criteria would still require that the underlying security be listed on NYSE, the American Stock Exchange (now known as NYSE American), or the National Market System of The Nasdaq Stock Market (now known as the Nasdaq Global Market), or listed on a national securities exchange that has listing standards the Commission determines by rule are substantially similar to the listing standards applicable to securities listed the exchanges noted in the previous clause (collectively, the ''Designated Markets''), as provided for in the definition of ''covered security'' from Section 18(b)(1) of the 1933 Act. Accordingly, the Exchange believes that the proposed rule change would still ensure that the underlying security meets the high listing standards of a Designated Market, and would also ensure that the underlying is covered by the regulatory protections (including market surveillance, investigation and enforcement) offered by these exchanges for trading in covered securities conducted on their facilities.

Furthermore, the Nasdaq, Nasdaq Phlx's affiliated listing market, had no cases within the past five years where an IPO-related issue for which it had pricing information qualified for the $3.00 price requirement during the first three (3) days of trading and did not qualify for the $3.00 price requirement during the first five (5) days.[10] In other words, none of these qualifying issues fell below the $3.00 threshold within the first three (3) or five (5) days of trading. As such, the Exchange believes that its existing surveillance technologies and procedures, coupled with Nasdaq's findings related to the IPO-related issues as described herein, adequately address potential concerns regarding possible manipulation or price stability within the proposed timeframe.

Additionally, the Exchange represents that its existing trading surveillances are adequate to monitor the trading of options on the Exchange.[11] Cboe Options and C2, either themselves or through FINRA, utilize an array of patterns that monitor manipulation of

[5] *See* Securities Exchange Act Release No. 82474 (January 9, 2018), 83 FR 2240 (January 16, 2018) (order approving SR–Phlx–2017–75); *see also* Securities Exchange Act Release No. 82828 (March 8, 2018), 83 FR 11278 (March 14, 2018) (notice of filing and immediate effectiveness of SR–MIAX–2018–06).

[6] The Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11a(2)(3)(B) of the Securities Exchange Act of 1934 (a/k/a the Options Listing Procedures Plan (''OLPP'')) is a national market system plan that, among other things, sets forth procedures governing the listing of new options series. *See* Securities Exchange Act Release No. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001) (Order approving OLPP). The sponsors of OLPP include OCC; Cboe BZX Exchange, Inc. (formerly BATS Exchange, Inc.); BOX Options Exchange LLC; Cboe C2 Exchange, Inc. (formerly C2 Options Exchange, Incorporated); Cboe Exchange, Inc. (formerly Chicago Board Options Exchange, Incorporated); Cboe EDGX Exchange, Inc. (formerly EDGX Exchange, Inc.); Miami International Securities Exchange, LLC; MIAX PEARL, LLC; The Nasdaq Stock Market LLC; NASDAQ BX, Inc.; Nasdaq PHLX LLC; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; NYSE American, LLC; and NYSE Arca, Inc.

[7] *See* OLPP at page 3.

[8] *See, e.g.,* Phlx Rule 1009, Commentary .01; *see also* MIAX Rule 402(b)(5) and BOX Rule 5020(b)(5).

[9] *See* Securities Exchange Act Release Nos. 47190 (January 15, 2003), 68 FR 3072 (January 22, 2003) (SR–CBOE–2002–62); 47352 (February 11, 2003), 68 FR 8319 (February 20, 2003) (SR–PCX–2003–06); 47483 (March 11, 2003), 68 FR 13352 (March 19,2003) (SR–ISE–2003–04); 47613 (April 1, 2003), 68 FR 17120 (April 8, 2003) (SR–Amex–2003–19); and 47794 (May 5, 2003), 68 FR 25076 (May 9, 2003) (SR–Phlx–2003–27).

[10] There were over 750 IPO-related issues on Nasdaq within the past five years. Out of all of the issues with pricing information, there was only one issue that had a price below $3 during the first five consecutive business days. The Exchange notes, however, that Nasdaq allows for companies to list on the Nasdaq Capital Market at $2.00 or $3.00 per share in some instances, which was the case for this particular issue. *See* Nasdaq Rule 5500 Series for initial listing standards on the Nasdaq Capital Market; *see also* Release No. 82474 in *supra* note 5.

[11] Such surveillance procedures generally focus on detecting securities trading subject to price manipulation, layering, spoofing or other unlawful activity impacting an underlying security, the option, or both. The Exchange and its affiliate C2, themselves or through the Financial Industry Regulatory Authority (''FINRA''), have price movement alerts, unusual market activity and order book alerts active for all trading symbols.

options, or manipulation of equity securities (regardless of venue) for the purpose of impacting options prices on both Cboe Options and C2 options markets (*i.e.,* mini-manipulation strategies). Accordingly, the Exchange believes that the cross-market surveillance performed by the Designated Markets, coupled with the Exchange staff's monitoring of similarly violative activity on Cboe Options and C2 as described herein, reflects a comprehensive surveillance program that is adequate to monitor for manipulation of the underlying security within the proposed three-day look back period. The Exchange notes certain of its affiliated exchanges, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., and Cboe EDGX Exchange, Inc., list stock for trading and have surveillance programs in place that include cross-market surveillance for trading not just limited to those exchanges. The cross-market patters (sic) in those surveillance programs incorporate relevant data from various markets beyond the Exchange and its affiliates, including NYSE and Nasdaq.

The Exchange also believes that the proposed look back period can be implemented in connection with the other initial listing criteria for underlying covered securities. In particular, the Exchange recognizes that it may be difficult to verify the number of shareholders in the days immediately following an IPO due to the fact that stock trades generally clear within two business days (T+2) of their trade date and therefore the shareholder count will generally not be known until T+2.[12] The Exchange notes that the current T+2 settlement cycle was recently reduced from T+3 on September 5, 2017 in connection with the Commission's amendments to Rule 15c6–1(a) to adopt the shortened settlement cycle,[13] and the look back period of three (3) consecutive business days proposed herein reflects this shortened T+2 settlement period. As proposed, stock trades would clear within T+2 of their trade date (*i.e.,* within three (3) business days) and therefore the number of shareholders could be verified within three (3) business days, thereby enabling options trading within four (4) business days of an IPO (three (3) consecutive business days plus the day the listing certificate is submitted to OCC).

Furthermore, the Exchange notes that it can verify the shareholder count with various brokerage firms that have a large retail customer clientele. Such firms can confirm the number of individual customers who have a position in the new issue. The earliest that these firms can provide confirmation is usually the day after the first day of trading (T+1) on an unsettled basis, while others can confirm on the third day of trading (T+2). The Exchange has confirmed with some of these brokerage firms who provide shareholder numbers to the Exchange that they are T+2 after an IPO. For the foregoing reasons, the Exchange believes that basing the proposed three (3) business day look back period on the T+2 settlement cycle would allow for sufficient verification of the number of shareholders.

The proposed rule change will apply to all covered securities that meet the criteria of Rule 5.3. Pursuant to Rule 5.3, the Exchange establishes guidelines to be considered in evaluating the potential underlying securities for Exchange option transactions.[14] However, the fact that a particular security may meet the guidelines established by the Exchange does not necessarily mean that it will be approved as an underlying security.[15] As part of the established criteria, the issuer must be in compliance with any applicable requirement of the Securities Exchange Act of 1934.[16] Additionally, in considering the underlying security, the Exchange relies on information made publicly available by the issuer and/or the markets in which the security is traded.[17] Even if the proposed option meets the objective criteria, the Exchange may decide not to list, or place limitations or conditions upon listing.[18] The Exchange believes that these measures, together with existing surveillance procedures, provide adequate safeguards in the review of any covered security that may meet the proposed criteria for consideration of the option within the timeframe contained in this proposal.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed changes to its listing standards for covered securities would allow the Exchange to more quickly list options on a qualifying covered security that has met the $3.00 eligibility price without sacrificing investor protection. As discussed above, the Exchange believes that its existing surveillance procedures provide a sufficient measure of protection against potential price manipulation within the proposed three (3) consecutive business day timeframe. The Exchange also believes that the proposed three (3) consecutive business day timeframe would continue to be a reliable test for price stability in light of Nasdaq's findings that none of the IPO-related issues on Nasdaq within the past five years that qualified for the $3.00 per share price standard during the first three trading days fell below the $3.00 threshold during the fourth or fifth trading day. Furthermore, the established guidelines to be considered by the Exchange in evaluating the potential underlying securities for Exchange option transactions,[22] together with existing trading surveillances, provide adequate safeguards in the review of any covered security that may meet the proposed criteria for consideration of the option within the proposed timeframe.

In addition, the Exchange believes that basing the proposed timeframe on the T+2 settlement cycle adequately addresses the potential difficulties in confirming the number of shareholders of the underlying covered security.

[12] The number of shareholders of record can be validated by large clearing agencies such as T+2).

[13] *See* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (Amendment to Securities Transaction Settlement Cycle) (File No. S7–22–16).

[14] *See* Rule 5.3 (b) and Interpretation and Policy .01. The Exchange established specific criteria to be considered in evaluating potential underlying securities for Exchange option transactions.

[15] *See* Rule 5.3(b).

[16] *See* Rule 5.3, Interpretation and Policy .01(a)(3).

[17] *See* Rule 5.3, Interpretation and Policy .02.

[18] *See* Rule 5.3, Interpretation and Policy .09.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] *See supra* notes 14–18.

Having some of the largest brokerage firms that provide these shareholder counts to the Exchange confirm that they are able to provide these numbers within T+2 further demonstrates that the 2,000 shareholder requirement can be sufficiently verified within the proposed timeframe. For the foregoing reasons, the Exchange believes that the proposed amendments will remove and perfect the mechanism of a free and open market and a national market system by providing an avenue for investors to swiftly hedge their investment in the stock in a shorter amount of time than what is currently in place.[23]

Finally, it should be noted that a price/time standard for the underlying security was first adopted when the listed options market was in its infancy, and was intended to prevent the proliferation of options being listed on low-priced securities that presented special manipulation concerns and/or lacked liquidity needed to maintain fair and orderly markets.[24] When options trading commenced in 1973, the Commission determined that it was necessary for securities underlying options to meet certain minimum standards regarding both the quality of the issuer and the quality of the market for a particular security.[25] These standards, including a price/time standard, were imposed to ensure that those issuers upon whose securities options were to be traded were widely-held, financially sound companies whose shares had trading volume and float substantial enough so as not to be readily susceptible to manipulation.[26] At the time, the Commission determined that the imposition of these standards was reasonable in view of the pilot nature of options trading and the limited experience of investors with options trading.[27]

Now more than 40 years later, the listed options market has evolved into a mature market with sophisticated investors. In view of this evolution, the Commission has approved various exchange proposals to relax some of these initial listing standards throughout the years,[28] including reducing the price/time standard in 2003 from $7.50 per share for the majority of business days over a three month period to the current $3.00 per share/five business day standard (''2003 Proposal'').[29] It has been almost fifteen years since the Commission approved the 2003 proposal, and both the listed options market and exchange technologies have continued to evolve since then. In this instance, Cboe Options is only proposing a modest reduction of the current five (5) business day standard to three (3) business days to correspond to the securities industry's move to a T+2 standard settlement cycle.[30] The $3.00 per share standard and all other initial options listing criteria in Rule 5.3 will remain unchanged by this proposal. For the reasons discussed herein, the Exchange therefore believes that the proposed three (3) business day period will be beneficial to the marketplace without sacrificing investor protections.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to a filing submitted by Nasdaq Phlx that was recently approved by the Commission.[31] The proposed rule change will reduce the number of days to list options on an underlying security, and is intended to bring new options listings to the marketplace quicker.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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)[32] of the Act and Rule 19b–4(f)(6) thereunder.[33]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[34] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[35] 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. As discussed above, the Exchange notes that its proposal is consistent with rules of other exchanges.[36] Because the proposal does not raise any new or novel issues, the Commission believes that 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.[37]

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.

[23] This proposed rule change does not alter any obligations of issuers or other investors of an IPO that may be subject to a lock-up or other restrictions on trading related securities.

[24] *See* Securities Exchange Act Release No. 29628 (August 29, 1991), 56 FR 43949–01 (September 5, 1991) (SR–AMEX–86–21; SR–CBOE–86–15; SR–NYSE–86–20; SR–PSE–86–15; and SR–PHLX–86–21) (''1991 Approval Order'') at 43949 (discussing the Commission's concerns when options trading initially commenced in 1973).

[25] *See* 1991 Approval Order at 43949.

[26] *Id.*

[27] *Id.*

[28] *See, e.g.,* 1991 Approval Order (modifying a number of initial listing criteria, including the reduction of the price/time standard from $10 per share each day during the preceding three calendar months to $7.50 per share for the majority of days during the same period).

[29] *See* Securities Exchange Act Release Nos. 47190 (January 15, 2003), 68 FR 3072 (January 22, 2003) (SR–CBOE–2002–62); 47352 (February 11, 2003), 68 FR 8319 (February 20, 2003) (SR–PCX–2003–06); 47483 (March 11, 2003), 68 FR 13352 (March 19, 2003) (SR–ISE–2003–04); 47613 (April 1, 2003), 68 FR 17120 (April 8, 2003) (SR–Amex–2003–19); and 47794 (May 5, 2003), 68 FR 25076 (May 9, 2003) (SR–Phlx\2003–27).

[30] *See supra* note 13.

[31] *See supra* note 5.

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 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.

[34] 17 CFR 240.19b–4(f)(6).

[35] 17 CFR 240.19b–4(f)(6)(iii).

[36] *See supra* note 6 and accompanying text.

[37] 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).

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–CBOE–2018–040 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–CBOE–2018–040. 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–CBOE–2018–040 and should be submitted on or before June 15, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11222 Filed 5–24–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17g–1, SEC File No. 270–208, OMB Control No. 3235–0213

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l-3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17g–1 (17 CFR 270.17g–1) under the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–17(g)) governs the fidelity bonding of officers and employees of registered management investment companies (''funds'') and their advisers. Rule 17g–1 requires, in part, the following:

Independent Directors' Approval

The form and amount of the fidelity bond must be approved by a majority of the fund's independent directors at least once annually, and the amount of any premium paid by the fund for any ''joint insured bond,'' covering multiple funds or certain affiliates, must be approved by a majority of the fund's independent directors.

Terms and Provisions of the Bond

The amount of the bond may not be less than the minimum amounts of coverage set forth in a schedule based on the fund's gross assets. The bond must provide that it shall not be cancelled, terminated, or modified except upon 60-days written notice to the affected party and to the Commission. In the case of a joint insured bond, 60-days written notice must also be given to each fund covered by the bond. A joint insured bond must provide that the fidelity insurance company will provide all funds covered by the bond with a copy of the agreement, a copy of any claim on the bond, and notification of the terms of the settlement of any claim prior to execution of that settlement. Finally, a fund that is insured by a joint bond must enter into an agreement with all other parties insured by the joint bond regarding recovery under the bond.

Filings with the Commission

Upon the execution of a fidelity bond or any amendment thereto, a fund must file with the Commission within 10 days: (i) A copy of the executed bond or any amendment to the bond, (ii) the independent directors' resolution approving the bond, and (iii) a statement as to the period for which premiums have been paid on the bond. In the case of a joint insured bond, a fund must also file: (i) A statement showing the amount the fund would have been required to maintain under the rule if it were insured under a single insured bond; and (ii) the agreement between the fund and all other insured parties regarding recovery under the bond. A fund must also notify the Commission in writing within five days of any claim or settlement on a claim under the fidelity bond.

Notices to Directors

A fund must notify by registered mail each member of its board of directors of: (i) Any cancellation, termination, or modification of the fidelity bond at least 45 days prior to the effective date; and (ii) the filing or settlement of any claim under the fidelity bond when notification is filed with the Commission.

Rule 17g–1's independent directors' annual review requirements, fidelity bond content requirements, joint bond agreement requirement, and the required notices to directors are designed to ensure the safety of fund assets against losses due to the conduct of persons who may obtain access to those assets. These requirements also seek to facilitate oversight of a fund's fidelity bond. The rule's required filings with the Commission are designed to assist the Commission in monitoring funds' compliance with the fidelity bond requirements.

Based on conversations with representatives in the fund industry, the Commission staff estimates that for each of the estimated 3,173 active funds (respondents),[1] the average annual paperwork burden associated with rule

[38] 17 CFR 200.30–3(a)(12).

[1] Based on statistics compiled by Commission staff, we estimate that there are approximately 3,173 funds that must comply with the collections of information under rule 17g–1 and have made a filing within the last 12 months.

17g–1's requirements is two hours, one hour each for a compliance attorney and the board of directors as a whole. The time spent by a compliance attorney includes time spent filing reports with the Commission for fidelity losses (if any) as well as paperwork associated with any notices to directors, and managing any updates to the bond and the joint agreement (if one exists). The time spent by the board of directors as a whole includes any time spent initially establishing the bond, as well as time spent on annual updates and approvals. The Commission staff therefore estimates the total ongoing paperwork burden hours per year for all funds required by rule 17g–1 to be 6,346 hours (3,173 funds × 2 hours = 6,346 hours).

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of Commission rules. The collection of information required by Rule 17g–1 is mandatory and will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: May 18, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11218 Filed 5–24–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33101; File No. 812–14832]

Weiss Strategic Interval Fund and Weiss Multi-Strategy Advisers LLC

May 21, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 6(c) and 23(c)(3) of the Investment Company Act of 1940 (the ''Act'') for an exemption from rule 23c–3 under the Act.

SUMMARY OF APPLICATION: Applicants request an order under sections 6(c) and 23(c)(3) of the Act for an exemption from certain provisions of rule 23c–3 to permit certain registered closed-end investment companies to make repurchase offers on a monthly basis.

APPLICANTS: Weiss Strategic Interval Fund (the ''Fund'') and Weiss Multi-Strategy Advisers LLC (the ''Adviser'').

FILING DATES: The application was filed on October 11, 2017 and amended on March 19, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 15, 2018, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: Jeffrey Dillabough, Weiss Multi-Strategy Advisers LLC, 320 Park Avenue, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Asen Parachkevov, Senior Counsel, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Fund is a Delaware statutory trust that is registered under the Act as a diversified, closed-end management investment company that will be operated as an interval fund. The Adviser is a Delaware limited liability company and is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Fund.

2. Applicants request that any relief granted also apply to any registered closed-end management investment company that operates as an interval fund pursuant to rule 23c–3 for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser (the ''Future Funds,'' and together with the Fund, the ''Funds,'' and each, individually, a ''Fund'').[2] The Fund's common shares are not offered or traded in the secondary market and are not listed on any exchange or quoted on any quotation medium.

3. Applicants request an order to permit each Fund to offer to repurchase a portion of its common shares at one-month intervals, rather than the three, six, or twelve-month intervals specified by rule 23c–3.

4. Each Fund will disclose in its prospectus and annual reports its fundamental policy to make monthly offers to repurchase a portion of its common shares at net asset value, less deduction of a repurchase fee, if any, as permitted by rule 23c–3(b)(1). The fundamental policy will be changeable only by a majority vote of the holders of such Fund's outstanding voting securities. Under the fundamental policy, the repurchase offer amount will be determined by the board of trustees of the applicable Fund (''Board'') prior to each repurchase offer. Each Fund will comply with rule 23c–3(b)(8)'s requirements with respect to its trustees

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] All entities currently intending to rely on the requested relief have been named as applicants. Any entity that relies on the requested order in the future will do so only in accordance with the terms and conditions of the application.

who are not interested persons of such Fund, within the meaning of section 2(a)(19) of the Act (''Disinterested Trustees'') and their legal counsel. Each Fund will make monthly offers to repurchase not less than 5% of its outstanding shares at the time of the repurchase request deadline. The repurchase offer amounts for the then-current monthly period, plus the repurchase offer amounts for the two monthly periods immediately preceding the then-current monthly period, will not exceed 25% of the outstanding common shares of the applicable Fund.

5. Each Fund's fundamental policies will specify the means to determine the repurchase request deadline and the maximum number of days between each repurchase request deadline and the repurchase pricing date. Each Fund's repurchase pricing date normally will be the same date as the repurchase request deadline and pricing will be determined after close of business on that date.

6. Pursuant to rule 23c–3(b)(1), each Fund will repurchase shares for cash on or before the repurchase payment deadline, which will be no later than seven calendar days after the repurchase pricing date. The Fund (and any Future Fund) currently intends to make payment by the fifth business day or seventh calendar day (whichever period is shorter) following the repurchase pricing date. Each Fund will make payment for shares repurchased in the previous month's repurchase offer at least five business days before sending notification of the next repurchase offer. The Fund intends to, and a Future Fund may, deduct a repurchase fee in an amount not to exceed 2% from the repurchase proceeds payable to tendering shareholders, in compliance with rule 23c–3(b)(1).

7. Each Fund will provide common shareholders with notification of each repurchase offer no less than seven days and no more than fourteen days prior to the repurchase request deadline. The notification will include all information required by rule 23c–3(b)(4)(i). Each Fund will file the notification and the Form N–23c–3 with the Commission within three business days after sending the notification to its respective common shareholders.

8. The Funds will not suspend or postpone a repurchase offer except pursuant to the vote of a majority of its Trustees, including a majority of its Disinterested Trustees, and only under the limited circumstances specified in rule 23c–3(b)(3)(i). The Funds will not condition a repurchase offer upon tender of any minimum amount of shares. In addition, each Fund will comply with the pro ration and other allocation requirements of rule 23c–3(b)(5) if common shareholders tender more than the repurchase offer amount. Further, each Fund will permit tenders to be withdrawn or modified at any time until the repurchase request deadline, but will not permit tenders to be withdrawn or modified thereafter.

9. From the time a Fund sends its notification to shareholders of the repurchase offer until the repurchase pricing date, a percentage of such Fund's assets equal to at least 100% of the repurchase offer amount will consist of: (a) Assets that can be sold or disposed of in the ordinary course of business at approximately the price at which such Fund has valued such investment within a period equal to the period between the repurchase request deadline and the repurchase payment deadline; or (b) Assets that mature by the next repurchase payment deadline. In the event the assets of a Fund fail to comply with this requirement, the Board will cause such Fund to take such action as it deems appropriate to ensure compliance.

10. In compliance with the asset coverage requirements of section 18 of the Act, any senior security issued by, or other indebtedness of, a Fund will either mature by the next repurchase pricing date or provide for such Fund's ability to call, repay or redeem such senior security or other indebtedness by the next repurchase pricing date, either in whole or in part, without penalty or premium, as necessary to permit that Fund to complete the repurchase offer in such amounts determined by its Board.

11. The Board of each Fund will adopt written procedures to ensure that such Fund's portfolio assets are sufficiently liquid so that it can comply with its fundamental policy on repurchases and the liquidity requirements of rule 23c–3(b)(10)(i). The Board of each Fund will review the overall composition of the portfolio and make and approve such changes to the procedures as it deems necessary.

Applicants' Legal Analysis

1. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Section 23(c) of the Act provides in relevant part that no registered closed-end investment company shall purchase any securities of any class of which it is the issuer except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

3. Rule 23c–3 under the Act permits a registered closed-end investment company to make repurchase offers for its common stock at net asset value at periodic intervals pursuant to a fundamental policy of the investment company. ''Periodic interval'' is defined in rule 23c–3(a)(1) as an interval of three, six, or twelve months. Rule 23c–3(b)(4) requires that notification of each repurchase offer be sent to shareholders no less than 21 calendar days and no more than 42 calendar days before the repurchase request deadline.

4. Applicants request an order pursuant to sections 6(c) and 23(c) of the Act exempting them from rule 23c–3(a)(1) to the extent necessary to permit the Funds to make monthly repurchase offers. Applicants also request an exemption from the notice provisions of rule 23c–3(b)(4) to the extent necessary to permit each Fund to send notification of an upcoming repurchase offer to shareholders at least seven days but no more than fourteen calendar days in advance of the repurchase request deadline.

5. Applicants contend that monthly repurchase offers are in the public interest and in the common shareholders' interests and consistent with the policies underlying rule 23c–3. Applicants assert that monthly repurchase offers will provide investors with more liquidity than quarterly repurchase offers. Applicants assert that shareholders will be better able to manage their investments and plan transactions, because if they decide to forego a repurchase offer, they will only need to wait one month for the next offer. Applicants also contend that the portfolio of each Fund will be managed to provide ample liquidity for monthly repurchase offers.

6. Applicants propose to send notification to shareholders at least seven days, but no more than fourteen calendar days, in advance of a repurchase request deadline. Applicants assert that, because the Fund (and any Future Fund) currently intends to make payment on the fifth business day or seventh calendar day (whichever period is shorter) following the repurchase

pricing date, the entire procedure will be completed before the next notification is sent out to shareholders, thus avoiding any overlap. Applicants believe that these procedures will eliminate any possibility of investor confusion. Applicants also state that monthly repurchase offers will be a fundamental feature of the Funds, and their prospectuses will provide a clear explanation of the repurchase program.

7. Applicants submit that for the reasons given above the requested relief is appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. The Fund (and any Future Fund relying on this relief) will make a repurchase offer pursuant to rule 23c–3(b) for a repurchase offer amount of not less than 5% in any one-month period. In addition, the repurchase offer amount for the then-current monthly period, plus the repurchase offer amounts for the two monthly periods immediately preceding the then-current monthly period, will not exceed 25% of the Fund's (or Future Fund's, as applicable) outstanding common shares. The Fund (and any Future Fund relying on this relief) may repurchase additional tendered shares pursuant to rule 23c–3(b)(5) only to the extent the percentage of additional shares so repurchased does not exceed 2% in any three-month period.

2. Payment for repurchased shares will occur at least five business days before notification of the next repurchase offer is sent to shareholders of the Fund (or Future Fund relying on this relief).

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11296 Filed 5–24–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 206(4)–3, SEC File No. 270–218, OMB Control No. 3235–0242

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.

Rule 206(4)–3 (17 CFR 275.206(4)–3) under the Investment Advisers Act of 1940, which is entitled ''Cash Payments for Client Solicitations,'' provides restrictions on cash payments for client solicitations. The rule requires that an adviser pay all solicitors' fees pursuant to a written agreement. When an adviser will provide only impersonal advisory services to the prospective client, the rule imposes no disclosure requirements. When the solicitor is affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, indicate to the prospective client that he is affiliated with the adviser. When the solicitor is not affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, provide the prospective client with a copy of the adviser's brochure and a disclosure document containing information specified in rule 206(4)–3. Amendments to rule 206(4)–3, adopted in 2010 in connection with rule 206(4)–5, specify that solicitation activities involving a government entity, as defined in rule 206(4)–5, are subject to the additional limitations of rule 206(4)–5. The information rule 206(4)–3 requires is necessary to inform advisory clients about the nature of the solicitor's financial interest in the recommendation so the prospective clients may consider the solicitor's potential bias, and to protect clients against solicitation activities being carried out in a manner inconsistent with the adviser's fiduciary duty to clients. Rule 206(4)–3 is applicable to all Commission-registered investment advisers. The Commission believes that approximately 4,395 of these advisers have cash referral fee arrangements. The rule requires approximately 7.04 burden hours per year per adviser and results in a total of approximately 30,941 total burden hours ($7.04 \times 4{,}395$) for all advisers.

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: May 18, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11219 Filed 5–24–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83294; File No. SR–NASDAQ–2018–008]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Modify the Listing Requirements Contained in Listing Rule 5635(d) To Change the Definition of Market Value for Purposes of the Shareholder Approval Rule and Eliminate the Requirement for Shareholder Approval of Issuances at a Price Less Than Book Value but Greater Than Market Value

May 21, 2018.

I. Introduction

On January 30, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the listing requirements contained in Nasdaq Rule 5635(d) to (1) change the definition of market value for purposes of shareholder approval under Nasdaq Rule 5635(d); (2) eliminate the requirement for shareholder approval of issuances at a price less than book value but greater than market value; and (3) make other conforming changes. The proposed rule change was published for comment in the **Federal Register** on February 20, 2018.[3] On April 4, 2018, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82702 (February 13, 2018), 83 FR 7269 (February 20, 2018) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

proceedings to determine whether to disapprove the proposed rule change.[5] The Commission received three comments on the proposed rule change.[6] This order institutes proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

The Exchange has proposed to amend Nasdaq Rule 5635(d) to modify the circumstances in which shareholder approval is required for issuances of securities in private placement transactions. Currently, under Nasdaq Rule 5635(d), the Exchange requires a Nasdaq-listed company to obtain shareholder approval prior to the issuance of securities in connection with a private placement transaction (*i.e.* a transaction other than a public offering[8]) involving: (1) The sale, issuance, or potential issuance by the company of common stock (or securities convertible into or exercisable for common stock) at a price less than the greater of book or market value which together with sales by officers, directors, or Substantial Shareholders[9] of the company equals 20% or more of common stock or 20% or more of the voting power outstanding before the issuance; or (2) the sale, issuance, or potential issuance by the company of common stock (or securities convertible into or exercisable common stock) equal to 20% or more of the common stock or 20% or more of the voting power outstanding before the issuance for less than the greater of book or market value of the stock.[10]

''Market value'' is defined in Nasdaq Rule 5005(a)(23) as the consolidated closing bid price multiplied by the measure to be valued (*e.g.,* a company's market value of publicly held shares is equal to the consolidated closing bid price multiplied by a company's publicly held shares).[11] This definition applies to the shareholder approval rules as well as other listing rules. The Exchange has proposed to amend the definition of market value only for purposes of Nasdaq Rule 5635(d). The new definition, to be known as the ''Minimum Price,'' is defined as the price that is the lower of (1) the closing price (as reflected on *Nasdaq.com*) or (2) the average closing price of the common stock (as reflected on *Nasdaq.com*) for the five trading days immediately preceding the signing of the binding agreement.[12] Under the proposal, shareholder approval will only be required for private placement transactions that are priced below the Minimum Price as described above.

In proposing to use the closing price on Nasdaq, rather than the Nasdaq bid price as under the current rule, the Exchange explained, in its proposal, that the closing price reported on *Nasdaq.com* is the Nasdaq Official Closing Price, which is derived from the closing auction on Nasdaq, reflects actual sale prices at one of the most liquid times of the day, and is highly transparent to investors.[13] According to the Exchange, the closing price reported on *Nasdaq.com* is a better reflection of the market price of the security than the closing bid price.[14] The Exchange also noted that this use of closing price is consistent with the approach of other exchanges.[15]

Further, in proposing to also use a five-day average closing price to determine if a shareholder vote is required under Nasdaq Rule 5635(d), the Exchange noted that while investors and companies sometimes prefer to use an average when pricing transactions, there are potential negative consequences to using a five-day average as the sole measure of whether shareholder approval is required. For example, in a declining market, the Exchange noted that the five-day average price will be above the current market price, which, according to the Exchange, could make it difficult for companies to close transactions because investors could buy shares at a lower price in the market. The Exchange also noted concerns with using a five-day average in a rising market, in that the five-day average price will appear to be at a discount to the closing current market price. Further, according to the Exchange, if material news is announced during the five-day period, the average price could be a worse reflection of market value than the closing price after the news is disclosed. The Exchange stated, however, that it believed that these risks of using the five-day average price are already accepted by the market, as evidenced by the use of an average price in transactions that do not require shareholder approval, such as those transactions where less than 20% of the outstanding shares are being issued. In its rule filing, the Exchange also noted that several commenters raised concerns regarding a 2017 solicitation of comments by the Exchange on a proposal to use the five-day average price as the sole measure of market value (''2017 Solicitation'').[16] The Exchange stated that it believed these concerns were justified and, as such, proposed to define market value as the lower of the closing price or five-day average price. As the Exchange noted, this means that, under its proposal, an issuance would not require shareholder approval as long as the issuance occurs

[5] *See* Securities Exchange Act Release No. 82994 (April 4, 2018), 83 FR 15441 (April 10, 2018). The Commission designated May 21, 2018, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] *See* Letters to Brent J. Fields, Secretary, Commission, from Michael A. Adelstein, Partner, Kelley Drye & Warren LLP, dated February 28, 2018 (''Kelley Drye letter''); Penny Somer-Greif, Chair, and Gregory T. Lawrence, Vice-Chair, Committee on Securities Law of the Business Law Section of the Maryland State Bar Association, dated March 13, 2018 (''MSBA Letter''); and Greg Rodgers, Latham Watkins, dated March 14, 2018 (''Latham Watkins Letter'').

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Nasdaq Rule IM–5635–3 (Definition of a Public Offering).

[9] An interest consisting of less than either 5% of the number of shares of common stock or 5% of the voting power outstanding of a Company or party will not be considered a substantial interest or cause the holder of such interest to be regarded as a ''Substantial Shareholder.'' *See* Nasdaq Rule 5635(e)(3).

[10] *See* Nasdaq Rule 5635(d). The Commission notes that Nasdaq Rule 5635 also requires shareholder approval under Nasdaq Rules 5635(a), (b), and (c) for issuances involving an acquisition of stock or assets of another company, a change of control, and equity compensation. Nasdaq is not proposing to amend these other shareholder approval provisions in its proposal.

[11] *See* Nasdaq Rule 5005(a)(23).

[12] *See* proposed Nasdaq Rule 5635(d)(1)(A).

[13] *See* Notice, *supra* note 3, at 7270, which discusses the Nasdaq Official Closing Price and notes, among other things, that the closing auction is ''highly transparent to all investors through the widespread dissemination of stock-by-stock information about the closing auction, including the potential price and size of the closing auction.'' The Exchange stated that the closing price is published on *Nasdaq.com* with a 15 minute delay and is available without registration or fee. According to the Exchange, Nasdaq does not currently intend to charge a fee for access to this data or otherwise restrict availability of this data. The Exchange further stated that it would file a proposed rule change under Section 19(b) of the Act before implementing any such change and, in such filing, address the impact of the proposed rule change on compliance with this rule. *See id.* at 7270 n.6.

[14] *See* Notice, *supra* note 3, at 7270. According to the Exchange, the price of an executed trade generally is viewed as a more reliable indicator of value than a bid quotation. *See id.*

[15] *See* Notice, *supra* note 3, at 7270 & n.3 (citing Section 312.04(i) of the NYSE Listed Company Manual).

[16] As the Exchange stated in the Notice, in 2017, the Exchange solicited comments on a proposal to amend Nasdaq Rule 5635(d) and the Exchange based its current proposal on its experience and comments received during that process. *See* Notice, *supra* note 3, at 7270. The Commission notes that, in its rule filing, the Exchange stated that it received support for this proposal in its 2017 Solicitation, but four commenters raised concerns about reliance on the five-day average price to measure market value in certain circumstances. *See id.* at 7271.

at a price greater than the lower of the two measures.[17]

The Exchange also proposed, in conjunction with its proposal to redefine market value for purposes of determining when a shareholder vote is triggered under Rule 5635(d), to eliminate its current requirement for shareholder approval of private placement issuances at a price that is less than book value. Currently, as noted above, the Exchange's rules require shareholder approval of a private placement transaction if it is priced below market or book value. Accordingly, under the proposal, private placement transactions that are priced below book value but above market value, as defined by the Minimum Price, would not require shareholder approval. In its proposal, the Exchange stated that book value is an accounting measure that is based on the historic cost of assets rather than their current value. According to the Exchange, book value is not an appropriate measure of whether a transaction is dilutive or should otherwise require shareholder approval.[18]

Further, the Exchange proposed to revise Nasdaq Rule 5635(d) to provide that shareholder approval is required prior to a 20% Issuance at a price that is less than the Minimum Price.[19] Under the proposal, the Exchange would define ''20% Issuance'' for purposes of Rule 5635(d) as a transaction, other than a public offering as defined in IM–5635–3, involving the sale, issuance, or potential issuance by the Company of common stock (or securities convertible into or exercisable for common stock), which alone or together with sales by officers, directors, or Substantial Shareholders of the Company, equals 20% or more of the common stock or 20% or more of the voting power outstanding before the issuance.[20] According to the Exchange, the Exchange is not making a substantive change to the threshold for quantity or voting power of shares being sold that would give rise to the need for shareholder approval, although, as described above, the applicable market value pricing test will change.[21]

In addition, the Exchange proposed to amend the preamble to Nasdaq Rule 5635 and the title of Nasdaq Rule 5635(d) to replace references to ''private placements'' with ''transactions other than public offerings'' [22] to, according to the Exchange, conform the language to that in Nasdaq Rule IM–5635–3, which defines a public offering,[23] and to make other conforming changes to Nasdaq Rules IM–5635–3 and IM–5635–4.[24]

III. Summary of Comments

The Commission received three comments on the proposed rule change, all of which supported the proposal.[25] Of these commenters, one stated it supported the proposed rule change without reservation and the Exchange's reevaluation of its shareholder approval rules in light of changes in market practice and investor protection mechanisms that have taken place since the adoption of these rules.[26] Another commenter stated that, while it supported more significant changes to Nasdaq Rule 5635(d), the proposed rule change would be a strong first step in correcting the inadequacies and inequitableness of Nasdaq Rule 5635(d).[27]

Two of the commenters in support of the proposal specifically addressed the changes to the definition of market value. One commenter stated that the proposed method to determine market value using the lower of the Nasdaq closing price and five-day average of Nasdaq closing prices is a better determination of market value than the current use of closing bid price because it will more accurately reflect the type of price that would occur in an arms-length transaction. This commenter stated that the proposed measure will provide flexibility to account for market fluctuations and events, without incurring the typical adverse consequence of material movements, positive or negative, in a stock price at or near the end of a five-day period.[28]

Another commenter noted that parties often prefer to structure a transaction using an average price to smooth out unusual price fluctuations. This commenter stated that the proposed changes to the definition of market value provides listed companies with additional flexibility in structuring their securities transactions, brings the shareholder approval rule more in line with how transactions are structured when the rule is not a consideration, and provides a reasonable indication of market value.[29] This commenter also supported the proposed change to use the Nasdaq Official Closing Price.[30]

As to the proposal to eliminate book value, two of the commenters specifically discussed their support of this change. One commenter stated that book value does not reflect the actual value of securities and is not relied upon in connection with investment decisions, whereas market price of an issuer's common stock represents the market's consensus on the value of the security. This commenter also stated that in the rare instances where book value exceeds market value, this usually occurs due to the accounting treatment of certain types of capital investments by the issuer and should not impact the issuer's ability to raise capital at market prices.[31] Another commenter strongly supported the proposed elimination of book value and stated it agreed with statements in the Notice that book value is not an appropriate measure of current value and, therefore, whether a transaction is dilutive or should require shareholder approval.[32]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2018–008 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposal should be approved or disapproved.[33] Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of disapproval proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is

[17] *See* Notice, *supra* note 3, at 7270–71.

[18] *See* Notice, *supra* note 3, at 7271. The Commission notes that, in its rule filing, the Exchange stated that it received support for this change in its 2017 Solicitation, but also received comments opposing the change, one of which raised specific concerns that the Exchange acknowledged in its proposal. *See id.* at 7271, 7274.

[19] *See* proposed Nasdaq Rule 5635(d)(2).

[20] *See* proposed Nasdaq Rule 5635(d)(1)(B).

[21] *See* Notice, *supra* note 3, at 7271.

[22] *See* proposed Nasdaq Rule 5635 and subsection (d).

[23] *See* Notice, *supra* note 3, at 7271.

[24] *See* proposed Nasdaq Rules IM–5635–3 and IM–5635–4.

[25] *See* Kelley Drye Letter, MSBA Letter, and Latham Watkins Letter, *supra* note 6. These three commenters previously provided comment letters to the Exchange in response to the 2017 Solicitation. For a summary prepared by the Exchange of these comment letters, see the Notice, *supra* note 3, at 7273–74.

[26] *See* Latham Watkins Letter, *supra* note 6.

[27] *See* Kelley Drye Letter, *supra* note 6, at 1–2.

[28] *See* Kelley Drye Letter, *supra* note 6, at 3.

[29] *See* MSBA Letter, *supra* note 6, at 1–2.

[30] *See* MSBA Letter, *supra* note 6, at 2.

[31] *See* Kelley Drye Letter, *supra* note 6, at 2. In addition, this commenter stated that book value may exceed market value due to a market correction, burst bubble, or financial crisis, which is a time when an issuer needs to be able to raise sufficient capital. *See id.*

[32] *See* MSBA Letter, *supra* note 6, at 2.

[33] 15 U.S.C. 78s(b)(2)(B).

instituting proceedings to allow for additional analysis and input concerning the proposed rule change's consistency with the Act [34] and, in particular, with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.[35]

As discussed above, the Exchange proposed to modify Nasdaq Rule 5635(d) to change the definition of market value for purposes of shareholder approval of private placement transactions such that (1) shareholder approval would be required prior to an issuance of 20% or more at a price that is less than the lower of the closing price or the five-day average price; and (2) shareholder approval would not be required prior to an issuance of 20% or more at a price that is less than book value but greater than market value. In response to the Exchange's 2017 Solicitation, as noted above, some commenters had raised questions about the use of a five-day average price as a measure of market value under certain market conditions and the elimination of the book value standard. Accordingly, the Commission is specifically requesting additional comment on these two parts of the Exchange's proposal in light of the questions raised in connection with the Exchange's 2017 Solicitation.[36]

V. Commission's Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written view of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[37]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by June 15, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by June 29, 2018. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal which are set forth in the Notice,[38] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment, including where relevant, any specific data, statistics, or studies, on the following:

1. Is the five-day average closing price a reasonable alternative to determining market value for purposes of shareholder approval requirements under Nasdaq Rule 5635(d)? If so, what are the benefits and/or risks to companies and their shareholders? Do the benefits and risks to companies and shareholders change under certain market conditions, such as rising markets, and if so how?

2. Are there benefits and/or risks to listed companies and shareholders by permitting sales in private placements that are above market value but below book value? Could there be any potential impact on share price? Would the assessment of any potential impact, if any, change depending on the reason why a stock is trading above market price but below book value (*i.e.,* market conditions, accounting issues)?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2018–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2018–008. 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–NASDAQ–2018–008 and should be submitted on or before June 15, 2018. Rebuttal comments should be submitted by June 29, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11224 Filed 5–24–18; 8:45 am]

BILLING CODE 8011–01–P

[34] 15 U.S.C. 78f(b)(5).

[35] *Id.*

[36] The Commission also notes that the Exchange proposal stated that the ''closing price'' used is the closing price (as reflected on Nasdaq.com) at the time of the transaction. The Exchange should address in its rule proposal if ''at the time of the transaction'' would use the previous day's close or the close on the day of the transaction and should clarify this in the rule text. Unlike the closing price reference, the five-day average closing price provision, as proposed, currently makes clear it is based on the five days immediately preceding the signing of a binding agreement.

[37] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[38] *See* Notice, *supra* note 3.

[39] 17 CFR 200.30–3(a)(57).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before July 24, 2018.

ADDRESSES: Send all comments to Dena Moglia, Supervisor Veterans Affairs Specialist of Veterans Programs, Office of Veteran Business Development, Small Business Administration, 409 3rd Street, 5th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Dena Moglia, Supervisor Veterans Affairs Specialist of Veterans Programs, Office of Veterans Business Development, *dena.moglia@sba.gov,* 202–205–7034, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Boots to Business is an entrepreneurial education initiative offered by the U.S. Small Business Administration (SBA) as a career track within the Department of Defense's revised Training Assistance Program called Transition Goals, Plans, Success (Transition GPS). The curriculum provides valuable assistance to transitioning service members exploring self-employment opportunities by leading them through the key steps for evaluating business concepts and the foundational knowledge required for developing a business plan. Participants are also introduced to SBA resources available to help access startup capital and additional technical assistance.

The Boots to Business Post Course surveys will be online, voluntary surveys that enable the Boots to Business program office to capture data related but not limited to the effectiveness of all Boots to Business courses, quality of the instructors and materials, and number of small businesses created as a result of participating in Boots to Business. Boots to Business will send an initial survey via email to all course participants immediately following course completion to gain insight on the quality of the program. Every 12 months following course completion, a follow up survey will be sent to all participants to measure participant outcomes as the SBA seeks to gauge the impact of course completion on the creation of veteran owned small businesses or the motivation and confidence of veterans to pursue business ownership. Participants will be surveyed once a year for 5 years following course completion to allow for business incubation.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Boots to Business Post Course Surveys.

Description of Respondents: Service members, veterans and spouses.

Form Number: N/A.

Total Estimated Annual Responses: 10,000.

Total Estimated Annual Hour Burden: 2,000 hours.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2018–11284 Filed 5–24–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10427]

Notice of Intent To Prepare an Environmental Assessment for the Proposed Keystone XL Pipeline Mainline Alternative Route in Nebraska

AGENCY: Department of State.

ACTION: Notice of intent.

SUMMARY: On November 20, 2017, the Nebraska Public Service Commission approved the Mainline Alternative Route in Nebraska. The Department issues this Notice of Intent (NOI) to announce that it will prepare an Environmental Assessment (EA)—consistent with the National Environmental Policy Act (NEPA) of 1969—to evaluate the potential environmental impacts of the Mainline Alternative Route in support of the Bureau of Land Management's review of TransCanada's application for a right-of-way. This NOI solicits participation and comment from interested federal, tribal, state, and local government entities, as well as members of the public, to help inform EA scope and content.

DATES: The Department invites members of the public, government agencies, tribal governments, and all other interested parties to comment on the scope of the EA during the 30-day public scoping period. Comments are due by June 25, 2018.

Please note that all comments received during the scoping period may be publicized. Comments will be neither private nor edited to remove either identifying or contact information. Commenters should omit information that they do not want disclosed. Any party who will either solicit or aggregate other people's comments should convey this cautionary message.

ADDRESSES: Comments may be submitted at *https://www.regulations.gov* by entering the title of this Notice into the search field, and then following the prompts. Comments also may be submitted by mail, addressed to: Ms. Jill Reilly, Office of Environmental Quality and Transboundary Issues, OES/EQT, Room 2727, U.S. Department of State, 2201 C Street NW, Washington, DC 20520.

Please note that all comments provided by agencies and organizations should list a designated contact person.

SUPPLEMENTARY INFORMATION: On January 26, 2017, TransCanada resubmitted its Presidential Permit application for the proposed Keystone XL pipeline. Subsequently, on March 23, 2017, the Under Secretary of State for Political Affairs determined that issuance of a Presidential Permit to TransCanada to construct, connect, operate, and maintain at the border of the United States pipeline facilities to transport crude oil from Canada to the United States would serve the U.S. national interest. Accordingly, the Under Secretary issued a Presidential Permit to TransCanada. TransCanada's application to BLM for a right-of-way remains pending before the agency.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Reilly, Acting NEPA Coordinator, Office of Environmental Quality and Transboundary Issues, (202) 647–9798, *reillyje@state.gov*.

Detailed records on the proposed project, along with general information about the Presidential Permit process,

are available at: *https://keystonepipeline-xl.state.gov.*

Brian P. Doherty,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2018–11240 Filed 5–24–18; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36179]

Lake State Railway Company—Lease Exemption—Grand Trunk Western Railroad Company

Lake State Railway Company (LSRC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Grand Trunk Western Railroad Company (GTW) and operate approximately 3.9 miles of rail line, extending from approximately milepost 55.8 at the north side of Griswold Road to the end of the track at approximately milepost 59.7 at the Dunn Paper switch in Port Huron, Mich. (PH Track).

According to LSRC, it has entered into a Track Lease for the Handling of Cars and a companion Switching Agreement, both dated March 23, 2018, providing for LSRC's lease and operation of the PH Track. LSRC states that GTW will retain responsibility for the Black River drawbridge located at milepost 58.2 on the PH Track.

LSRC certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier. LSRC further certifies, as required by 49 CFR 1150.42(e), that on April 12, 2018, it posted a 60-day notice of this transaction at the workplaces of current GTW employees on the PH Track and served the notice on the national offices of the labor unions for those employees. LSRC states that its proposed lease and operation of the PH Track does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

The transaction may be consummated on June 11, 2018, the effective date of the exemption (60 days after the § 1150.42(e) requirements were satisfied).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 4, 2018 (at least seven days before the exemption becomes effective).[1]

An original and 10 copies of all pleadings, referring to Docket No. FD 36179, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606–2832.

According to LSRC, this action is exempt from environmental review under 49 CFR 1105.6(c) and exempt from historic review under 49 CFR 1105.8(b).

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: May 22, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–11309 Filed 5–24–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Airport Noise Compatibility Planning

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves information on voluntary airport noise compatibility programs. The respondents are airport operators that voluntarily submit noise exposure maps and noise compatibility programs to the FAA for review and approval. The information to be collected is necessary because noise compatibility program measures are eligible for Federal grants-in-aid if they are provided to FAA for review in approval in advance.

DATES: Written comments should be submitted by July 24, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

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 FAA's performance; (b) the accuracy of the estimated burden; (c) ways for 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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0517.

Title: Airport Nosie Compatibility Planning.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The voluntarily submitted information from the current CFR part 150 collection, *e.g.,* airport noise exposure maps and airport noise compatibility programs, or their revisions, is used by the FAA to conduct reviews of the submissions to determine if an airport sponsor's noise compatibility program is eligible for Federal grant funds. If airport operators did not voluntarily submit noise exposure maps and noise compatibility programs for FAA review and approval, the airport operator would not be eligible for the set aside of discretionary grant funds.

Respondents: Approximately 15 airport operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 3,950 hours.

Estimated Total Annual Burden: 59,250 hours.

Issued in Fort Worth, TX on May 18, 2018.

Barbara L. Hall

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–11326 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

[1] On May 11, 2018, the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (BLET), filed a petition opposing the transaction and asking the Board to stay the exemption. The Board will address BLET's petition in a separate decision.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–45]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before June 14, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0339 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Mark Forseth, AIR–673, Federal Aviation Administration, 2200 S. 216th St., Des Moines, WA 98198–6547, email *mark.forseth@faa.gov,* phone (206) 231–3179; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition For Exemption

Docket No.: FAA–2018–0339.
Petitioner: Airbus SAS.
Section of 14 CFR Affected: § 25.807(g)(7).
Description of Relief Sought: Allow more than the regulatory combined maximum number of 70 passenger seats for all Type III exits when the mid-cabin door (Door 3) is de-rated to a Type III exit.

[FR Doc. 2018–11198 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Additional Public Comment Period—Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Proposed Capacity Enhancements and Other Improvements at Charlotte Douglas International Airport, Charlotte, Mecklenburg County, NC

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

ACTION: Notice of additional 45-day public comment period, and correction of the previous email address for submission of public and agency comments for the Notice of Intent to prepare an EIS at Charlotte Douglas International Airport, Charlotte, Mecklenburg County, NC.

SUMMARY: This Notice provides an additional 45-day public comment period, and correction of the previous incorrect email address for submission of public and agency comments. The previous email address, *CLTEIS@faa.gov* was incorrect. All agency and public comments should be submitted to the correct email address, *9-ASO-CLTEIS@faa.gov.* The FAA requests that all submissions to the previous incorrect email address be resubmitted to the new address. This Notice also provides information to Federal, state, and local agencies; Native American tribes; and other interested persons regarding the FAA's intent to prepare an EIS to evaluate the potential impacts of the City of Charlotte Aviation Department proposal to construct capacity enhancements and other improvements at Charlotte Douglas International Airport in Charlotte, NC. The Department has initially identified the following four main elements of the Proposed Action: (1) Fourth Parallel Runway 1–19 and End-Around Taxiways; (2) Concourse B and Ramp Expansion; (3) Concourse C and Ramp Expansion; and (4) Daily North Parking Deck. The EIS will evaluate the potential direct, indirect, and cumulative environmental impacts that may result from the Proposed Action, including related activities and actions connected to the Proposed Action.

The FAA is the lead agency for the preparation of the EIS. Cooperating Agencies will be identified during the process. The FAA intends to use the preparation of this EIS to comply with other applicable environmental laws and regulations as identified through the environmental analysis. The FAA will provide more specific public notice of the environmental laws, regulations and executive orders being satisfied through the EIS as the environmental consequences of the proposed project and its alternatives are better understood.

DATES: The FAA invites interested agencies, organizations, Native American tribes, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The additional 45 day public comment period starts with the publication of this Notice in the **Federal Register**. Comments must be received by July 9, 2018.

ADDRESSES: Comments, statements, or questions concerning the EIS scope or process should be mailed to: Mr. Tommy L. Dupree, Assistant Manager, FAA, Memphis Airports District Office, 2600 Thousand Oaks Blvd., Suite 2250, Memphis, TN 38118. Comments can also be sent by email to *9-ASO-CLTEIS@faa.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform Federal, state and local government agencies and the public of the additional 45-day public comment

period, correction of a previous incorrect email address, and the FAA's intent to prepare an EIS. Information, data, opinions and comments obtained will be considered in preparing the draft EIS.

The FAA will prepare the EIS in accordance with the National Environmental Policy Act (NEPA; 42 United States Code 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations parts 1500–1508), FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures,* and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.*

The EIS will evaluate the potential impacts of the Department's proposal to construct capacity enhancements and other improvements at Charlotte Douglas International Airport in Charlotte, North Carolina. The Department has initially identified the following four main elements of the Proposed Action: (1) Fourth Parallel Runway 1–19 and End-Around Taxiways; (2) Concourse B and Ramp Expansion; (3) Concourse C and Ramp Expansion; and (4) Daily North Parking Deck. The Fourth Parallel Runway I–19 and End-around Taxiways would entail construction of an approximately 12,000-foot runway located between existing Runway 18C–36C and Runway 18R–36L, along with associated taxiways (partial north End-Around Taxiway, full south End-Around Taxiway, parallel, high-speed exit and connector taxiways). Construction of the new runway along with terminal and ramp expansion projects would require the decommissioning of Runway 5–23 and relocation of West Boulevard. The Concourse B and Ramp Expansion would entail extending Concourse B to the west, creating 10–12 additional gates. The Concourse C and Ramp Expansion would entail extending Concourse C to the east, creating 10–12 additional gates. The Daily North Parking Deck would entail construction of a parking deck north of passenger terminal parking facilities.

Within the EIS, the FAA proposes to consider a range of reasonable alternatives that could potentially meet the purpose and need for the project being proposed at Charlotte Douglas International Airport. The EIS will include the evaluation of a No Action Alternative and other reasonable alternatives that may be identified, such as use of other airports or other modes of transportation, during the NEPA process.

The potential environmental impacts of all proposed construction and operational activities will be analyzed in the EIS. The EIS will evaluate the potential environmental impacts associated with air quality; biological resources (including fish, wildlife, and plants); climate; properties protected under 49 U.S.C. 303(c), known as ''Section 4(f)'' of the Department of Transportation Act of 1966 (including publicly owned parks, recreational areas, wildlife and waterfowl refuges, and public and private historic sites); farmlands; ground transportation; hazardous materials, solid waste, and pollution prevention; historical, architectural, archeological, and cultural resources; land use; natural resources and energy supply; noise and noise-compatible land use; socioeconomics, environmental justice, and children's health and safety risks; visual effects; water resources (including wetlands, floodplains, surface waters, groundwater, and Wild and Scenic rivers). This analysis will include an evaluation of potential direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the vicinity of the Charlotte Douglas International Airport.

More information on the Proposed Action and the NEPA process is available on the project website at: *www.clteis.com.*

Tommy L. Dupree,

Acting Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2018–11202 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Safety Management Systems for Part 121 Certificate Holders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves safety data and analysis by part 121 Certificate Holders required by regulation to implement a Safety Management System (SMS). The Certificate Holder will use the data it collects to identify hazards and instances of non-compliance with requirements and standards. The safety policy, outputs of safety risk management and safety assurance processes, and training and communications records will be kept by the Certificate Holder and used in its SMS. The Certificate Holder will also use the data, records, and documentation to show compliance with regulations. However, none of these data, records, or documents will be submitted to FAA.

DATES: Written comments should be submitted by July 24, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

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 FAA's performance; (b) the accuracy of the estimated burden; (c) ways for 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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0763.

Title: Safety Management Systems for Part 121 Certificate Holders.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: Public Law required the FAA to initiate rulemaking requiring all part 121 air carriers to implement a Safety Management System (SMS). On March 9, 2018, all current part 121 Certificate Holders met the final compliance date to have a Safety Management System acceptable to the Administrator. There are four components to a Safety Management System: Safety Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. Collection and analysis of safety data and concomitant records is an essential part of a properly functioning SMS. Safety Policy establishes the foundation for the SMS. Safety Risk Management determines and identifies hazards in an aviation

operation. Safety Assurance measures the effectiveness of hazard identification and mitigation and prevention of new, unforeseen hazards. Safety Promotion requires the Certificate Holder to maintain training records and communications documentation used to promote safety.

Respondents: Approximately 70 part 121 Certificate Holders and any future applicants for a part 121 certificate.

Frequency: During the first 6 months of the 3-year effective date period, part 121 Certificate Holders were required to submit an SMS implementation plan. This was a onetime submission for the existing part 121 Certificate Holders and will be a onetime submission for future part 121 certificate applicants.

Estimated Average Burden per Response: 3,340 Hours (as an average of 30 large carriers (50+ aircraft), 31 medium carriers (10–49 aircraft), and 29 small carriers (9 or fewer aircraft)).

Estimated Total Annual Burden: 107,146 total labor hours for 3 years, $3,854,888 total cost over 3 years.

Issued in Fort Worth, TX on May 21, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–11325 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0082]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel COBALT; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 25, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0082. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel COBALT is:

—*Intended Commercial Use of Vessel:* ''The Vessel will be used for 6-pack charter fishing out of San Diego. The owner of the Vessel currently runs another charter vessel and cannot accommodate all trip requests during the busy season due to being completely booked.''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2018–0082 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: May 22, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–11274 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0087]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SANDPIPER; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 25, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0087. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SANDPIPER is:

—*Intended Commercial Use of Vessel:* ''Uninspected vessel for charter of 6 or less passengers on the Columbia river in Oregon/Washington. The business plan is to bring small families or couples on adventure cruises from one day to a few days on the Columbia river. ''

—*Geographic Region:* ''Oregon, Washington State, California''

The complete application is given in DOT docket MARAD–2018–0087 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: May 22, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–11275 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0080]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ZEN; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 25, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0080. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ZEN is:

—Intended Commercial Use of Vessel: ''Vessel will be used for high end, elegant small group charter.''

—Geographic Region: ''California''

The complete application is given in DOT docket MARAD–2018–0080 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: May 22, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–11277 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0081]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel THE PHANTOM GINGER; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 25, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0081. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel THE PHANTOM GINGER is:

—*Intended Commercial Use of Vessel:* ''We intend to use this vessel with our Killer Shrimp brunch, lunch, and dinner cruises for 6 passengers and as a option bareboat charter available for coastal cruises around the Santa Monica Bay, to Malibu, and to Catalina Island.''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2018–0081 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. § 55103, 46 U.S.C. § 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: May 22, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–11276 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Meeting Notice—U.S. Maritime Transportation System National Advisory Committee

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of advisory committee public meeting.

SUMMARY: The Maritime Administration (MARAD) announces a public meeting of the U.S. Maritime Transportation System National Advisory Committee (MTSNAC) to discuss advice and recommendations for the U.S. Department of Transportation on issues related to the marine transportation system.

DATES: The meeting will be held on Monday, June 11, 2018 from 9:30 a.m. to 5:00 p.m. and Tuesday, June 12, 2018 from 9:00 a.m. to 3:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The meetings will be held at the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, National Training Center, 1310 N Courthouse Road, Suite 600, Arlington, VA 22201–2508.

FOR FURTHER INFORMATION CONTACT: Jeffrey Flumignan, Designated Federal Officer, at *MTSNAC@dot.gov* or at (212) 668–2064. Please visit the MTSNAC website at *http://www.marad.dot.gov/ports/marine-transportation-system-mts/marine-transportation-system-national-advisory-committee-mtsnac/.*

SUPPLEMENTARY INFORMATION: The MTSNAC is a Federal advisory committee that advises the U.S. Secretary of Transportation and the Maritime Administrator on issues related to the marine transportation system. The MTSNAC was originally established in 1999 and mandated in 2007 by the Energy Independence and Security Act of 2007. The MTSNAC operates in accordance with the provisions of the Federal Advisory Committee Act (FACA).

Agenda

The agenda will include: (1) Welcome, opening remarks, and introductions; (2) brief remarks by the Maritime Administrator or Deputy Maritime Administrator; (3) updates to the Committee on subcommittee work; (4) development of work plans and proposed recommendations; (5) administrative items; and (6) public comments.

Meeting Participation

The meeting will be open to the public. Members of the public who wish to attend in person must RSVP to *MTSNAC@dot.gov* with your name and affiliation no later than 5:00 p.m. EST on May 25, 2018, in order to facilitate entry. Seating will be limited and available on a first-come-first-serve basis.

Services for Individuals with Disabilities: The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids are

asked to notify Jeffrey Flumignan at (212) 668–2064 or *MTSNAC@dot.gov* five (5) business days before the meeting.

Public Comments: A public comment period will commence at approximately 11:45 a.m. on June 11, 2018. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact the Designated Federal Officer via email: *MTSNAC@dot.gov*. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, additional comments will be permitted. Copies of oral comments must be submitted in writing at the meeting or preferably emailed to *MTSNAC@dot.gov*. Additional written comments are welcome and must be filed as indicated below.

Written comments: Persons who wish to submit written comments for consideration by the Committee must email *MTSNAC@dot.gov,* or send them to MTSNAC Designated Federal Officers via email: *MTSNAC@dot.gov,* Maritime Transportation System National Advisory Committee, 1200 New Jersey Avenue SE, W21–307, Washington, DC 20590 no later than June 4, 2018, to provide sufficient time for review.

(Authority: 49 CFR part 1.93(a); 5 U.S.C. 552b; 41 CFR parts 102–3; 5 U.S.C. app. Sections 1–16)

* * * * *

By Order of the Maritime Administrator.

Dated: May 22, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–11254 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2017–0155]

Pipeline Safety: Request for Special Permit—Hawaiian Electric Company, Inc.

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to seek public comments on a request for special permit, seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by June 25, 2018.

ADDRESSES: Comments should reference the docket number for the specific special permit request and may be submitted in the following ways:

- *E-Gov website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: 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:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: *Privacy Act Statement:* DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or email at *kay.mciver@dot.gov.*

Technical: Mr. Joshua Johnson by telephone at 816–329–3825, or email at *joshua.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: On November 13, 2017, PHMSA received a special permit request from the Hawaiian Electric Company, Inc., (HECO), a hazardous liquid pipeline operator seeking permission to deviate from the pipeline safety regulations at 49 CFR 195.571, regarding the criteria that must be used to determine cathodic protection of a pipeline.

On January 9, 2018, PHMSA issued a Notice of Proposed Safety Order (NOPSO) mandating that HECO adopt certain corrective measures for the Waiau pipeline while the special permit request was being reviewed and determined. After issuance of the NOPSO, a situation occurred where the Waiau pipeline leaked for over six hours. The preliminary cause of the spill appears to be external corrosion due to ineffective cathodic protection, as described in the NOPSO.

The Waiau pipeline is a 13-mile onshore intrastate pipeline located within the City and County of Honolulu, Hawaii. It begins at the Hawaiian Electric Barbers Tank Farm in Kapolei, Oahu, and ends at the Waiau Power Plant in Pearl City, Oahu, Hawaii. The pipeline was constructed in 2004 using fusion bond epoxy coating with 2 inches of urethane foam insulation, and 80-millimeter, high density polyurethane (HDPE) jacket. The thermal insulation and PE jacketing has high electrical resistance properties that inhibit the cathodic protection current flow to areas where water migration and corrosion may occur. Although annual cathodic protection inspections confirm that the Waiau pipeline experiences adequate levels of cathodic protection, cathodic protection is expected to be an ineffective corrosion control method for thermally insulated pipe. The maximum operating pressure of this pipeline is 1,350 psig. The pipeline runs through areas of mixed high population and other populated areas and is located entirely in an ecologically unusually sensitive area.

For additional protection and integrity of the pipeline, HECO proposes to conduct, among other measures, alternative in-line inspection technology every four years, rotating between Axial or Circumferential and Ultrasonic testing. HECO claims that the proposed measures will provide a safer alternative than required by the regulations and better capabilities to detect corrosion clusters that may appear invisible if they were to align with the inspection tool magnetic fields.

A draft Environmental Assessment (DEA) is provided in the respective docket at *http://www.Regulations.gov,* for each special permit request. We invite interested persons to participate by reviewing the special permit request and DEA at *http://www.Regulations.gov,* and by submitting written comments, data, or other views. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted.

Before issuing a decision on the special permit request, PHMSA will

evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment we receive in making our decision to grant or deny a request.

Issued in Washington, DC, on May 22, 2018, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2018–11333 Filed 5–24–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Information Collection and Request for Public Comment

ACTION: Notice and request for public comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Community Development Financial Institution CDFI Program (CDFI Program) and Native American CDFI Assistance Program (NACA Program) Disability Funds Financial Assistance Application, which will be submitted through the Awards Management Information System (AMIS).

DATES: Written comments must be received on or before July 24, 2018 to be assured of consideration.

ADDRESSES: Submit your comments via email to Amber Bell, Program Manager for the CDFI Program and Native Initiatives, CDFI Fund, at *cdfihelp@cdfi.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Amber Bell, Program Manager for the CDFI Program and Native Initiatives, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220 or by phone at (202) 653–0300. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at *http://www.cdfifund.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disability Funds—Financial Assistance Application.

OMB Number: 1559–0048.

Type of Review: Regular Review.

Abstract: The Consolidated Appropriations Act of 2017 (Act; Pub. L. 115–31) provided the CDFI Fund up to $3 million to provide ''technical and financial assistance to CDFIs that fund projects to help individuals with disabilities.'' The CDFI Fund created the Disability Funds-Financial Assistance (DF–FA) Application in response to this Congressional directive. The Consolidated Appropriations Act of 2018 (Pub. L. 115–141) provided an additional $3 million for the CDFI Fund to further its investment in CDFIs that serve individuals with disabilities.

The CDFI Fund intends to provide DF–FA awards to certified CDFIs with a track record of serving individuals with disabilities. For purposes of the DF–FA awards selection process, Disability will mean a person with a physical or mental impairment that substantially limits one or more major life activities; a person who has a history or record of such an impairment; or a person who is perceived by others as having such an impairment, as defined by the Americans with Disabilities Act (ADA). Applicants selected to receive DF–FA awards will have a demonstrated track record of serving individuals with disabilities, specifically by providing financial products and services and/or development services that have a primary purpose of benefiting individuals with disabilities. Additionally, successful applicants will demonstrate that they will increase and/or expand their financial products and services, and/or development services, to address the challenges of individuals with disabilities, in areas such as: Asset development; affordable, accessible, and safe housing; employment opportunities; and access to assistive products and services that support health and community living. The CDFI Fund will administer DF–FA awards in conjunction with the annual Community Development Financial Institutions Program (CDFI Program) and Native American CDFI Assistance Program (NACA Program) application process. The DF–FA application can be found on the CDFI Fund website at *www.cdfifund.gov.*

Affected Public: Businesses or other for-profit institutions, non-profit entities, and State, local and Tribal entities participating in CDFI Fund programs.

Estimated Number of Respondents: 30.

Estimated Annual Time per Respondent: 12.

Estimated Total Annual Burden Hours: 360.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on all aspects of the information collections, but commentators may wish to focus particular attention on: (a) The cost for CDFIs to operate and maintain the services/systems required to provide the required information; (b) ways to enhance the quality, utility, and clarity of the information to be collected; (c) whether the collection of information is necessary for the proper evaluation of the effectiveness and impact of the CDFI Fund's programs, including whether the information has practical utility; (d) the accuracy of the CDFI Fund's estimate of the burden of the collection of information, and; (e) ways to minimize the burden of the collection of information including through the use of technology.

Authority: 12 U.S.C. 4707 *et seq.*; Pub. L. 115–31 Sec 6; 12 CFR part 1805.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2018–11304 Filed 5–24–18; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treas.gov/ofac*).

Notice of OFAC Actions

On May 22, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals

1. AZARPISHEH, Mehdi (a.k.a. ''MANSURI, Mehdi''), Iran; DOB 31 Jul 1983; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport 26338775 (individual) [SDGT] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' (E.O. 13224) for acting for or on behalf of, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS–QODS FORCE, a person determined to be subject to E.O. 13224.

2. JA'FARI, Mohammad Agha (a.k.a. ''JA'FARI, Mohammad''), Iran; DOB 1966; alt. DOB 1967; POB Kashan, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [SDGT] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS AL–GHADIR MISSILE COMMAND).

Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS AL GHADIR MISSILE COMMAND, a person determined to be subject to E.O. 13224.

3. KAZEMABAD, Mahmud Bagheri (a.k.a. BAGHERI, Mahmud Kazemabad; a.k.a. BAGHERI–KAZEMABAD, Mahmud; a.k.a. KAZEMABAD, Mahmoud Bagheri; a.k.a. KZEMABAD, Mahmoud Bagheri; a.k.a. ''BAGHERI, Mahmoud''; a.k.a. ''BAGHERI, Mahmud''), Iran; DOB 26 Jun 1965; POB Meybod, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport J32377129 (Iran) expires 31 Aug 2020; National ID No. 448947941 (Iran) (individual) [SDGT] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS AL–GHADIR MISSILE COMMAND).

Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS AL GHADIR MISSILE COMMAND, a person determined to be subject to E.O. 13224.

4. SHIR AMIN, Javad Bordbar (a.k.a. BORDBARSHERAMIN, Javad; a.k.a. BORDBARSHERAMIN, Javad Ali; a.k.a. ''BORDBAR, Javad''), Iran; DOB 27 Oct 1981; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport A37845408 expires 24 Aug 2021 (individual) [SDGT] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS).

Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS, a person determined to be subject to E.O. 13224.

5. TEHRANI, Sayyed Mohammad Ali Haddadnezhad (a.k.a. HADDADNEZHAD, Sayyed Mohammad Ali Jalal), Iran; DOB 1970; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport 32371002 (individual) [NPWMD] [IRGC] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS RESEARCH AND SELF–SUFFICIENCY JEHAD ORGANIZATION).

Designated pursuant to section 1(a)(iii) of Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'' (''E.O. 13382''), for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS RESEARCH AND SELF–SUFFICIENCY JEHAD ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Designated pursuant to section 1(a)(iv) of E.O. 13382 for acting or purporting to act for or on behalf, directly or indirectly, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS RESEARCH AND SELF–SUFFICIENCY JEHAD ORGANIZATION, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Dated: May 22, 2018.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–11318 Filed 5–24–18; 8:45 am]

BILLING CODE 4810–AL–P

FEDERAL REGISTER

Vol. 83 Friday,
No. 102 May 25, 2018

Part II

The President

Proclamation 9755—National Maritime Day, 2018

Federal Register
Vol. 83, No. 102
Friday, May 25, 2018

Presidential Documents

Title 3—

The President

Proclamation 9755 of May 21, 2018

National Maritime Day, 2018

By the President of the United States of America

A Proclamation

On National Maritime Day, we recognize the critical role the United States Merchant Marine plays in bolstering national security and facilitating economic growth. We honor our merchant mariners for their contributions to connecting the States, supporting our military, and cementing ties among our allies.

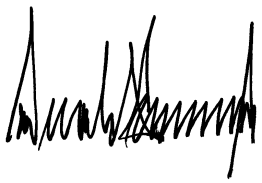
Long known as the ''Fourth Arm of Defense,'' the United States Merchant Marine has served with valor and distinction in every American conflict. The important work of the Merchant Marine was never more evident than during World War II, when merchant mariners sailed dangerous seas and fought enemies as they connected our Armed Forces fighting abroad to vital supplies produced by hardworking Americans at home. In the course of their valiant efforts, they endured the loss of more than 730 large vessels, and more than 6,000 merchant mariners died at sea or as prisoners of war.

Today, American mariners facilitate the shipment of hundreds of billions of dollars of goods along maritime trade routes for American businesses and consumers. Merchant mariners are ambassadors of good will, projecting a peaceful United States presence along the sea lanes of the world and into regions of core strategic importance to our Nation. Often risking their lives by sailing into war zones, our merchant mariners continue to support our troops overseas by providing them with needed cargo and logistical support. They also advance humanitarian missions worldwide, including last year's effort to ship tens of thousands of containers of lifesaving supplies to Puerto Rico and the U.S. Virgin Islands after they had been devastated by hurricanes.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as ''National Maritime Day'' to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 22, 2018, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

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



[FR Doc. 2018–11513
Filed 5–24–18; 11:15 am]
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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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