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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0904; Product Identifier 2017–NM–071–AD; Amendment 39–19310; AD 2018–12–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 and 787–9 airplanes. This AD was prompted by a report of an in-service reliability issue of a latent flow sensor failure combined with single cabin air compressor (CAC) operation. This condition resulted in reduced airflow which led to a persistent single CAC surge condition that caused overheat damage to the CAC inlet. This AD requires installing new pack control unit (PCU) software for the cabin air conditioning and temperature control system (CACTCS) and new CAC outlet pressure sensor J-tube hardware, and doing related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 16, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 16, 2018.

ADDRESSES: For service information identified in this final rule, 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 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–2017–0904.

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–2017–0904; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Allison Buss, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3564; email: *allison.buss@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Boeing Model 787–8 and 787–9 airplanes. The NPRM published in the **Federal Register** on October 6, 2017 (82 FR 46719). The NPRM was prompted by a report of an in-service reliability issue of a latent flow sensor failure combined with single CAC operation. This condition resulted in reduced airflow which led to a persistent single CAC surge condition that caused overheat damage to the CAC inlet. The NPRM proposed to require installing new PCU software for the CACTCS and new CAC outlet pressure sensor J-tube hardware, and doing related investigative and corrective actions if necessary. We are issuing this AD to prevent CAC inlet overheating leading to structural degradation of the CAC inlet, fumes in the cabin and flight deck, and interruption to in-service air conditioning.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

A commenter, Nicholas Weber, and the Air Line Pilots Association, International (ALPA) had no objection to the NPRM. United Airlines and Jetstar Airways agreed with the NPRM but submitted comments, which are addressed below.

Request to Reference Latest Service Information

Boeing and Etihad Airways requested we refer to Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017. Boeing stated that the NPRM refers to Boeing Service Bulletin B787–81205–SB210077–00, Issue 003, dated October 20, 2016, and it should be Issue 004 instead.

We agree that this final rule should refer to the latest service information. We have reviewed Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017, which provides minor corrections. We have determined the revised actions have no effect on airplanes on which the earlier actions were completed. We revised the ''Related Service Information under 1 CFR part 51'' paragraph of this final rule to refer to Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017. We revised paragraphs (c)(2) and (g)(1) of this AD to refer to Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017. We also added paragraph (h)(5) to this AD to provide credit for using Boeing Service Bulletin B787–81205–SB210077–00, Issue 003, dated October 20, 2016, to accomplish the required actions in paragraph (g) of this AD, provided those actions were performed before the effective date of this AD.

Request To Allow Updated Software Version

Jetstar Airways and United Airlines requested that paragraph (g) of the proposed AD be updated to allow for compliance to also be met by installing

the newer PCU Y–103 (software part number (P/N) HAM56–21PC–1030) software per Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017. Jetstar Airways stated that since the release of Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017; and Boeing Service Bulletin B787–81205–SB210077–00, Issue 003, dated October 20, 2016; which describe procedures for installation of PCU Y–102 (software P/N HAM57–21PC–1020) software via Work Package 1, there has been new PCU Y–103 software released per Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017. Jetstar stated its understanding that Work Packages 2 and 3 of Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017; or Boeing Service Bulletin B787–81205–SB210077–00, Issue 003, dated October 20, 2016; must also be done in order to meet compliance with the proposed AD.

We agree because we reviewed Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017, and we have determined that compliance can be met by installing the new PCU Y–103 (software P/N HAM56–21PC–1030) software or installing the previous PCU Y–102 (software P/N HAM57–21PC–1020) software, provided that Work Packages 2 and 3 of Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017; or Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017; are also done. We revised the ''Related Service Information under 1 CFR part 51'' paragraph of this final rule to include Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017. We have revised paragraphs (g)(1) and (g)(2) of this AD to allow Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017, as an optional method of compliance for Work Package 1 of Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017; and Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017.

Request To Include Required for Compliance (RC) Steps

United Airlines observed Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017; and Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017; do not contain steps that are designated as RC (Required for Compliance).

We infer the commenter is requesting that Boeing revise the service information or that we clarify which steps are RC. We disagree with making any changes because the operators can still complete the AD requirements with the steps contained in the Accomplishment Instructions of the referenced service information. In addition, waiting for Boeing to change the service information would delay the release of the AD. Further, certain steps include aircraft maintenance manual (AMM) reference material. When the words ''refer to'' are used and the operator has an accepted alternative procedure, the accepted alternative procedure can be used without the need to obtain an alternative method of compliance (AMOC). We have not changed this AD in this regard.

Requests To Clarify the Discussion Section

Boeing requested that we make several clarifications to the Discussion section of the NPRM. Boeing requested that the following changes be made to the Discussion section of the NPRM:

- Add the following statement: ''The redesigned CAC outlet pressure sensor J-Tube hardware is to prevent transducer fouling, which could compromise surge detection.'' Boeing stated the NPRM does not describe the purpose of the hardware change.
- In the sentence, ''Smarter Environmental Control System ensures that airflow is distributed equally across the CACs,'' replace the phrase ''Smarter Environmental Control System'' with ''the system controller.'' Boeing stated airflow distribution amongst CACs does not pertain to what they refer to as the Smarter Environmental Control System, and the fundamental control approach for CACs attempts to distribute flow equally across CACs.
- Modify the sentence ''PCU software logic was only designed to detect the surge when both CACs were operating on the same pack, and therefore, it was unable to detect a persistent single CAC surge condition which led to CAC inlet overheating'' to ''PCU software logic was only designed to react to the surge when both CACs are operating on the same pack, and therefore, it was unable to command a termination of the persistent single CAC surge condition which led to CAC inlet overheating.'' Boeing stated that when only a single CAC is operating on a pack and airflow drops to an unintended low level, the surge will be detected by the system controls. Boeing explained that due to a software requirements error, the CAC will not be shut down and the surge can persist. Boeing concluded that the issue is not that the surge is undetected but rather that the issue is that the controls fail to react to that surge condition.
- Modify the sentence ''In addition, we received a report of an in-service event involving foreign object debris in the CAC inlet and accumulation at the ozone converter that also led to a persistent single CAC surge resulting in overheat damage to the CAC inlet housing'' to ''In addition, we received a report of an in-service event involving persistent single CAC surge resulting in overheat damage to the CAC inlet housing and foreign object debris in the CAC inlet and accumulation at the ozone converter.'' Boeing stated that aspects of this particular event are unknown; however, it is likely the foreign object debris was a result of the persistent surge event.
- Modify the sentence ''The proposed PCU software change would redistribute the airflow to provide more flow to a single CAC, reducing the potential for a CAC surge'' to ''The PCU software change enables a single CAC in surge to be commanded off in order to prevent the persistent surge condition. Additionally, the software redistributes the airflow to provide more flow to a single CAC, reducing the potential for a CAC surge.'' Boeing stated the software changes are not ''proposed'' and already exist. Boeing also stated the key software feature needed for persistent surge prevention was not in the original sentence.
- Modify the sentence ''Reduced airflow leading to persistent CAC surge conditions and CAC inlet overheating, if not corrected, could result in structural degradation of the CAC inlet, and fumes in the cabin and flight deck, as well as causing interruption to in-service air conditioning'' to ''PCU controls that do not react to a single CAC in persistent CAC surge conditions leading to CAC inlet overheating, if not corrected, could result in structural degradation of the CAC inlet, and fumes in the cabin and flight deck, as well as causing interruption to in-service air conditioning.'' Boeing stated that the purpose of the redistribution of CAC airflow is to minimize surge occurrence and does not relate to the overall prevention of CAC inlet overheat.

We agree that the changes requested by Boeing are accurate. However, since the text of the NPRM that Boeing referenced is not restated in this final rule, no change to the final rule is necessary.

Request for Credit for Previous Actions Accomplished

Boeing and Etihad Airways requested that we include Boeing Service Bulletin

B787–81205–SB210077–00, Issue 001, dated April 19, 2016, as a method of compliance in the proposed AD. Boeing also requested that we include Boeing Service Bulletin B787–81205–SB210075–00, Issue 001, dated February 24, 2016. Boeing requested that the service information be added to paragraph (h) of the proposed AD as credit for previous actions. Boeing stated that not all service information revisions were included in paragraph (h) of the proposed AD, yet they all warrant credit for addressing the AD. Etihad Airways noted that incorporation of all revisions of Boeing Service Bulletin B787–81205–SB210075–00 comply with the proposed AD requirements.

We agree. We have reviewed Boeing Service Bulletin B787–81205–SB210075–00, Issue 001, dated February 24, 2016; and Boeing Service Bulletin B787–81205–SB210077–00, Issue 001, dated April 19, 2016; and the changes made to later revisions are clarifications. We have determined that airplanes on which the actions specified in the earlier revisions were done would be compliant with this AD.

In paragraph (h)(1) of this AD, we added Boeing Service Bulletin B787–81205–SB210075–00, Issue 001, dated February 24, 2016, to provide credit and redesignated subsequent paragraphs accordingly. We also added paragraph (h)(3) of this AD to add Boeing Service Bulletin B787–81205–SB210077–00, Issue 001, dated April 19, 2016.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017; and Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017. The service information describes procedures for installing new PCU software for the CACTCS and new CAC outlet pressure sensor J-tube hardware, and doing related investigative and corrective actions. These documents are distinct since they apply to different airplane models.

We reviewed Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017. The service information describes procedures for installing new PCU software for the CACTCS to recover the CAC from surges by reconfiguration flow schedules.

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.

Costs of Compliance

We estimate that this AD affects 62 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Software Installation	1 work-hour × $85 per hour = $85	$0	$85	$5,270
Modify Left and Right Inboard and Outboard CAC Modules.	20 work-hours × $85 per hour = $1,700	22,821	24,521	1,520,302

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this 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 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 and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–12–06 The Boeing Company: Amendment 39–19310; Docket No. FAA–2017–0904; Product Identifier 2017–NM–071–AD.

(a) Effective Date

This AD is effective July 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in the applicable service information specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017 (for Model 787–8 airplanes);

(2) Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017 (for Model 787–9 airplanes).

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Unsafe Condition

This AD was prompted by a report of an in-service reliability issue involving a latent flow sensor failure combined with single cabin air compressor (CAC) operation. This condition resulted in reduced airflow which led to a persistent single CAC surge condition that caused overheat damage to the CAC inlet. We are issuing this AD to prevent CAC inlet overheating leading to structural degradation of the CAC inlet, fumes in the cabin and flight deck, and interruption to in-service air conditioning.

(f) Compliance

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

(g) Software and Hardware Installation

Within 36 months after the effective date of this AD: Install new pack control unit (PCU) software for the cabin air conditioning and temperature control system (CACTCS) and new CAC outlet pressure sensor J-tube hardware, and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (g)(1) or (g)(2) of this AD. Related investigative and corrective actions must be done before further flight.

(1) Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017 (for Boeing Model 787–8 airplanes); or Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017 (for Boeing Model 787–9 airplanes).

(2) Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017 (for all airplanes); and Work Packages 2 and 3 of the applicable service information identified in paragraph (g)(1) of this AD.

(h) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraphs (h)(1) through (h)(5) of this AD.

(1) Boeing Service Bulletin B787–81205–SB210075–00, Issue 001, dated February 24, 2016 (for Model 787–8 airplanes);

(2) Boeing Service Bulletin B787–81205–SB210075–00, Issue 002, dated May 11, 2016 (for Model 787–8 airplanes);

(3) Boeing Service Bulletin B787–81205–SB210077–00, Issue 001, dated April 19, 2016 (for Model 787–9 airplanes);

(4) Boeing Service Bulletin B787–81205–SB210077–00, Issue 002, dated May 11, 2016 (for Model 787–9 airplanes);

(5) Boeing Service Bulletin B787–81205–SB210077–00, Issue 003, dated October 20, 2016 (for Model 787–9 airplanes).

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

For more information about this AD, contact Allison Buss, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3564; email: *allison.buss@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Service Bulletin B787–81205–SB210075–00, Issue 003, dated March 29, 2017;

(ii) Boeing Service Bulletin B787–81205–SB210077–00, Issue 004, dated September 22, 2017;

(iii) Boeing Service Bulletin B787–81205–SB210083–00, Issue 001, dated February 9, 2017.

(3) For The Boeing Company 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.*

(4) 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.

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

Issued in Des Moines, Washington, on May 31, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–12285 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1163; Product Identifier 2017–CE–041–AD; Amendment 39–19260; AD 2018–09–04]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. The AD applies to certain Gulfstream Aerospace Corporation Models G–IV and GIV–X airplanes. Paragraphs (h)(3) through (5) of the AD incorrectly reference Customer Bulletin 238A as Customer Bulletin 283A. This document corrects that error. In all other respects, the original document remains the

same; however for the sake of clarity, we are publishing the entire rule in the **Federal Register**.

DATES: The effective date of AD 2018–09–04 remains June 11, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 11, 2018 (83 FR 19922, May 7, 2018).

ADDRESSES: You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1163; or in person at the Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: William O. Herderich, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5547; fax: (404) 474–5605; email: *william.o.herderich@faa.gov*.

SUPPLEMENTARY INFORMATION: AD 2018–09–04, Amendment 39–19260 (83 FR 19922, May 7, 2018), requires incorporating new revisions into the Instructions for Continued Airworthiness of the Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual) that establish an inspection cycle for the repaired main landing gear side brace actuator fittings.

As published, paragraphs (h)(3) through (5) of the AD contain a typographical error. The published references are Customer Bulletin No. 283A, dated June 15, 2017, and they should be Customer Bulletin No. 238A, dated June 15, 2017.

Although no other part of the preamble or regulatory information has been corrected, for the sake of clarity, we are publishing the entire rule in the **Federal Register**.

The effective date of this AD remains June 11, 2018.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

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

2018–09–04 Gulfstream Aerospace Corporation: Amendment 39–19260; Docket No. FAA–2017–1163; Product Identifier 2017–CE–041–AD.

(a) Effective Date

This AD is effective June 11, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Gulfstream Aerospace Corporation model airplanes that are certificated in any category:

(1) Model G–IV, serial numbers (S/Ns) 1000 through 1399 having Aircraft Service Change (ASC) 416A (MSG–3) incorporated; and S/Ns 1400 through 1535; and

(2) Model GIV–X, S/Ns 4001 through 4355.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by the potential for fatigue cracks in the main landing gear (MLG) actuator attachment fitting that had a certain repair incorporated. We are issuing this AD to prevent failure of the MLG actuator attachment. The unsafe condition, if not addressed, could compromise the lateral support of the MLG during ground maneuvers, possibly leading to collapse of the affected MLG with consequent loss of control. In addition, this condition could also cause the MLG side brace to fail, which could result in a penetration of the wing fuel tank causing an uncontained fire.

(f) Compliance

At whichever of the following compliance times in paragraphs (f)(1) and (f)(2) that occurs later, comply with the actions in paragraphs (g) through (i) of this AD, unless already done.

(1) Within the next 100 hours time-in-service after June 11, 2018 (the effective date of this AD); or

(2) Within the next 3 months after June 11, 2018 (the effective date of this AD).

(g) Inspect Maintenance Records

Inspect the airplane maintenance records to determine if repair SE05732102 for the MLG side brace fitting has been incorporated. To do this inspection, use the Accomplishment Instructions in Gulfstream G350 Customer Bulletin Number 192A; Gulfstream G450 Customer Bulletin 192A; Gulfstream IV Customer Bulletin Number 238A; Gulfstream G300 Customer Bulletin Number 238A; and Gulfstream G400 Customer Bulletin Number 238A; all dated June 15, 2017, as applicable. The service information referenced in this paragraph specifies sending a service reply card back to Gulfstream Aerospace Corporation if repair SE05732102 for the MLG side brace fitting has been not been incorporated. This action is not required in this AD.

(h) Determine Initial and Repetitive Inspection Requirements

If it is determined during the maintenance records inspection required in paragraph (g) that repair SE05732102 for the MLG side brace fitting has been incorporated, determine the initial and repetitive inspection requirements using the Accomplishment Instructions of the service information identified in paragrap (g) along with the following documents, as applicable. Comply with the inspection requirements as determined.

(1) Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016, to Gulfstream G350 Customer Bulletin No. 192A, dated June 15, 2017;

(2) Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016, to Gulfstream G450 Customer Bulletin No. 192A, dated June 15, 2017;

(3) Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016, to Gulfstream IV Customer Bulletin No. 238A, dated June 15, 2017;

(4) Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016, to Gulfstream G300 Customer Bulletin No. 238A, dated June 15, 2017; and

(5) Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016, to Gulfstream G400 Customer Bulletin No. 238A, dated June 15, 2017.

(i) Revise Limitations Section

Insert the documents listed in paragraphs (h)(1) through (5) of this AD into the Instructions for Continued Airworthiness of the Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual), as applicable. The revised limitations sections establish inspections of the repaired MLG side brace actuator fittings.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures

found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD.

(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) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (g) through (i) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact William O. Herderich, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5547; fax: (404) 474–5605; email: *william.o.herderich@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) Gulfstream G350 Customer Bulletin Number 192A, dated June 15, 2017, that incorporates Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016.

(ii) Gulfstream G450 Customer Bulletin 192A, dated June 15, 2017, that incorporates Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016.

(iii) Gulfstream IV Customer Bulletin Number 238A, dated June 15, 2017, that incorporates Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016.

(iv) Gulfstream G300 Customer Bulletin Number 238A, dated June 15, 2017, that incorporates Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016.

(v) Gulfstream G400 Customer Bulletin Number 238A, dated June 15, 2017, that incorporates Appendix A, Gulfstream Document GIV–SGER–553, Revision A, Instructions for Continued Airworthiness for Gulfstream Repair Drawing SE05732102, dated December 14, 2016.

(3) For Gulfstream Aerospace Corporation service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31402–2206; telephone: (800) 810–4853; fax 912–965–3520; email: *pubs@gulfstream.com*; internet: *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm*.

(4) You may view this service information at FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on June 5, 2018.

David R. Showers,

Aircraft Certification Service, Acting Deputy Director, Policy and Innovation Division, AIR–601.

[FR Doc. 2018–12519 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0610; Airspace Docket No. 17–AEA–13]

RIN 2120–AA66

Revocation of Class E Airspace; Seven Springs, PA, and Amendment of Class E Airspace; Somerset, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on April 20, 2018, amending and removing Class E airspace at Seven Springs, PA, by correcting the geographic coordinates in the legal description of Class E airspace extending upward from 700 feet or more above the surface for Somerset County Airport.

DATES: Effective 0901 UTC, July 19, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (83 FR 17480, April 20, 2018) for Doc. No. FAA–2017–0610, amending Class E airspace extending upward from 700 feet or more above the surface at Somerset County Airport, Somerset, PA. Subsequent to publication, the FAA found that the geographic coordinates of the airport listed in the description under Class E airspace area extending upward from 700 feet above the surface were incorrect. This action corrects the error.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of April 20, 2018 (83 FR 17480) FR Doc. 2018–08037, the amendment of Class E Airspace for Somerset County Airport, Somerset, PA, is corrected as follows:

§ 71.1 [Amended]

AEA PA E5 Somerset, PA [Amended]

■ On page 17481, column 3 line 22, remove (Lat. 40°02′20″ N, long. 79°00′54″ W) and add in its place (Lat. 40°02′19″ N, long. 79°00′55″ W).

Issued in College Park, Georgia, on May 31, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–12411 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0755; Airspace Docket No. 17–AEA–11]

RIN 2120–AA66

Revocation and Amendment of Class E Airspace, Philipsburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E surface airspace at Mid-State Airport, as the airport no longer qualifies for surface airspace. Also, this action removes Class E airspace extending upward from 700 feet above the surface at Philipsburg Area Hospital Heliport, as the Hospital has closed. Controlled airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at Mid-State Airport.

DATES: Effective 0901 UTC, July 19, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends and removes Class E airspace in the Philipsburg, PA, area to support IFR operations.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 1584, January 12, 2018) for Docket No. FAA–2017–0755 to remove Class E surface airspace at Mid-State Airport as the airport no longer qualifies for the airspace. Also, the Class E airspace extending upward from 700 feet or more above the surface surrounding Philipsburg Area Hospital Heliport is removed as the hospital has closed. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraphs 6002 and 6005, respectively, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes Class E surface airspace at Mid-State Airport as the airport no longer qualifies for the airspace. Also, this action amends Class E airspace extending upward from 700 feet or more above the surface at Phillipsburg, PA, by removing the controlled airspace area surrounding Philipsburg Area Hospital Heliport as the hospital has closed.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA PA E2 Philipsburg, PA [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA PA E5 Philipsburg, PA [Amended]

Mid-State Airport, PA
(Lat. 40°53′04″ N, long. 78°05′14″ W)
Philipsburg VORTAC
(Lat. 40°54′59″ N, long. 77°59′34″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Mid-State Airport extending clockwise from the 261° bearing to the 012° bearing from the airport and within a 7.4-mile radius of Mid-State Airport extending clockwise from the 012° bearing to the 098° bearing from the airport and within a 6.6-mile radius of Mid-State Airport extending clockwise from the 098° bearing to the 183° bearing from the airport, and within a 8.3-mile radius of Mid-State Airport extending clockwise from the 183° bearing to the 261° bearing from the airport and within 3.1 miles each of the Philipsburg VORTAC 067° radial extending from the VORTAC to 10 miles northeast of the VORTAC, and within 3.5 miles each side of the 327° bearing from a point at lat. 40°53′09″ N, long. 78°05′06″ W, extending from said point to a point 7.4 miles northwest, and within 2.2 miles each side of the Philipsburg VORTAC 330° radial extending from the VORTAC to 5.3 miles northwest of the VORTAC and within 3.1 miles each side of the Philipsburg VORTAC 301° radial extending from the VORTAC to 10 miles northwest of the VORTAC.

Issued in College Park, Georgia, on May 31, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Operations Support Group.

[FR Doc. 2018–12410 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 65

[Docket ID: DOD–2017–OS–0046]

RIN 0790–AJ94

Post-9/11 GI Bill

AGENCY: Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of Defense (DoD) regulation concerning the Post-9/11 GI Bill. In 2009, when first published, this part included significant information explaining the entire program, including the responsibilities of both DoD and the Department of Veterans Affairs (VA). When the part was revised at 78 FR 34251 on June 7, 2013, however, it only addressed DoD responsibilities, as VA responsibilities are now addressed in that agency's regulations. All burdens and responsibilities pertaining to persons who are not members of the Uniformed Services are addressed in VA regulations, and repeal of this regulation will have no effect on VA regulations. Repealing this rule supports website best practices because the public user is linked to the original and appropriate source, VA. This rule is internal to DoD and should be removed.

DATES: This rule is effective on June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Patricia Leopard at 571–256–0590.

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

DoD internal guidance concerning the Post-9/11 GI Bill will continue to be published in DoD Instruction 1341.13, ''Post-9/11 GI Bill'' available at *http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134113p.pdf.*

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

List of Subjects in 32 CFR Part 65

Armed forces, Education.

PART 65—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 65 is removed.

Dated: June 6, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–12457 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 290

[Docket ID: DOD–2017–OS–0020]

RIN 0790–AJ61

Defense Contract Audit Agency (DCAA) Freedom of Information Act Program

AGENCY: Defense Contract Audit Agency, DoD.

ACTION: Final rule.

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

DATES: This rule is effective on June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Keith Mastromichalis at 571–448–3153.

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

DCAA internal guidance concerning the implementation of the FOIA within DCAA will continue to be published in DCAA Instruction No. 5410.8 (available at *http://www.dcaa.mil/Content/Documents/DCAAI_5410.8.pdf*).

This rule is one of 14 separate DoD FOIA rules. With the finalization of the DoD-level FOIA rule at 32 CFR part 286,

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

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

List of Subjects in 32 CFR Part 290

Freedom of information.

PART 290—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 290 is removed.

Dated: June 6, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–12475 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 538

[Docket ID: USA–2018–HQ–0007]

RIN 0702–AA91

Military Payment Certificates

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning Military Payment Certificates (MPC) which are no longer used by the Federal Government nor DoD based on U.S. Treasury guidance and use of Smart Card technology. MPC's were discontinued in the late 1990's based on the U.S. Treasury determining that the remaining stock from the Vietnam War could no longer be used and it would take several years to replace them with new MPCs. The Army determined that going forward, the EagleCash Stored Value Card (SVC) will be used in lieu of MPC.

DATES: This rule is effective on June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. G. Eric Reid at (317) 212–2223 or *george.e.reid2.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest. EagleCash is now used in support of operations in the Central Command, European Command, and Southern Command theaters by personnel from all Services and DoD civilians. Policy on use of the SVC is embedded in the DoD Financial Management Regulation (DoD 7000.14–R) Volume 5, Chapter 10 (*http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_05.pdf*). Army doctrine using the SVC is in Field Manual 1–06, Financial Management Operations (*http://armypubs.army.mil/ProductMaps/PubForm/FM.aspx*). The Treasury is in the final stage of development of a new EagleCash program which will be used by all Services for both initial entry training and operations.

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

List of Subjects in 32 CFR Part 538

Currency, Military personnel, Wages.

PART 538—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 538 is removed.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–12500 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0481]

Drawbridge Operation Regulation; Hudson River, Troy and Green Island, New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Highway (Green Island) Bridge across the Hudson River, mile 152.7, at Troy and Green Island, New York. This temporary deviation is necessary to allow the bridge to remain in the closed-to-navigation position to facilitate deck replacement.

DATES: This deviation is effective from 12:01 a.m. on June 19, 2018, to 11:59 p.m. on September 6, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0481 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard, telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: The New York State Department of Transportation, the bridge owner, requested a temporary deviation from the normal operating schedule of the bridge to facilitate deck replacement. The Highway (Green Island) Bridge across the Hudson River, mile 152.7, has a vertical clearance in the closed position of 29 feet at mean high water. The existing bridge operating regulations are listed at 33 CFR 117.791(e).

Under this temporary deviation, the Highway (Green Island) Bridge shall remain in the closed position from 12:01 a.m. on June 19, 2018 to 11:59 p.m. on July 13, 2018, and from 12:01 a.m. on August 17, 2018 to 11:59 p.m. on September 6, 2018.

The waterway is transited by commercial and recreational traffic. The bridge owner and contractor notified known commercial vessel operators that transit the area and there were no objections to this temporary deviation. Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

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

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

Dated: June 5, 2018.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–12426 Filed 6–8–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0458]

RIN 1625–AA00

Safety Zone; Corpus Christi Bay, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of Corpus Christi Bay near the Corpus Christi Marina in Corpus Christi, TX. The safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created by the City of Corpus Christi's Big Bang Fireworks event. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi or designated representative.

DATES: This rule is effective from 8:30 p.m. through 9:50 p.m. on July 4, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0458 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Kevin Kyles, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5125, email *Kevin.L.Kyles@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable. This safety zone must be established by July 4, 2018 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the scheduled date of the fireworks and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is necessary to ensure the safety of vessels and persons during the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the Big Bang Fireworks display on July 4, 2018, will be a safety concern for anyone within a 1,000-foot radius of the fireworks launch site near Corpus Christi Marina. This rule is necessary to ensure the safety of persons, vessels, and the marine environment before, during, and after the scheduled fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8:30 p.m. through 9:50 p.m. on July 4, 2018. The safety zone covers all navigable waters within 1,000 feet of the fireworks launch location on a barge near the Corpus Christi Marina at the approximate position 27°48′05″ N, 097°23′13″ W in Corpus Christi, TX. The duration of the zone is intended to protect the public from hazards associated with fireworks display before, during, and after the scheduled fireworks display. No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Persons or vessels seeking to enter the safety zone must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which will impact less than a 1,000-foot designated area of the Corpus Christi Bay for two hours on one evening when vessel traffic is normally low. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNMs) via VHF–FM marine channel 16 about the zones, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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 only 2 hours that will prohibit entry within 1,000 feet of the fireworks launch location. 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.T08–0458 to read as follows:

§ 165.T08–0458 Safety Zones; Corpus Christi Bay, Corpus Christi, TX.

(a) *Location.* The following area is a safety zone: All navigable waters encompassing a 1,000-foot radius around a fireworks launch barge in the approximate position 27°48′05″ N, 097°23′13″ W near the Corpus Christi Marina in Corpus Christi, TX.

(b) *Effective period.* This section is effective from 8:30 p.m. through 9:50 p.m. on July 4, 2018

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into these zones is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

(2) Persons or vessels seeking to enter the safety zones must request permission from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2018–12511 Filed 6–8–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0519]

RIN 1625–AA00

Safety Zone; LAZ Trommler Fireworks, Sandusky Bay, Marblehead, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Captain of the Port Detroit Zone on Sandusky Bay, in the vicinity of Marblehead, OH. This Zone is intended to restrict vessels from portions of the Sandusky Bay for the LAZ Trommler Fireworks Display. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port Detroit, or his designated representative. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

DATES: This regulation is effective from 9 p.m. on July 4, 2018 until 10:30 p.m. on July 5, 2018.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2018–0519. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email MST1 Ryan Erpelding, Waterways Department, Marine Safety Unit Toledo, Coast Guard; telephone (419) 418–6037, email *Ryan.G.Erpelding@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

I. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The event sponsor notified the Coast Guard with insufficient time to accommodate the comment period. Thus, delaying the effective date of this rule to wait for the comment period to run would be impracticable and contrary to the public interest because it would prevent the Captain of the Port Detroit from keeping the public safe from the hazards associated with a maritime fireworks displays.

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**. Waiting for a 30-day effective period to run is impracticable and contrary to the public interest for the reasons discussed in the preceding paragraph.

II. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Detroit (COTP) has determined that potential hazards associated with fireworks displays starting after 9:30 p.m. on July 4, 2018 will be a safety concern for anyone within a 500 foot radius of the launch site. The likely combination of recreational vessels, darkness punctuated by bright flashes of light, and fireworks debris falling into the water presents risks of collisions which could result in serious injuries or fatalities. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the fireworks display.

III. Discussion of the Rule

This rule establishes a safety zone that will be enforced from 9 p.m. until 10:30 p.m. on July 4, 2018 with a rain date of July 5, 2018 from 9 p.m. until 10:30 p.m. The safety zone will encompass all U.S. navigable waters of the Sandusky Bay within a 500 foot radius of the fireworks launch site located at position 41°30′16″ N, 083°48′08″ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the fireworks display. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sector Detroit or his designated representative. The Captain of the Port, Sector Detroit or his designated representative may be contacted via VHF Channel 16.

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

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This regulatory action determination is based on the size, location, and duration of the safety zone. The majority of vessel traffic will be able to safely transit around the safety zone, which will impact only a portion of the Sandusky Bay in Marblehead, OH for a short period time. Under certain conditions, moreover, vessels may still

transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, 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 90 minutes that will prohibit entry within a 500 foot radius from where a fireworks display will be conducted. 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 record keeping 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.T09–0519 to read as follows:

§ 165.T09–0519 Safety Zone; LAZ Trommler Fireworks, Sandusky Bay, Marblehead, OH.

(a) *Location.* The following area is a temporary safety zone: All U.S. navigable waters of the Sandusky Bay within a 500 foot radius of the fireworks launch site located at position 41°30′16″ N 083°48′08″ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Enforcement period.* This regulation will be enforced from 9 p.m. until 10:30 p.m. on July 4, 2018 with a rain date of July 5, 2018 from 9 p.m. until 10:30 p.m. The Captain of the Port Detroit, or a designated representative may suspend enforcement of the safety zone at any time.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated representative.

(3) The ''designated representative'' of the Captain of the Port Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Detroit to act on his behalf. The designated representative of the Captain of the Port Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port Detroit or his designated representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall

contact the Captain of the Port Detroit or his designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Detroit or his designated representative.

Dated: June 6, 2018.

Jeffrey W. Novak,

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

[FR Doc. 2018–12517 Filed 6–8–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 222, 237, and 252

[Docket DARS–2018–0032]

RIN 0750–AJ66

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Clause ''Right of First Refusal of Employment-Closure of Military Installations'' (DFARS Case 2018–D002)

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

ACTION: Final rule; correction.

SUMMARY: DoD is making a correction to the final rule published on May 30, 2018, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) to remove a clause that is duplicative of an existing Federal Acquisition Regulation (FAR) clause. The document contained an incorrect RIN number.

DATES: Effective June 8, 2018.

Applicable beginning May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION: In the final rule published at 83 FR 24892 on May 30, 2018, in the third column, the following correction is made to this rule:

The RIN number cited, RIN 0750–AJ54, is corrected to read RIN 0750–AJ66.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

[FR Doc. 2018–12492 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 390 and 391

[Docket No. FMCSA–2016–0333]

RIN 2126–AB97

Process for Department of Veterans Affairs (VA) Physicians To Be Added to the National Registry of Certified Medical Examiners

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

ACTION: Final rule.

SUMMARY: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish an alternative process for qualified advanced practice nurses, doctors of chiropractic, doctors of medicine, doctors of osteopathy, physician assistants, and other medical professionals who are employed in the VA and are licensed, certified, or registered in a State to perform physical examinations (qualified VA examiners) to be listed on the Agency's National Registry of Certified Medical Examiners, as required by the Fixing America's Surface Transportation (FAST) Act and the Jobs for Our Heroes Act. After successful completion of online training and testing developed by FMCSA, these qualified VA examiners will become certified VA medical examiners who can perform medical examinations of, and issue Medical Examiner's Certificates to, commercial motor vehicle operators who are military veterans enrolled in the VA healthcare system. This rule will reduce the costs for qualified VA examiners to be listed on the National Registry.

DATES: This final rule is effective August 10, 2018. Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 11, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Medical Programs Division, MC–PSP, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or by telephone at (202) 366–4001 or by email, *fmcsamedical@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

This final rule is organized as follows:

I. Rulemaking Documents
A. Availability of Rulemaking Documents
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II. Executive Summary
A. Purpose of the Amendments
B. Summary of Major Provisions
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III. Abbreviations and Acronyms
IV. Legal Basis for the Rulemaking
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A. National Registry of Certified Medical Examiners
B. Medical Examiner's Certification Integration
VI. December 1, 2016, Proposed Rule
VII. Discussion of Comments Received on the Proposed Rule
VIII. Explanation of Changes From the NPRM
IX. Section-by-Section Analysis
X. Regulatory Analyses
A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
B. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
C. Regulatory Flexibility Act
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E. Unfunded Mandates Reform Act of 1995
F. Paperwork Reduction Act
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H. E.O. 12988 (Civil Justice Reform)
I. E.O. 13045 (Protection of Children)
J. E.O. 12630 (Taking of Private Property)
K. Privacy
L. E.O. 12372 (Intergovernmental Review)
M. E.O. 13211 (Energy Supply, Distribution, or Use)
N. E.O. 13783 (Promoting Energy Independence and Economic Growth)
O. E.O. 13175 (Indian Tribal Governments)
P. National Technology Transfer and Advancement Act (Technical Standards)
Q. Environment (NEPA, CAA, Environmental Justice)

I. Rulemaking Documents

A. Availability of Rulemaking Documents

For access to docket FMCSA–2016–0333 to read background documents and comments received, go to *http://www.regulations.gov* at any time, or to Docket Services at U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Executive Summary

A. Purpose of the Amendments

This final rule amends the FMCSRs to establish an alternative process for

qualified VA examiners to be listed on the Agency's National Registry of Certified Medical Examiners (National Registry), as required in the FAST Act, Public Law 114–94, div. A, title V, section 5403, Dec. 4, 2015, 129 Stat. 1312, 1548, as amended by the Jobs for Our Heroes Act, Public Law 115–105, section 2, Jan. 8, 2018, 131 Stat. 2263 (set out as a note to 49 U.S.C. 31149). Under current regulations, in order to become a certified medical examiner (ME) and to be listed on the National Registry, an individual must complete training in person or online and pass a test administered at an FMCSA-approved testing center. Under today's final rule, after successfully completing training and passing a test, both of which will be provided by FMCSA and delivered through a web-based training system operated by the VA, these qualified VA examiners become certified VA MEs. Certified VA MEs are only allowed to conduct medical examinations of, and issue Medical Examiner's Certificates (MECs) to, commercial motor vehicle (CMV) drivers who are veterans enrolled in the healthcare system established under 38 U.S.C. 1705(a) (veteran operators). This rule will reduce the costs for qualified VA examiners to be listed on the National Registry. This rule also makes changes to the registration requirements applicable to all MEs and eliminates the 30-day waiting period before retesting.

B. Summary of Major Provisions

FMCSA amends the FMCSRs to establish an alternative process for qualified VA examiners to be listed on the National Registry. To be eligible to be listed on the National Registry as a certified VA ME, an individual must: (1) Be an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional currently employed in the VA; (2) be licensed, certified, or registered in a State to perform physical examinations; (3) register on the National Registry website and receive a National Registry number; (4) be familiar with FMCSA's standards and physical requirements for a CMV operator requiring medical certification by completing training provided by FMCSA and delivered through a web-based training system operated by the VA; (5) pass the ME certification test provided by FMCSA and administered through a web-based training system operated by the VA; and (6) never have been found to have ''acted fraudulently'' with respect to certification of a CMV operator, including by fraudulently awarding an MEC. After fulfilling the foregoing requirements, qualified VA examiners are listed on the National Registry and become certified VA MEs.[1] This final rule limits certified VA MEs to conduct medical examinations of, and issue MECs to, veteran operators only. The final rule clarifies the proposal in the notice of proposed rulemaking (NPRM) that when a certified VA ME is no longer employed in the VA, he or she must update the registration information in his or her National Registry account on the National Registry website within 30 days of leaving employment in the VA.

C. Benefits and Costs

The Agency estimates that costs of the final rule would be minimal, with an annualized value of $117,000 at a 7 percent discount rate. The costs would consist of Federal government information technology (IT)-related expenses, Help Desk operating costs, and curriculum and testing development. The Agency estimates cost savings to the qualified VA examiners of $345,000, annualized at a 7 percent discount rate. The cost savings result from the elimination of tuition costs and travel time and expenses. The resulting annual net costs of the rule are –$228,000, or alternatively, a net cost savings of $228,000. Additional non-quantifiable cost savings may result from the increased availability of certified VA MEs to veteran operators who receive medical examinations through the VA.

III. Abbreviations and Acronyms

ACOEM American College of Occupational and Environmental Medicine
ATA American Trucking Associations
CAA Clean Air Act
CE Categorical Exclusion
CFR Code of Federal Regulations
CMV Commercial Motor Vehicle
DOT Department of Transportation
E.O. Executive Order
FMCSA Federal Motor Carrier Safety Administration
FMCSRs Federal Motor Carrier Safety Regulations
FAST Act Fixing America's Surface Transportation Act
FR Federal Register
IRS Internal Revenue Service
IT Information Technology
ME Medical Examiner
MEC Medical Examiner's Certificate, Form MCSA–5876
MER Form Medical Examination Report Form, MCSA–5875
National Registry National Registry of Certified Medical Examiners
NEPA National Environmental Policy Act
NPRM Notice of Proposed Rulemaking
NYSCA New York State Chiropractic Association
OIG Office of Inspector General
OMB Office of Management and Budget
OOIDA Owner-Operator Independent Drivers Association, Inc.
PII Personally Identifiable Information
PIA Privacy Impact Assessment
PTA Privacy Threshold Assessment
§ Section symbol
U.S.C. United States Code
VA Department of Veterans Affairs

IV. Legal Basis for the Rulemaking

The legal authority for this final rule is derived from 49 U.S.C. 31136 and 31149, as supplemented by section 5403 of the FAST Act, as amended. Section 31136(a)(3) requires that operators of CMVs be physically qualified to operate safely, as determined and certified by an ME listed on the National Registry. Section 31149(d) requires FMCSA to ensure that MEs listed on the National Registry are qualified to perform the physical examinations of CMV operators and to certify that such operators meet the physical qualification standards. To ensure that MEs are qualified for listing on the National Registry, 49 U.S.C. 31149(c)(1)(D) requires them to receive training based on core curriculum requirements developed by FMCSA in consultation with the Medical Review Board (established under 49 U.S.C. 31149(a)), to pass a certification examination, and to demonstrate an ability to comply with reporting requirements established by FMCSA.

Section 5403 of the FAST Act supplements the general provisions of section 31149. Section 5403 originally provided an alternative process for a ''qualified physician'' employed in the VA to be listed on the National Registry and to perform medical examinations of veteran operators who require an MEC. FMCSA interpreted the term ''physician'' in the NPRM to mean a doctor of medicine or a doctor of osteopathy.

The Jobs for Our Heroes Act amended section 5403(d)(2) by expanding eligibility to use the alternative process to a ''qualified examiner.'' The Act defines the term to mean an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional who is employed in the VA and licensed, certified, or

[1] For ease, FMCSA is using the term ''qualified VA examiner'' to refer to a VA advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional who is licensed, certified, or registered in a State to perform physical examinations prior to becoming certified and listed on the National Registry. The term ''certified VA ME'' refers to a VA advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional who is licensed, certified, or registered in a State to perform physical examinations once he or she has been certified and listed on the National Registry.

registered in a State to perform physical examinations. To be qualified for listing on the National Registry, such individual must be familiar with the physical standards and requirements for operators of CMVs. He or she must also never have been found to have acted fraudulently with respect to an MEC for a CMV operator. Certified VA MEs on the National Registry may only perform examinations on, and issue MECs to, veterans enrolled in the healthcare system operated by the VA.

The Jobs for Our Heroes Act and its expanded definition of the medical professionals who could utilize the alternative process proposed in the NPRM was enacted after FMCSA published the NPRM on December 1, 2016. Ordinarily, agencies may promulgate final rules only after issuing an NPRM and providing an opportunity for public comment (5 U.S.C. 553). But when a final rule is a logical outgrowth of the NPRM because it provided fair notice that the issue was being considered by the Agency, no additional notice and opportunity to comment is required. *Long Island Care at Home, Ltd.* v. *Coke,* 551 U.S. 158, 174–75 (2007) and cases there cited.

There also is general authority to adopt regulations to implement these provisions from both 49 U.S.C. 31136(a) and 49 U.S.C. 31149(e). Such authority has been delegated to the Administrator of FMCSA by 49 CFR 1.87.

Before prescribing any regulations, however, FMCSA must consider their ''costs and benefits'' (49 U.S.C. 31136(c)(2)(A) and 31502(d)). These factors are discussed elsewhere in this preamble.

V. Background

A. National Registry of Certified Medical Examiners

Prior to the National Registry, there was no Federally-required training and testing program for the medical professionals who conducted driver medical examinations, although the FMCSRs required MEs to be knowledgeable about the regulations (49 CFR 391.43(c)(1)). Specific knowledge of the Agency's physical qualification standards was not required or verified by testing. Thus, some of the medical professionals who conducted these examinations may not have been as familiar with FMCSA's physical qualification standards and how to apply them as the Agency had intended. These medical professionals also may have been unaware of the mental and physical rigors that accompany the occupation of CMV driver, and how various medical conditions (and the therapies used to treat them) can affect the ability of drivers to safely operate CMVs.

In 2012, FMCSA issued a final rule establishing the National Registry (77 FR 24104, April 20, 2012) to improve highway safety and driver health by requiring that MEs be trained and certified so they can effectively determine whether a CMV driver's medical fitness for duty meets FMCSA's standards. The program implements the requirements of 49 U.S.C. 31149 and requires MEs who conduct physical examinations for CMV drivers to meet the following criteria: (1) Complete certain training concerning FMCSA's physical qualification standards; (2) pass a test to verify an understanding of those standards; and (3) maintain and demonstrate competence through periodic training and testing. Following the establishment of the National Registry, the FMCSRs were amended to require drivers to be examined and certified by only those MEs listed on the National Registry, and to allow only MECs issued by MEs listed on the National Registry to be accepted as valid proof of a driver's medical certification.

To be listed on the National Registry, MEs are required to attend an accredited training program and pass a certification test to assess their knowledge of FMCSA's physical qualification standards and how to apply them to drivers. To maintain their certification and listing on the National Registry, MEs are required to complete periodic training every 5 years and pass a recertification test every 10 years. They are also required to submit to FMCSA, monthly, via their individual password-protected National Registry account, a CMV Driver Medical Examination Results Form, MCSA–5850, for each medical examination conducted and to retain the original Medical Examination Report (MER) Form and a copy of the MEC for at least 3 years from the date of the examination.

As of May 31, 2017, there were 54,171 certified MEs listed on the National Registry. Between May 21, 2014 and May 31, 2017, essentially the first 3 years of the National Registry, 16,227,352 examinations were conducted. Of the examinations conducted, 13,638,849 were of commercial driver's license holders and 2,588,503 were of non-commercial driver's license holders. In contrast, as of May 31, 2017, there were only 114 certified MEs listed on the National Registry who were employed in the VA. Between May 21, 2014 and May 31, 2017, certified MEs who were employed in the VA conducted 14,260 examinations. Through this rulemaking, we hope to increase the number of VA examiners and the number of CMV drivers they examine.

B. Medical Examiner's Certification Integration

On April 23, 2015, FMCSA published the Medical Examiner's Certification Integration final rule (80 FR 22790), a follow-on rule to the National Registry, which requires MEs performing medical examinations of CMV drivers to use a newly developed MER Form, MCSA–5875, in place of the former MER Form and to use Form MCSA–5876 for the MEC. In the future, certified MEs will be required to report results of all CMV drivers' physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. For commercial learner's permit and commercial driver's license applicants/holders, FMCSA will electronically transmit driver identification, examination results, and restriction information from the National Registry to the State Driver Licensing Agencies. FMCSA will also electronically transmit medical variance information for all CMV drivers to the State Driver Licensing Agencies. MEs will still be required to provide CMV drivers who do not require a commercial learner's permit/commercial driver's license with an original paper MEC, Form MCSA–5876.

VI. December 1, 2016, Proposed Rule

As required by section 5403 of the FAST Act, FMCSA consulted with the Secretary of Veterans Affairs and published an NPRM on December 1, 2016 (81 FR 86673). The NPRM proposed an alternative process for qualified VA physicians to be included on FMCSA's National Registry so they could perform medical examinations of CMV drivers who are veteran operators and issue MECs to qualified drivers. Qualified VA physicians would be listed on the National Registry after registering on the National Registry website and completing training and testing comparable to that required of other medical professionals, but provided by FMCSA and delivered through a web-based training system operated by the VA. FMCSA estimated the total quantifiable cost savings of the proposed rule per qualified VA physician seeking to become a certified VA ME to be $519. This estimate is the sum of the projected savings of $459 in travel time costs and $60 in travel expenses. Upon successful completion, certified VA MEs would only be

allowed to conduct medical examinations of, and issue MECs to, veteran operators. Certified VA MEs would also be subject to the other provisions of 49 CFR part 390, subpart D, required of all certified MEs listed on the National Registry.

The NPRM outlined certain eligibility requirements. Based on section 5403, prior to its amendment, this proposal applied to qualified VA physicians who are either doctors of medicine or doctors of osteopathy. Additionally, qualified VA physicians must never have been found to have ''acted fraudulently'' with respect to certification of a CMV operator, including fraudulently awarding an MEC. As for licensure requirements, the proposal specified that qualified VA physicians may be able to practice in VA facilities in all States without being licensed, certified, or registered in each State. This requirement is in line with the VA handbook, which does not specify that physicians must be licensed in each State where they practice medicine. Assuming they meet the licensure requirements prescribed by statute and VA policy, they may practice at any VA facility, regardless of its location or the practitioner's State of licensure.

As proposed, qualified VA physicians must be familiar with FMCSA's standards and physical requirements for a CMV operator requiring medical certification. This would be accomplished by completing training based on the core curriculum specifications that would be provided by FMCSA [2] and delivered through a web-based training system operated by the VA. As for testing, qualified VA physicians must pass a comparable certification test provided by FMCSA and administered through a web-based training system operated by the VA. The passing grade received by each qualified VA physician would be electronically transmitted from the web-based training system to the National Registry System for posting to the physician's National Registry account.

The proposed rule required qualified VA physicians who become certified VA MEs to maintain their medical licensure, registration, and certification records. However, because certified VA MEs may be able to practice in additional States without being licensed, registered, or certified in each State, the NPRM only required certified VA MEs to maintain documentation of State licensure, registration, or certification to perform physical examinations, without reference to each State in which the physician performs examinations.

The proposal limited certified VA MEs to conducting medical examinations of only veteran operators while employed in the VA. If a certified VA ME is no longer employed in the VA, but would like to remain listed on the National Registry, the physician must update his or her registration information within 30 days or submit such a change in registration information prior to conducting any medical examination of a CMV driver or issuing any MECs. Pursuant to its broad authority under 49 U.S.C. 31149(c)(1)(D), FMCSA proposed to recognize the training received by qualified VA physicians as comparable to that received by other medical professionals, thus allowing such physicians to continue to be listed on the National Registry. But physicians wishing to continue such listing must be licensed to perform physical examinations in any State where examinations of CMV drivers will be conducted. Therefore, after the registration is updated, the previously certified VA ME becomes a certified ME who may perform medical examinations and issue certificates to any CMV driver in the certified ME's State(s) of licensure.

In addition, the NPRM proposed two changes to the existing requirements for becoming a certified ME. To receive ME certification from FMCSA, prior to taking the training and testing, the NPRM required a person to register on the National Registry System and receive a unique identifier. This has always been how the National Registry System has operated and is the first step in becoming a certified ME, but it was not specifically included in the regulation. Moreover, the NPRM proposed to remove the prohibition against an applicant taking the certification test more than once every 30 days, because the regulation does not specify any actions that must be taken within the 30-day waiting period.

VII. Discussion of Comments Received on the Proposed Rule

Overview of Comments

In response to the December 2016 NPRM, FMCSA received 173 comments. Many commenters were individuals, most of whom identified themselves as certified MEs and healthcare professionals. Among other commenters were the following: 10 professional chiropractic associations including the Kentucky Association of Chiropractors, Federation of Chiropractic Licensing Boards, American Chiropractic Association, California Chiropractic Association, Iowa Chiropractic Society, Illinois Chiropractic Association, New York State Chiropractic Association (NYSCA), New York Chiropractic Council, Association of New Jersey Chiropractors, and the Association of Chiropractic Colleges; three other healthcare provider professional associations including the American Academy of Physician Assistants, American Association of Nurse Practitioners, and American College of Occupational and Environmental Medicine (ACOEM); and three trucking industry associations including the Owner-Operator Independent Drivers Association, Inc. (OOIDA), National School Transportation Association, and the American Trucking Associations (ATA).

Five commenters expressed overall support for the proposed rule and four commenters expressed opposition to the rule. Many commenters expressed neither support nor opposition to the rule in its entirely; instead, they offered recommendations or voiced concerns.

Most commenters opposed the proposal that a qualified VA physician must be either a doctor of medicine or doctor of osteopathy currently employed in the VA. Other commenters found the rule unnecessary or stated that it creates a duplicative process. Additionally, commenters said that by developing an alternative process for qualified physicians employed in the VA to be listed on the National Registry, FMCSA was creating an exception to the National Registry process of certifying MEs. Another issue commenters highlighted was the burden that would be placed on the VA by conducting these medical examinations. Commenters also had questions and concerns regarding the training and testing of qualified VA physicians. One commenter disagreed with the estimated savings associated with the alternative process for being listed on the National Registry. Finally, several commenters raised concerns that are outside the scope of this rulemaking.

Qualified VA Physicians—Doctors of Medicine or Doctors of Osteopathy

Comments: Many commenters objected to the provisions of the proposed rule that a qualified VA physician must be either a doctor of medicine or a doctor of osteopathy. Most of these commenters requested that a doctor of chiropractic employed in the VA be considered a qualified VA physician so they could use the proposed process and become a certified VA ME. Some commenters requested

[2] *See* 78 FR 28403 (May 17, 2011) and *https://www.regulations.gov/document?D=FMCSA-2008-0363-0096.*

that all categories of medical professionals currently eligible to be listed on the National Registry be allowed to participate in the proposed process if they are employed in the VA.

Several commenters stated that the proposed process is discriminatory, and a waste of resources and obvious experience of medical professionals who are not included in the alternative process, which will lead to increased costs for veterans and a shortage of medical professionals available to perform the medical examinations in the VA. Many commenters pointed out that chiropractors, nurse practitioners, and physician assistants are already allowed on the National Registry and urged that they should not be excluded from this rule.

The NYSCA recognized that the language of the FAST Act ''tied'' the Agency's ''hands statutorily.'' Furthermore, the NYSCA stated it is up to Congress ''to change the relevant law underpinning the regulatory proposal.'' In contrast, other commenters stated that the statute does not limit the process to doctors of medicine or osteopathy, and that the proposal has gratuitously added such a limitation. Given that Congress did not limit the term ''physician'' to medical and osteopathic doctors, the commenters asserted that it is consistent with the statute to include chiropractors as ''physicians'' under the proposed rule and is likely more representative of Congress's intent. OOIDA questioned whether limiting the definition of physician to only doctors of medicine and osteopathy, and not applying the criteria set forth in 49 CFR 390.103, is too restrictive to match the Congressional intent. Within their comment, they provided a hyperlink to a letter by three members of Congress to the Administrator of FMCSA, which stated that regulatory barriers that make it needlessly difficult for veterans to secure jobs in the trucking industry should be eliminated. Other commenters contended that the term ''qualified physician'' was intended to be the same as the categories included in 49 CFR 390.103, subject only to the provisions of section 5403(d)(2) of the FAST Act.

Two commenters urged that chiropractors should be included in the definition of ''physician'' because the Federal government already includes chiropractors as physicians in the Medicare program or in regulations issued by the Department of Labor's Office of Workers' Compensation Programs.

Several commenters stated that the scope of practice and classification of chiropractors varies by State. For example, one commenter reported that 46 States allow chiropractors to perform medical examinations. Several commenters noted that many States include chiropractors in their definition of ''physician.'' In Illinois, chiropractors are licensed under the same Medical Practice Act as medical and osteopathic physicians and considered full physicians with the right to perform medical examinations. In West Virginia, chiropractors are also recognized as physicians who may perform medical examinations. In Iowa, chiropractors are considered ''primary care providers.'' One commenter stated that the Joint Commission, which accredits and certifies healthcare organizations, recently changed its stance on chiropractors and now recognizes them as physicians. Three commenters contended that the proposed rule would inappropriately invade or conflict with the authority of State legislatures and licensing boards to determine what is within a doctor of chiropractic's scope of practice. The NYSCA acknowledged that, while chiropractors are licensed as physicians in many jurisdictions of the United States, they are recognized as ''limited license physicians.''

FMCSA Response: This final rule recognizes and incorporates the amendments made to section 5403(d)(2) of the FAST Act by the Jobs for Our Heroes Act. As such, in addition to doctors of medicine and osteopathy as proposed in the NRPM, advanced practice nurses, doctors of chiropractic, physician assistants, and other medical professionals employed in the VA are eligible to use the alternative process for becoming certified and listed on the National Registry, provided they are licensed, certified, or registered in a State to perform physical examinations.

Subsequent to the publication of the NPRM, Congress enacted the Jobs for Our Heroes Act on January 8, 2018. The Act amends section 5403(d)(2) of the FAST Act by replacing the term ''qualified physician'' with ''qualified examiner.'' The Act now defines ''qualified examiner'' to mean, in relevant part, an individual who: (A) Is employed in the VA as an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional; and (B) is licensed, certified, or registered in a State to perform physical examinations. As such, the categories of VA medical professionals who are eligible to use the alternative process are identical to the categories of medical professionals set forth in 49 CFR 390.103 who are eligible to perform medical examinations.

In view of the numerous comments directed to the proposed rule limiting participation in the alternative process for being listed on the National Registry to physicians, it was clear that this was a matter under consideration by FMCSA. Now that the Congressional action amending section 5403 has directly addressed the issue as well, the Agency can adopt a final rule that is a logical outgrowth of the NPRM by responding to the comments and incorporating the statutory amendments without the need for additional public comment.

Duplicative Rule

Comments: Several commenters stated that the proposed rule was duplicative and unnecessary. Some stated that there is already a system in place for qualified physicians to become certified and listed on the National Registry. There is no need to create a regulation that will set up and maintain a separate training and testing program outside the already functioning and capable FMCSA program.

FMCSA Response: As stated in the NPRM, these changes to the FMCSRs are in response to the FAST Act requirement set forth in section 5403(c), as amended, that FMCSA ''develop a process for qualified examiners to perform a medical examination and provide a medical certificate under subsection (a) and include such examiners on the national registry of medical examiners established under section 31149(d) of title 49, United States Code'' (49 U.S.C 31149 note). FMCSA believes that the process as established in this final rule meets the requirement of the FAST Act.

Creating an Exception to the National Registry Certification Process

Comments: Several commenters stated that the proposed rule would create an exception to the National Registry process for becoming a certified ME and subvert the purpose of the National Registry by creating an exempted class. One commenter noted that allowing any government organization to perform medical examinations of veteran operators has the appearance of being self-serving and going around the system, rather than through its many safeguards and qualifications. Most commenters on this subject agreed that providers who work for the VA should be treated the same as all other providers and should be held to the same standards by following the same procedures for becoming certified and listed on the National Registry. Additionally, ATA asked if VA-certified MEs would also be subject

to periodic training and testing requirements; as they did not feel the proposal addressed this critical issue.

FMCSA Response: FMCSA does not believe that this alternative process is creating an exempted class or undermining the existing system. This final rule provides an option that allows qualified VA examiners to be listed on the Agency's National Registry so that veterans enrolled in the VA healthcare system will have the convenience of obtaining medical examinations where they receive their healthcare. As stated elsewhere in this final rule, the training and testing the qualified VA examiners must complete is comparable to what other medical professionals must complete to be listed on the National Registry. Finally, to address ATA's concerns, once a qualified VA examiner is certified and listed on the National Registry, he or she will be subject to the same requirements for periodic training every 5 years and for testing every 10 years. Certified VA MEs' performance will be subject to the same FMCSA review and compliance as other MEs.

Burden on the VA

Comments: Several commenters believed that this rule will further burden the overtaxed VA clinics and hospitals. They stated that the VA budget is already stretched, and that the work it will take to implement this rule is a waste of taxpayer's money. One commenter stated this rule will be detrimental to the VA healthcare system; it will be a significant expense to the VA, but only offer a modest savings to veterans. Some commenters stated that they do not believe the VA should be taking over the civilian community businesses that have developed over the last 20 years. Another commenter stated that local small businesses will lose clients.

FMCSA Response: The FAST Act directs FMCSA to work with the VA to develop a process that will allow veterans enrolled in the VA healthcare system to receive medical examinations in the VA. Therefore, FMCSA and the VA must develop such a process.

The statute specifically adopts the definition of veteran set forth in 38 U.S.C. 101 and the priority of enrollment in the VA healthcare system established under 38 U.S.C. 1705(a). As such, the statute does not increase the number of veterans who are eligible to obtain healthcare from the VA. The medical benefits package available to qualifying veterans already includes the completion of forms and periodic medical examinations. *See* 38 CFR 17.38(a)(1)(xv) and (a)(2)(i). Therefore, a new veteran benefit is not created.

FMCSA does not see this rule as a burden on the VA clinics and hospitals. Qualified VA examiners are not being forced to use this process or to become certified and listed on the National Registry. This rule is being implemented to make it more convenient for qualified VA examiners to become certified and, therefore, to provide veterans with increased access to certified MEs.

FMCSA, in consultation with the VA, estimates that VA's only costs will be interface development of $129,000 in the first year. FMCSA will incur all other costs. Total savings to veterans will depend on how many qualified VA examiners take advantage of this process and become certified and listed on the National Registry and how many medical examinations they perform.

The Agency notes, based on its consultation with the VA, that not all veterans are eligible to receive healthcare from the VA. Moreover, the rule does not require veterans who are eligible to receive healthcare from the VA to obtain their medical examinations from the VA. The rule also does not prohibit non-VA MEs from providing medical examinations for veterans.

Comments: One commenter stated that the VA will have to increase spending and revise its IT systems to interface with the States to transmit data regarding qualified VA test results. He further stated that the potential IT issues arising from this data transmission are huge because of government computer system firewalls. Another commenter believed that the VA's resources would be better allocated toward medical treatment for our nation's veterans.

FMCSA Response: There is no provision in this rule that will require the VA to revise its IT system to interface with the States to transmit the data. Certified VA MEs will submit driver examination results to FMCSA through their individual password-protected National Registry accounts, just like any other certified ME. *See* 49 CFR 391.43(g). The transmission of the MEC information will be between the National Registry and the States, not the certified ME and the States.

Comments: The comments included a statement that FMCSA is forcing the VA's most valuable healthcare providers, the physicians and osteopaths, to become certified MEs. A commenter believed that when a veteran needs necessary medical treatment, the medical doctor will be too busy performing medical examinations.

FMCSA Response: FMCSA notes that this final rule does not require any VA medical professional to become a certified ME or to conduct medical examinations. Those VA physicians who meet the qualifications are eligible, but not required, to become certified and listed on the National Registry. Moreover, the amendments made by the Jobs for Our Heroes Act expand eligibility to use the alternative process to advance practice nurses, doctors of chiropractic, and physician assistants, which allows the VA, if it wishes, to provide medical examinations in a manner that is most efficient and consistent with its healthcare delivery model.

Additionally, as stated elsewhere in this final rule, section 5403(c) of the FAST Act, as amended, requires FMCSA to ''develop a process for qualified examiners to perform a medical examination and provide a medical certificate under subsection (a) and include such examiners on the national registry of medical examiners established under section 31149(d) of title 49, United States Code'' (49 U.S.C. 31149 note). This rule does not change the existing requirements or process for becoming certified and listed on the National Registry and does not prevent those certified MEs currently listed on the National Registry from providing services to veterans.

Comments: The comments expressed concern regarding the oversight of VA physicians. It was stated that, presumably, the only people with access to VA physicians are veterans who are registered with the VA and are seeking medical certification. Because most DOT Office of Inspector General (OIG) agents are not veterans, FMCSA will have a significant challenge getting its OIG agents into VA facilities to conduct investigations. It was also stated that it is unreasonable to believe that the quality of care at VA clinics and hospitals will not be adversely affected, and safety concerns will not be overlooked.

FMCSA Response: FMCSA would work collaboratively with the OIG to ensure access when necessary. With respect to oversight of the certified VA MEs, FMCSA monitors and audits certified MEs listed on the National Registry, which will include certified VA MEs, and may request access to all medical examination records when there is a need to review such documents.

Training

Comments: Several commenters believed that the Agency proposed different training requirements for qualified VA physicians.

ACOEM stated that the core content of any training should include at least the minimum requirements specified in the core curriculum announced in the April

2012 final rule. It stated that the training should also make certain potential examiners aware of other sources of information, such as information developed by the Medical Review Board and the Motor Carrier Safety Advisory Committee, as well as medical literature, which could be consulted when no official guidance is available from FMCSA. ACOEM believed it would be a disservice to both the military veterans and the motoring public if the certified VA MEs are less aware of the regulations, guidelines, and current literature, as well as the roles, responsibilities, and risks of operating CMVs than MEs trained under the existing process. Commenters said many VA physicians have never performed medical examinations for CMV drivers, and those who have performed such medical examinations did a poor job.

One commenter stated that different training requirements give the appearance of impropriety. The commenter continued to explain that with all the training options available, VA physicians should be able to choose their training from the same training options available to all others seeking National Registry certification.

Some commenters suggested that VA physicians would be better served by attending live training. Another commenter stated that ''to allow the VA to self train or train over the internet would diminish the quality of care provided,'' and that to expand its authority without requiring the same training for qualified VA physicians is dangerous and poorly conceived.

FMCSA Response: We stated in the NPRM that FMCSA will be providing the VA with an interactive, web-based training course and will include at least the following: (1) An overview of all FMCSA medical standards; (2) an overview of how the Federal medical exemption programs factor into the qualification decision; (3) an administrative component that includes an overview of the driver examination forms; and (4) information regarding the use of the National Registry and the National Registry System. To clarify, these four modules will be based on the same core curriculum specifications published with the April 2012 final rule. The training will focus on the standards for physical qualifications and the physical requirements for an operator of a CMV, as required by section 5403(d)(2)(B) of the FAST Act. Therefore, all certified MEs will receive comparable training. While the specific training content and delivery method are not prescribed by FMCSA, and no two training organizations offer the identical training, qualified VA examiners will not receive training that minimizes the substantive content of the program.

With respect to the commenter who stated that training options available to VA physicians would be limited, qualified VA examiners may choose or utilize either of the training options outlined in part 390 subpart D. FMCSA has added language in the final rule to explain this choice. It was not the intent of FMCSA to limit the choices of a qualified VA examiner; it was to provide an alternative, comparable training option.

FMCSA disagrees that qualified VA examiners would be better served by attending live training. Under the existing National Registry process, medical professionals may take the training exclusively online. FMCSA does not believe that it should impose a burden on qualified VA examiners that is not imposed on other prospective MEs. Moreover, the assumption that the web-based VA process will diminish the quality of medical examinations or that it is a poorly conceived concept is misguided. As discussed above, FMCSA will be overseeing the development of the training and will ensure that it is comparable to training received through private training organizations.

FMCSA also disagrees that allowing ''the VA to self train'' and that different training requirements for the qualified VA examiners give the appearance of impropriety. As discussed above, the training requirements for qualified VA examiners are comparable to the existing training requirements. In addition, under the existing regulations, any hospital system, occupational health consortium, or professional association that meets the requirements of § 390.105 is allowed to develop its own training program and to administer it to its employees or members in a comparable manner. Moreover, the FAST Act directs FMCSA to establish a process for qualified VA examiners to be listed on the Agency's National Registry. For all the reasons discussed above, FMCSA believes that the web-based training is a reasonable and efficient means of satisfying that directive.

Testing

Comments: A number of commenters believed that the Agency proposed different testing requirements for qualified VA physicians. Many commenters were concerned that the test for qualified VA physicians would be different than the test other examinees take. The commenters stated it is only fair that all examinees be treated exactly the same and take the same test. Some commenters objected to online testing. One commenter noted that the existing proctored system of testing was developed to ensure security of the process and should not be different for qualified VA physicians. In contrast, other commenters urged that online testing be available to all examinees.

OOIDA commented that testing should ''remain on par with the private sector and accessible so as to not frustrate the purpose of Section 5403.'' It also suggested that metrics be established to evaluate whether the developed process fulfills the Congressional intent.

FMCSA Response: The qualified VA examiners will take a certification test drawn from the same question bank FMCSA develops and provides to private testing organizations; therefore, all examinees will be treated the same with respect to the certification test taken. The passing grade will be the same for all MEs.

FMCSA notes that the existing regulations allow testing organizations to provide remote, computer-based testing for examinees (*see* 49 CFR 390.107(b)); therefore, the web-based testing for qualified VA examiners is contemplated by the existing regulations. FMCSA acknowledges, however, that none of the private testing organizations currently offer computer-based testing.

Because all Federal departments and agencies, including both FMCSA and the VA, are required to ensure compliance with the Federal Information System Management Act, National Institute of Standards and Technology, Office of Management and Budget (OMB), and all applicable laws, directives, policies, and directed actions on a continuing basis to maintain the security and privacy of all Federal information systems and the data contained in those systems, the security of the test will be as secure as the testing administered in a proctored environment by a private testing organization. In addition, FMCSA and the VA will be directly overseeing the security process to control access, and to confirm the identity of the person taking the examination and his or her eligibility to take the examination.

OOIDA's comment regarding an evaluation of this new process is beyond the scope of this rulemaking. However, FMCSA already has a method of evaluating all medical professionals listed on the National Registry, as described in the final rule published on April 20, 2012 (77 FR 20124). A similar review process will also apply to certified VA MEs.

Costs

Comments: ACOEM stated that one of the concerns of the FAST Act was a lack of access by veterans to certified MEs, which ACOEM stated was based on an assumption that time and travel costs prevent VA physicians from being trained under the National Registry requirements. ACOEM stated that it disagreed with the estimated savings associated with an alternative process, as noted in the NPRM. It stated that, because many training programs are offered partially or entirely online, travel costs (or time away from work) are virtually eliminated. It believed that the relative cost of subsidizing qualified VA physicians to complete a distance learning training program, as compared to FMCSA developing and maintaining a training program (including periodic updates as new guidance, regulations, or other information becomes available), would most likely be comparable.

FMCSA Response: FMCSA disagrees with ACOEM's comment. While online training programs are available, no data are available regarding the degree to which VA MEs who are currently listed on the National Registry (or who would obtain training toward that end in the baseline) received online versus classroom training. ACOEM provides no data on which FMCSA should revise the 50/50 split in the baseline between online and classroom training. The ''50/50 split'' here refers to the estimate in both the 2011 regulatory evaluation of the National Registry final rule and again in the NPRM and this final rule that 50 percent of healthcare professionals seeking to become certified MEs would complete the required training and testing online, while the remaining 50 percent would participate in classroom-based training. The 50/50 split was utilized to be consistent with the Agency's projections in the December 2011 regulatory evaluation of the National Registry final rule. The regulatory evaluation for today's final rule estimates average savings—specific to training, not testing—of 1.5 hours of travel time (valued at $153) and 35 miles of mileage expenses (valued at $20.13) per participating qualified VA examiner, or $173.13 in total. The remainder of the $519 average savings per participating qualified VA examiner consists of savings from the elimination of travel time and mileage expenses resulting from the online testing component of this final rule, as online testing, although permitted, is not being offered, and therefore is not included in the baseline. In the absence of credible studies or surveys that might suggest otherwise, the Agency maintains that the use of the 50/50 split and the consequent $173.13 savings estimate for training are reasonable.

FMCSA makes no claim that the relative cost of an FMCSA-developed online training program is less than the relative cost of subsidizing qualified VA examiners to complete distance learning training programs. While the cost to society for a qualified VA examiner to complete online training through a third party versus through FMCSA may be comparable, the FAST Act directs FMCSA to develop and implement a process. FMCSA believes that the process as established in this final rule is the most convenient option for qualified VA examiners.

Outside the Scope of This Rulemaking

A number of respondents submitted comments suggesting adjustments to the proposed rule that are not consistent with section 5403(d)(2) of the FAST Act as amended. As such, they are outside the scope of this rulemaking; therefore, a response is not required. For example, one commenter asked whether, as a certified ME on the National Registry, he could apply to the VA to perform examinations for veterans. Another commenter suggested that a better option than the proposed rule may be to contract with preferred private certified MEs at a discounted rate, potentially providing more robust coverage and lower total program costs. One commenter stated that this rule should include those who use the VA healthcare system who are not veterans, such as spouses of veterans. Finally, a commenter suggested that existing MEs offer a reduced fee to do medical examinations for veterans.

VIII. Explanation of Changes From the NPRM

Most significantly, the final rule incorporates the amendments made to section 5403(d)(2) of the FAST Act by the Jobs for Our Heroes Act. As such, the final rule reflects that, in addition to doctors of medicine and osteopathy as proposed in the NRPM, advanced practice nurses, doctors of chiropractic, physician assistants, and other medical professionals employed in the VA are eligible to use the alternative process for becoming certified and listed on the National Registry, provided they are licensed, certified, or registered in a State to perform physical examinations. Otherwise, the final rule makes minimal changes to the proposed regulatory text. Most are minor editorial changes to improve clarity.

As discussed above, many commenters thought the proposed rule applied to the existing process to become certified and listed on the National Registry. Considering these comments, FMCSA has determined that greater clarity will result if the alternative process for qualified VA examiners is set out in a stand-alone group of rules in subpart D. As such, the final rule sets forth new §§ 390.123 through 390.135 that implement the alternative process for qualified VA examiners. While the organization of the regulatory text in the final rule differs from the NPRM, only a few clarifying or conforming changes were made to the substance of the alternative process for qualified VA examiners. A new § 390.101(b) is added in the final rule. It explains that a qualified VA examiner may be listed on the National Registry by satisfying the requirements for medical examiner certification set forth in either § 390.103 or § 390.123.

Another change from the NPRM focuses on the process or actions a certified VA ME must take when he or she is no longer employed by the VA. Upon review, the Agency noted that the proposed regulatory text was unclear and inconsistent with FMCSA's intent. The final rule makes clarifying changes in § 390.131 to specify that a certified VA ME must inform FMCSA through his or her National Registry account of any changes in registration information, including that the certified VA ME is no longer employed in the VA, within 30 days of the change. FMCSA also adds a new paragraph (c) to clarify the requirements if a previously certified VA ME would like to remain listed on the National Registry.

The definitions in § 390.5, other than the definition of ''veteran operator,'' are changed to incorporate the amendments made by the Jobs for Our Heroes Act. FMCSA adds identical definitions to § 390.5T, a temporary regulation. In January 2017, FMCSA suspended certain regulations relating to a new electronic Unified Registration System. The suspended regulations were replaced by temporary provisions that contain the requirements in place on January 13, 2017 (*Unified Registration System; Suspension of Effectiveness,* 82 FR 5292, 5311, Jan. 17, 2017). Section 390.5 is one of the suspended sections. As the temporary provisions of § 390.5T are in effect, it is necessary to add the definitions to that section as well.

The final rule makes conforming changes to the existing regulations to reflect that new sections have been added to subpart D. In particular, ''this subpart'' is changed in the existing regulatory text to ''§§ 390.103 through 390.115'' in each place that it appears.

IX. Section-by-Section Analysis

The final rule makes the following changes to the NPRM:

Part 390

Section 390.5 Definitions

In the definition of a certified VA medical examiner, ''physician'' is changed to ''examiner''. ''Qualified VA physician'' is changed to ''Qualified VA medical examiner''. The phrase ''a doctor of medicine or a doctor of osteopathy'' is replaced in the definition by ''an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional''. The clause ''is licensed, certified, or registered in a State to perform physical examinations;'' is inserted as the second clause. The definition of veteran operator remains as proposed. The definitions are added to this temporarily suspended section.

Section 390.5T Definitions

The definitions, as revised, for § 390.5 are added to this temporary section.

Section 390.101 Scope

The final rule designates the existing paragraph as paragraph (a) and adds a new paragraph (b) identifying the provisions for the alternative processes for qualified VA examiners to be certified and listed on the National Registry.

Section 390.103 Eligibility Requirements for Medical Examiner Certification

In the final rule, FMCSA inserts a center heading prior to the section. Proposed paragraph (a)(1)(ii) is redesignated as paragraph (a)(2) and several clarifying changes have been made to that paragraph. ''Before taking the training provided below'' is moved to the end of the clause, and ''provided below'' is changed to ''that meets the requirements of § 390.105''. ''System'' is changed to ''website''. ''Unique identifier'' is deleted and ''National Registry number'' is inserted. Other than the redesignation of paragraphs and these minor formatting and editorial revisions, the section remains as proposed.

Section 390.105 Medical Examiner Training Programs

The final rule moves proposed paragraph (c) to new § 390.125 and otherwise leaves § 390.105 unchanged.

Section 390.107 Medical Examiner Certification Testing

The final rule moves proposed paragraph (e) to new § 390.127 and otherwise leaves § 390.107 unchanged.

Section 390.109 Issuance of the FMCSA Medical Examiner Certification Credential

FMCSA makes a conforming change to this section by deleting ''with a unique National Registry Number''.

Section 390.111 Requirements for Continued Listing on the National Registry of Certified Medical Examiners

The final rule moves proposed paragraphs (a)(2)(ii), (a)(3)(ii), and (a)(4)(ii) to new § 390.131. The section otherwise remains as proposed.

Section 390.113 Reasons for Removal From the National Registry of Certified Medical Examiners

The final rule removes the phrase ''this subpart'' from the introductory paragraph and paragraph (e) of this section, and adds in its place ''§§ 390.103 through 390.115''.

Section 390.115 Procedures for Removal From the National Registry of Certified Medical Examiners

The final rule moves proposed paragraphs (d)(2)(v) and (f)(4)(ii) to new § 390.135. The section otherwise remains as proposed.

Section 390.123 Medical Examiner Certification for Qualified Department of Veterans Affairs Examiners

The final rule inserts a center heading before the section and adds a new section setting out the eligibility requirements for qualified VA examiners. FMCSA made changes in this section corresponding to the registration changes made in § 390.103.

Section 390.125 Qualified VA Examiner Certification Training

The final rule adds a new section setting out the alternative training for qualified VA examiners.

Section 390.127 Qualified VA Examiner Certification Testing

The final rule adds a new section setting out the alternative testing for qualified VA examiners.

Section 390.129 Issuance of the FMCSA Medical Examiner Certification Credential

The final rule adds a new section that is analogous to § 390.109 and includes the conforming change deleting ''with a unique National Registry Number''.

Section 390.131 Requirements for Continued Listing of a Certified VA Medical Examiner on the National Registry of Certified Medical Examiners

The final rule adds a new section that is analogous to § 390.111 for certified VA medical examiners. FMCSA clarifies in paragraph (a)(2) that it applies to certified VA MEs and adds paragraph (c) to provide the requirements for a previously certified VA ME to remain listed on the National Registry.

Section 390.133 Reasons for Removal of a Certified VA Medical Examiner From the National Registry of Certified Medical Examiners

The final rule adds a new section that is analogous to § 390.113 for certified VA medical examiners.

Section 390.135 Procedure for Removal of a Certified VA Medical Examiner From the National Registry of Certified Medical Examiners

The final rule adds a new section that is analogous to § 390.115 for certified VA medical examiners. FMCSA clarifies that paragraphs (d)(2)(ii) and (f)(2) apply to certified VA MEs. Other than the redesignation of paragraphs and minor clarifying references, the section remains as proposed in § 390.115.

Part 391

Section 391.43 Medical Examination; Certificate of Physical Examination

This section remains as proposed.

X. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. Accordingly, OMB has not reviewed it under that Order. It is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, Feb. 26, 1979).

The Agency, however, has considered the total costs and benefits of this final rule and determined they are less than $100 million annually.

The objective of the final rule is to develop an alternative process to allow qualified VA examiners to perform

medical examinations for veteran operators and to list such examiners on the National Registry. Absent this final rule, qualified VA examiners may choose to become certified MEs listed on the National Registry; however, the cost of doing so is greater than under the final rule. As of May 31, 2017, there were 114 VA medical professionals certified and listed on the National Registry under the existing process, a small fraction of the 54,171 listed MEs.[3]

The standard requirements to become a certified ME are listed in § 390.103. The three requirements are that a person:

- Must be licensed, certified, or registered according to State laws and regulations to perform medical examinations;
- Must complete required training from a training organization; and
- Must pass the ME certification test at an FMCSA-approved testing center.

The final rule modifies these requirements to make training and testing readily accessible to qualified VA examiners. The Federal government will incur the following costs for the modification of these requirements: (1) Costs associated with the development of a web-based training and testing module, (2) IT costs required to construct an interface between the National Registry System and VA's web-based training system, and (3) operation of the National Registry Help Desk to assist qualified VA examiners with registration for, and completion of, the web-based training and testing.

FMCSA will be developing the web-based curriculum. The training will include a test at the end to ensure that qualified VA examiners seeking to become certified VA MEs complete the curriculum and fully understand the standards for, and physical requirements of, a CMV operator. Curriculum development is a one-time cost incurred in the first year and FMCSA, in consultation with the National Registry developer, estimates this cost will be no more than $200,000. FMCSA revised this estimate for the final rule to reflect the updated cost of the curriculum development.

FMCSA will modify the National Registry System so it will be able to accept qualified VA examiners' training and test results from the VA's web-based training system and post results to each qualified VA examiner's National Registry account. The VA and FMCSA are responsible for developing the interface between their respective IT systems. The interface will provide a seamless transfer of completed training and testing information for each registered qualified VA examiner to be listed on the National Registry. FMCSA, in consultation with the National Registry developer and the VA, estimates these costs to be $129,000 for each Agency, or a total of $258,000.

The National Registry Help Desk contractor will staff the National Registry Help Desk to provide technical support to qualified VA examiners going through the National Registry registration and certification process and respond to telephone, written, and email inquiries regarding National Registry certification from qualified VA examiners, veterans, motor carriers, and other interested parties. FMCSA, in consultation with the National Registry developer, estimates that costs for the first year of the contract will be $46,200 and that the costs will increase to $57,750 for each of years 2 through 10 of the analysis period.

The curriculum development, interface development, and Help Desk costs incurred by FMCSA over the 10-year analysis period are summarized in Table 1. Total costs over the 10-year period are estimated at $1.0 million on an undiscounted basis and $880,000 at a 7 percent discount rate. The annualized cost over the 10-year period is $117,000 at a 7 percent discount rate.

TABLE 1—ESTIMATED FEDERAL GOVERNMENT COSTS

[In 2015$]

Year	Curriculum development	FMCSA and VA interface development	Help Desk support	Total (undiscounted)	Total (3% discount rate)	Total (7% discount rate)
2018	$200,000	$258,000	$46,200	$504,200	$504,200	$504,200
2019	0	0	57,750	57,750	56,068	53,972
2020	0	0	57,750	57,750	54,435	50,441
2021	0	0	57,750	57,750	52,849	47,141
2022	0	0	57,750	57,750	51,310	44,057
2023	0	0	57,750	57,750	49,816	41,175
2024	0	0	57,750	57,750	48,365	38,481
2025	0	0	57,750	57,750	46,956	35,964
2026	0	0	57,750	57,750	45,588	33,611
2027	0	0	57,750	57,750	44,261	31,412
Total	200,000	258,000	565,950	1,023,950	953,848	880,455
Annualized					108,563	117,156

FMCSA also analyzed the cost savings for qualified VA examiners seeking to become certified VA MEs on the National Registry. These qualified VA examiners would incur reduced tuition costs and travel time and expenses as a result of this rule.

To estimate these cost savings, the Agency utilized estimated ME tuition and travel costs from the December 2011 regulatory evaluation of the National Registry final rule,[4] and adjusted them to 2015 dollars.

In the 2011 regulatory evaluation, the Agency estimated tuition costs of $440, in 2008 dollars, for each healthcare professional. By receiving the training via FMCSA's web-based curriculum, the qualified VA examiner will no longer incur tuition costs. FMCSA estimated the tuition cost savings by adjusting the $440 for inflation using the Implicit Price Deflator for Gross Domestic

[3] A total of 114 medical professionals employed in the VA were listed on the National Registry as of May 31, 2017. Nationwide, a total of 54,171 medical professionals were listed on the National Registry as of May 31, 2017. *See https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam* (Accessed May 31, 2017).

[4] The 2011 regulatory evaluation can be accessed at *https://www.regulations.gov/document?D=FMCSA-2008-0363-0115* (Accessed April 3, 2017).

Product as published by the Bureau of Economic Analysis on March 30, 2017. FMCSA estimates tuition cost savings of $488 for each healthcare professional ($488 = $440 × 1.108).[5]

In the 2011 regulatory evaluation, the Agency estimated that 50 percent of healthcare professionals seeking to become certified MEs would complete the required training and testing online, while the remaining 50 percent would participate in classroom-based training. At present, there are no testing providers offering online testing (although online testing is permitted). Adjusting for a 50/50 online versus classroom split for training and the current absence of online testing, FMCSA estimates that in the baseline, a qualified VA examiner seeking to become a certified VA ME would, on average, incur 4.5 hours of travel costs and 105 miles of vehicle mileage expenses.[6] Under the final rule, training and testing for qualified VA examiners will be online only, using the VA's web-based training system. This eliminates the travel costs and the vehicle mileage costs that would otherwise be incurred in the absence of the final rule. FMCSA quantifies the qualified VA examiner's opportunity cost of travel time using a representative wage rate for a qualified VA examiner. The Bureau of Labor Statistics (BLS) Occupational Employment Statistics, May 2015, data indicate the weighted average hourly wage rate for general practitioners, internists, physicians and surgeons, chiropractors, nurse practitioners, and physician assistants is $78.01.[7] FMCSA accounts for fringe benefits using data from the BLS Employer Costs for Employee Compensation database. Applying the fringe benefit markup of 31 percent results in an hourly wage rate of $102.19, rounded to $102 for purposes of this analysis.[8] At an average of 4.5 hours of travel time saved per participating qualified VA examiner, the final rule would provide a per-examiner travel time cost savings of $459 ($459 = 4.5 × $102, rounded to the nearest whole number).

FMCSA separately estimates the cost savings resulting from the average reduction of 105 miles of travel per qualified VA examiner under the final rule. Consistent with the approach of the 2011 regulatory evaluation for the National Registry final rule, the Agency monetizes this benefit using the standard Internal Revenue Service (IRS) mileage rate. The 2015 standard IRS mileage rate is 57.5 cents per mile.[9] By this measure, the per-qualified VA examiner travel expense savings is $60 ($60 = 57.5 cents per mile × 105 miles, rounded to the nearest whole number).

Each qualified VA examiner seeking to become a certified VA ME is estimated to incur a one-time cost savings of $1,007. This estimate is the sum of the projected savings of $488 in tuition costs, $459 in travel time, and $60 in travel expenses. It is important to note that the cost savings are limited to the elimination of tuition costs and travel time and expenses associated with initial ME certification training and testing requirements, and do not reflect subsequent refresher training and recertification testing required for all certified MEs.[10]

The total cost savings attributable to this final rule equals the expected annual number of VA medical professionals who would use this process to become certified multiplied by $1,007, discounted at a 7 percent discount rate.

FMCSA consulted with the VA regarding the expected annual number of VA medical professionals who would use this process to become a certified VA ME after the compliance date of this final rule. Because participation in the National Registry is voluntary, the VA does not have a direct estimate of this number, but expressed to FMCSA that it is motivated to encourage its qualified VA examiners to become certified VA MEs. It is, therefore, reasonable to assume an initial ''ramp-up'' period during the first 3 years following the compliance date of the final rule.

The VA has identified about 157 hospitals and 1,800 clinics at which it provides healthcare services. It anticipates that on completion of the ramp-up period, there will be 10 certified VA MEs per each of the 157 hospitals operated by the VA, and one certified VA ME at each of the 300 largest clinics (the 1,500 smaller clinics may share the services of certified VA MEs at VA hospitals). This results in a total of 1,870 certified VA MEs across all VA facilities (1,870 = 10 MEs per hospital × 157 hospitals + 1 ME per clinic × 300 clinics).

As of May 31, 2017, there were 114 VA medical professionals on the National Registry. To reach the projected level of 1,870 certified VA MEs, the VA would need 585 qualified VA examiners to become certified VA MEs in each of the first 3 years (585 = (1,870 − 114) ÷ 3). Some of these certified VA MEs will leave the VA due to attrition and job transfers, and will need to be replaced by new certified VA MEs. FMCSA estimates the turnover rate for certified VA MEs using data from the Office of Personnel Management (OPM). OPM provides publicly available data at the Agency level on the Federal Civilian Workforce through the FedScope Data Cubes. FMCSA reviewed Veterans Health Administration total employee counts[11] and counts of employee separations[12] for the three relevant medical occupations (0602—Medical Officer, 0603—Physician Assistant, and 0610—Nurse) and found that the turnover rate for these occupations averaged 9 percent over the last 5 fiscal years.

The total number of qualified VA examiners becoming certified VA MEs in years 1 through 3 of the analysis is the sum of the 585 certified VA MEs needed for the ramp-up period and the number that replaces those who leave due to attrition or job transfer. FMCSA estimates the number of certified VA MEs who leave the National Registry by applying the 9 percent turnover rate to the total number of certified VA MEs on the National Registry in the previous year.[13] For example, in year 1, the number of qualified VA examiners that become certified VA MEs due to

[5] U.S. Department of Commerce (DOC), Bureau of Economic Analysis (BEA). ''National Income and Products Accounts (NIPA), Section 1, Table 1.1.9: Implicit Price Deflators for Gross Domestic Product.'' Published March 30, 2017. FMCSA adjusted the tuition cost value using a multiplier of 1.108 (1.108 ≈ 109.998/99.246).

[6] 4.5 hours assumes 3 hours roundtrip travel for training (incurred by 50 percent of qualified VA examiners) and 3 hours of roundtrip travel for testing (for 100 percent of qualified VA examiners). 4.5 hours = (3 × 0.50 + 3 × 1.0). 105 miles of travel by vehicle assumes a 70-mile roundtrip distance for training (incurred by 50 percent of qualified VA examiners) and a 70-mile roundtrip distance for testing (incurred by 100 percent of qualified VA examiners). 105 = (70 × 0.50 + 70 × 1.0). Distance and time inputs are consistent with those in the 2011 regulatory evaluation of the National Registry final rule.

[7] *See https://www.bls.gov/news.release/archives/ocwage_03302016.pdf* (Accessed May 24, 2017).

[8] The 31 percent fringe benefit markup is obtained from BLS series ''All Civilian Total benefits for Professional and related occupations; Percent of total compensation'' and corresponds to the Q1 2016 value.

[9] *See https://www.irs.gov/tax-professionals/standard-mileage-rates/* (Accessed April 3, 2017).

[10] Both 49 CFR 390.111(a)(5)(i) and (ii) and new 49 CFR 390.131(a)(5)(i) and (ii) require MEs to complete periodic training every 5 years after the date of issuance of their credential, and complete training and testing every 10 years after the date of issuance of their credential.

[11] U.S. Office of Personnel Management. FedScope Employment Trend (Year-to-Year) Data Cube, Fiscal Year 2012 through Fiscal Year 2016. Available at: *https://www.fedscope.opm.gov/* (Accessed August 10, 2017).

[12] U.S. Office of Personnel Management. FedScope Separations Trend (FY 2011–FY 2017) Data Cube, Fiscal Year 2012 through Fiscal Year 2016. Available at: *https://www.fedscope.opm.gov/* (Accessed August 10, 2017).

[13] Qualified *VA Examiners Joining NRCME to Replace Attrition*$_t$ = *Certified VA MEs Registered on the NRCME*$_{t-1}$ × 9%.

attrition is equal to 10 (10 = 114 × 9%). In year 2, the number of qualified VA examiners that become certified VA MEs due to attrition is equal to 61 (61 = (114 + 585) × 9%).

As shown in the table below, this would result in an annualized cost savings of approximately $345,000, which is greater than the annualized cost of the rule estimated at approximately $117,000. Therefore, this rule would result in an annualized net cost savings of approximately $228,000.

TABLE 2—POTENTIAL COST SAVINGS AND NET COST SAVINGS

Year	Potential number of certified VA MEs who join the national registry A	Cost savings per 1 qualified VA examiner (7% discount rate) B	Total cost savings (7% discount rate) C = A × B	Total costs (7% discount rate) D	Net cost savings E = −D + C
2018	595	($941)	($559,783)	$471,215	($88,568)
2019	646	(879)	(568,004)	50,441	(517,563)
2020	697	(822)	(572,754)	47,141	(525,612)
2021	163	(768)	(125,181)	44,057	(81,124)
2022	163	(718)	(116,992)	41,175	(75,817)
2023	163	(671)	(109,338)	38,481	(70,857)
2024	163	(627)	(102,185)	35,964	(66,221)
2025	163	(586)	(95,500)	33,611	(61,889)
2026	163	(548)	(89,252)	31,412	(57,840)
2027	163	(512)	(83,413)	29,357	(54,056)
Total	3,079	(7,070)	(2,422,402)	822,855	(1,599,547)
Annualized	.....	(1,007)	(344,896)	117,156	(227,740)

Notes:
(a) Total cost values may not equal the sum of the components due to rounding (the totals shown in this column are the rounded sum of unrounded components).
(b) Values shown in parentheses are negative values (*i.e.*, less than zero), and represent a decrease in cost or a cost savings.

The final rule may result in non-quantifiable cost savings to veteran operators if it increases the availability of and access to certified VA MEs. This may reduce waiting periods for appointments for veteran operators enrolled in the VA healthcare system. Shorter waiting periods may expedite a veteran operator's ability to begin driving for personal income. This rule supports the distribution of benefits and services offered to veterans enrolled in the VA healthcare system and encourages veterans to live active and productive lives stemming from gainful employment. Research supports that being gainfully employed contributes to physical and mental health and well-being.[14] Easing access to employment and the associated wellness benefits to veterans may decrease the aggregate demand for VA healthcare services. Also, the potential addition of certified VA MEs on the National Registry in closer proximity to a veteran operator's residence may reduce the cost of travel time and the use of a personal vehicle for those veteran operators seeking to be examined by a certified VA ME. The Agency lacks data on the number of veterans enrolled in the VA healthcare system now, or in the future, who might realize cost savings from this process. Therefore, FMCSA is unable to quantify cost savings that may be incurred by veteran operators.

B. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)

This final rule is considered an E.O. 13771 deregulatory action.[15] The present value of the cost savings of this rule, measured on an infinite time horizon at a 7 percent discount rate, is $2.1 million. Expressed on an annualized basis, the cost savings are $147,000. These values are expressed in 2016 dollars.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 847, 857), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and 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.[16] Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

In accordance with section 603(a) of the RFA, FMCSA completed an Initial Regulatory Flexibility Analysis to assess the impact of the NPRM on small entities. Although FMCSA received numerous public comments on the NPRM for this rule, there were no comments specific to the Initial Regulatory Flexibility Analysis. The Chief Counsel for Advocacy of the Small Business Administration did not file comments in response to the proposed rule.

Section 604(a) of the RFA requires the Agency to prepare a Final Regulatory Flexibility Analysis to assess the impact of the final rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

This rule will affect a subset of qualified VA examiners, the VA, and

[14] Waddell, Gordon and Burton, A Kim. 2006. *Is Working Good For Your Health and Well Being?* Available at: *http://iedereen-aandeslag.nl/wp-content/uploads/2016/07/hwwb-is-work-good-for-you.pdf* (Accessed March 6, 2017).

[15] Executive Office of the President. *Executive Order 13771 of January 30, 2017. Reducing Regulation and Controlling Regulatory Costs.* 82 FR 9339–9341. Feb. 3, 2017.

[16] Regulatory Flexibility Act, Public Law 96–354, 94 Stat. 1164 (codified at 5 U.S.C. 601, *et seq.*).

FMCSA. Neither qualified VA examiners, the VA, nor FMCSA are considered small entities because they do not meet the definition of a small entity in section 601 of the RFA. Specifically, qualified VA examiners are considered neither a small business under section 601(3) of the RFA, nor are they considered a small organization under section 601(4) of the RFA. Neither the VA nor FMCSA are considered small governmental jurisdictions under section 601(5) of the RFA.

This rule will result in one-time cost savings for qualified VA examiners of approximately $1,000. The VA and FMCSA will incur combined costs of approximately $117,000, annualized at a 7 percent discount rate.

This rule will not affect small entities. Consequently, I hereby certify that the action will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this final rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Christine A. Hydock, listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

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 $156 million (which is the value equivalent of $100,000,000 in 1995, adjusted for inflation to 2015 levels) or more in any 1 year. Though this final rule will not result in any such expenditure, the Agency discusses the effects of this rule elsewhere in this preamble.

F. Paperwork Reduction Act

This final rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

G. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' FMCSA has determined that this rule does not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

H. E.O. 12988 (Civil Justice Reform)

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

I. E.O. 13045 (Protection of Children)

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), requires agencies issuing ''economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this final rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, the Agency does not anticipate that this regulatory action could in any respect present an environmental or safety risk that could disproportionately affect children.

J. E.O. 12630 (Taking of Private Property)

FMCSA reviewed this final rule in accordance with E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

K. Privacy

The E-Government Act of 2002, Public Law 107–347, 208, 116 Stat. 2899, 2921, requires Federal agencies to conduct a privacy impact assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, Public Law 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note, requires the Agency to conduct a PIA of a regulation that will affect the privacy of individuals. FMCSA has evaluated the risks and effects the rulemaking might have on collecting, storing, and sharing personally identifiable information (PII) and has evaluated protections and alternative information handling processes in developing the final rule to mitigate potential privacy risks. This rule will not require the collection of any new PII by the National Registry System, but will establish a new process of collection for a specific group of individuals. In accordance with this Act, a privacy impact analysis is warranted to address the new process for collection of PII contemplated in the final rule.

The Agency submitted a Privacy Threshold Assessment (PTA) analyzing the final rule and the specific process for collection of personal information to the DOT Office of the Secretary's Privacy Office for adjudication. Per the DOT Privacy Officer's adjudication of the PTA, the process to add qualified VA examiners to the National Registry creates a new privacy risk that must be managed appropriately. The current National Registry of Certified Medical Examiners PIA published on February 28, 2017, at *https://www.transportation.gov/individuals/privacy/privacy-impact-assessments,* will be reviewed and revised as appropriate to reflect the final rule and will be published not later than the date on which DOT initiates any of the collection activities contemplated in the final rule. The supporting National Registry PIA, available for review in the docket, gives a full and complete explanation of FMCSA practices for protecting PII in general and specifically

in relation to the system addressed in the final rule.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program. Per the PTA adjudication from the DOT Privacy Officer, the qualified VA examiners' registration records resulting from this rule are not unique and will be maintained and managed by FMCSA in accordance with the registration requirements identified in the planned update to the DOT/FMCSA 009—National Registry of Certified Medical Examiners (National Registry) System of Records Notice published in the **Federal Register** on April 23, 2012 (77 FR 24247).

Per the Privacy Act, FMCSA and DOT are required to publish in the **Federal Register** for at least 30 days a system of records notice (SORN) before it is authorized to collect or use PII retrieved by unique identifier. The current National Registry SORN will be reviewed and revised as appropriate to reflect the final rule and will be published concurrently with the final rule publication or not later than the date on which FMCSA begins collecting and/or using records consistent with the requirements of this rule. As the collected information will be stored in an existing FMCSA system of records, an additional SORN for this rule is not required.

L. E.O. 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this final rule.

M. E.O. 13211 (Energy Supply, Distribution, or Use)

FMCSA has analyzed this final rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

N. E.O. 13783 (Promoting Energy Independence and Economic Growth)

E.O. 13783 directs executive departments and agencies to review existing regulations that potentially burden the development or use of domestically produced energy resources, and to appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources. In accordance with E.O. 13783, DOT prepared and submitted a report to the Director of OMB that provides specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency action that burden domestic energy production. This final rule has not been identified by DOT under E.O. 13783 as potentially alleviating unnecessary burdens on domestic energy production.

O. E.O. 13175 (Indian Tribal Governments)

This rule does not have tribal implications under E.O. 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.

P. National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

Q. Environment (NEPA, CAA, Environmental Justice)

FMCSA analyzed this final rule for the purpose of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, March 1, 2004), Appendix 2, paragraph 6.d. The Categorical Exclusion (CE) in paragraph 6.d covers regulations concerning the training, qualifying, licensing, certifying, and managing of personnel. The requirements in this rule are covered by this CE and the action does not have any effect on the quality of the environment. The CE determination is available for review in the docket.

FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

Under E.O. 12898, each Federal agency must identify and address, as appropriate, ''disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations'' in the United States, its possessions, and territories. FMCSA evaluated the environmental justice effects of this final rule in accordance with the E.O., and has determined that no environmental justice issue is associated with this rule, nor is there any collective environmental impact that would result from its promulgation.

List of Subjects

49 CFR 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

49 CFR 391

Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Reporting and recordkeeping requirements, Safety, Transportation.

In consideration of the foregoing, FMCSA amends 49 CFR chapter III, parts 390 and 391, as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

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

Authority: 49 U.S.C. 504, 508, 31132, 31133, 31134, 31136, 31137, 31144, 31149, 31151, 31502; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; secs. 212 and 217, Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub. L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743; sec. 4136, Pub. L. 109–59, 119 Stat. 1144, 1745; secs. 32101(d) and 32934, Pub. L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113–125, 128 Stat. 1388; secs. 5403, 5518, and 5524, Pub. L. 114–94, 129 Stat. 1312,

1548, 1558, 1560; sec. 2, Pub. L. 115–105, 131 Stat. 2263; and 49 CFR 1.81, 1.81a, 1.87.

■ 2. Amend § 390.5 as follows:

■ a. Lift the suspension of the section;

■ b. Add definitions of ''Certified VA medical examiner'', ''Qualified VA examiner'', and ''Veteran operator'' in alphabetical order; and

■ c. Suspend § 390.5 indefinitely.

The additions read as follows:

§ 390.5 Definitions.

* * * * *

Certified VA medical examiner means a qualified VA examiner who has fulfilled the requirements for and is listed on the National Registry of Certified Medical Examiners.

* * * * *

Qualified VA examiner means an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional who is employed in the Department of Veterans Affairs; is licensed, certified, or registered in a State to perform physical examinations; is familiar with the standards for, and physical requirements of, an operator certified pursuant to 49 U.S.C. 31149; and has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

* * * * *

Veteran operator means an operator of a commercial motor vehicle who is a veteran enrolled in the health care system established under 38 U.S.C. 1705(a).

■ 3. Amend § 390.5T by adding the terms ''Certified VA medical examiner'', ''Qualified VA examiner'', and ''Veteran operator'' in alphabetical order to read as follows:

§ 390.5T Definitions.

* * * * *

Certified VA medical examiner means a qualified VA examiner who has fulfilled the requirements for and is listed on the National Registry of Certified Medical Examiners.

* * * * *

Qualified VA examiner means an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional who is employed in the Department of Veterans Affairs; is licensed, certified, or registered in a State to perform physical examinations; is familiar with the standards for, and physical requirements of, an operator certified pursuant to 49 U.S.C. 31149; and has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

* * * * *

Veteran operator means an operator of a commercial motor vehicle who is a veteran enrolled in the health care system established under 38 U.S.C. 1705(a).

■ 4. Revise § 390.101 to read as follows:

§ 390.101 Scope.

(a) The rules in this subpart establish the minimum qualifications for FMCSA certification of a medical examiner and for listing the examiner on FMCSA's National Registry of Certified Medical Examiners. The National Registry of Certified Medical Examiners is designed to improve highway safety and operator health by requiring that medical examiners be trained and certified to determine effectively whether an operator meets FMCSA physical qualification standards under part 391 of this chapter. One component of the National Registry is the registry itself, which is a national database of names and contact information for medical examiners who are certified by FMCSA to perform medical examinations of operators.

(b) A qualified VA examiner, as defined in either § 390.5 or § 390.5T, may be listed on the National Registry of Certified Medical Examiners by satisfying the requirements for medical examiner certification set forth in either § 390.103 or § 390.123.

Medical Examiner Certification Requirements

■ 5. Add an undesignated center heading before § 390.103 to read as set forth above.

■ 6. Amend § 390.103 by revising paragraph (a) to read as follows:

§ 390.103 Eligibility requirements for medical examiner certification.

(a) To receive medical examiner certification from FMCSA, a person must:

(1) Be licensed, certified, or registered in accordance with applicable State laws and regulations to perform physical examinations. The applicant must be an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional authorized by applicable State laws and regulations to perform physical examinations.

(2) Register on the National Registry website and receive a National Registry number before taking the training that meets the requirements of § 390.105.

(3) Complete a training program that meets the requirements of § 390.105.

(4) Pass the medical examiner certification test provided by FMCSA and administered by a testing organization that meets the requirements of § 390.107 and that has electronically forwarded to FMCSA the applicant's completed test information no more than 3 years after completion of the training program required by paragraph (a)(3) of this section.

* * * * *

§ 390.109 [Amended]

■ 7. Amend § 390.109 by removing the phrase ''with a unique National Registry Number''.

■ 8. Amend § 390.111 by revising paragraphs (a)(1) and (2) and (a)(5)(ii)(B) to read as follows:

§ 390.111 Requirements for continued listing on the National Registry of Certified Medical Examiners.

(a) * * *

(1) Continue to meet the requirements of §§ 390.103 through 390.115 and the applicable requirements of part 391 of this chapter.

(2) Report to FMCSA any changes in the registration information submitted under § 390.103(a)(2) within 30 days of the change.

* * * * *

(5) * * *

(ii) * * *

(B) Pass the test required by § 390.103(a)(4).

* * * * *

§ 390.113 [Amended]

■ 9. Amend § 390.113 by removing the phrase ''this subpart'' from the introductory text and paragraph (e) and adding in its place ''§§ 390.103 through 390.115''.

■ 10. Amend § 390.115 as follows:

■ a. By removing in paragraphs (c)(1)(i) and (ii), (c)(2)(i), (d)(2)(i), and (f)(1) the phrase ''this subpart'' and adding in its place the phrase ''§§ 390.103 through 390.115'' wherever it appears; and

■ b. By revising paragraphs (d)(2)(ii) and (f)(2).

The revisions read as follows:

§ 390.115 Procedures for removal from the National Registry of Certified Medical Examiners.

* * * * *

(d) * * *

(2) * * *

(ii) Report to FMCSA any changes in the registration information submitted under § 390.103(a)(2) within 30 days of the reinstatement.

* * * * *

(f) * * *

(2) Report to FMCSA any changes in the registration information submitted under § 390.103(a)(2).

* * * * *

■ 11. Add an undesignated center heading and §§ 390.123, 390.125, 390.127, 390.129, 390.131, 390.133, and 390.135 to subpart D to read as follows:

Subpart D—National Registry of Certified Medical Examiners

* * * * *

Medical Examiner Certification Requirements for Qualified Department of Veterans Affairs Examiners

Sec.

390.123 Medical examiner certification for qualified Department of Veterans Affairs examiners.
390.125 Qualified VA examiner certification training.
390.127 Qualified VA examiner certification testing.
390.129 Issuance of the FMCSA medical examiner certification credential.
390.131 Requirements for continued listing of a certified VA medical examiner on the National Registry of Certified Medical Examiners.
390.133 Reasons for removal of a certified VA medical examiner from the National Registry of Certified Medical Examiners.
390.135 Procedure for removal of a certified VA medical examiner from the National Registry of Certified Medical Examiners.

§ 390.123 Medical examiner certification for qualified Department of Veterans Affairs examiners.

(a) For a qualified VA examiner to receive medical examiner certification from FMCSA under §§ 390.123 through 390.135, a person must:

(1) Be an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional employed in the Department of Veterans Affairs;

(2) Be licensed, certified, or registered in a State to perform physical examinations;

(3) Register on the National Registry website and receive a National Registry number before taking the training that meets the requirements of § 390.125;

(4) Be familiar with FMCSA's standards for, and physical requirements of, a commercial motor vehicle operator requiring medical certification, by completing the training program that meets the requirements of § 390.125;

(5) Pass the medical examiner certification test provided by FMCSA, administered in accordance with § 390.127, and has had his or her test information forwarded to FMCSA; and

(6) Never have been found to have acted fraudulently with respect to any certification of a commercial motor vehicle operator, including by fraudulently awarding a medical certificate.

(b) If a person becomes a certified VA medical examiner under §§ 390.123 through 390.135, then to renew such certification the certified VA medical examiner must remain qualified under paragraphs (a)(1) and (2) of this section and complete additional testing and training as required by § 390.131(a)(5).

§ 390.125 Qualified VA examiner certification training.

A qualified VA examiner applying for certification under §§ 390.123 through 390.135 must complete training developed and provided by FMCSA and delivered through a web-based training system operated by the Department of Veterans Affairs.

§ 390.127 Qualified VA examiner certification testing.

To receive medical examiner certification from FMCSA under §§ 390.123 through 390.135, a qualified VA examiner must pass the medical examiner certification test developed and provided by FMCSA and administered through a web-based system operated by the Department of Veterans Affairs.

§ 390.129 Issuance of the FMCSA medical examiner certification credential.

Upon compliance with the requirements of § 390.123(a) or (b), FMCSA will issue to a qualified VA examiner or certified VA medical examiner, as applicable, an FMCSA medical examiner certification credential and will add the certified VA medical examiner's name to the National Registry of Certified Medical Examiners. The certification credential will expire 10 years after the date of its issuance.

§ 390.131 Requirements for continued listing of a certified VA medical examiner on the National Registry of Certified Medical Examiners.

(a) To continue to be listed on the National Registry of Certified Medical Examiners, each certified VA medical examiner must:

(1) Continue to meet the requirements of §§ 390.123 through 390.135 and the applicable requirements of part 391 of this chapter.

(2) Report to FMCSA any changes in the registration information submitted under § 390.123(a)(3) within 30 days of the change.

(3) Continue to be licensed, certified, or registered, and authorized to perform physical examinations, in accordance with the laws and regulations of a State.

(4) Maintain documentation of licensure, registration, or certification in a State to perform physical examinations and maintain documentation of and completion of all training required by this section and § 390.125. The certified VA medical examiner must make this documentation available to an authorized representative of FMCSA or an authorized representative of Federal, State, or local government. The certified VA medical examiner must provide this documentation within 48 hours of the request for investigations and within 10 days of the request for regular audits of eligibility.

(5) Maintain medical examiner certification by completing training and testing according to the following schedule:

(i) No sooner than 4 years and no later than 5 years after the date of issuance of the medical examiner certification credential, complete periodic training as specified by FMCSA.

(ii) No sooner than 9 years and no later than 10 years after the date of issuance of the medical examiner certification credential:

(A) Complete periodic training as specified by FMCSA; and

(B) Pass the test required by § 390.123(a)(5).

(b) FMCSA will issue a new medical examiner certification credential valid for 10 years to a certified VA medical examiner who complies with paragraphs (a)(1) through (4) of this section and who successfully completes the training and testing as required by paragraphs (a)(5)(i) and (ii) of this section.

(c) A certified VA medical examiner must report to FMCSA within 30 days that he or she is no longer employed in the Department of Veterans Affairs. Any certified VA medical examiner who is no longer employed in the Department of Veterans Affairs, but would like to remain listed on the National Registry, must, within 30 days of leaving employment in the Department of Veterans Affairs, meet the requirements of § 390.111. In particular, he or she must be licensed, certified, or registered, and authorized to perform physical examinations, in accordance with the applicable laws and regulations of each State in which the medical examiner performs examinations. The previously certified VA medical examiner's medical license(s) must be verified and accepted by FMCSA prior to conducting any physical examination of a commercial motor vehicle operator or

issuing any medical examiner's certificates.

§ 390.133 Reasons for removal of a certified VA medical examiner from the National Registry of Certified Medical Examiners.

FMCSA may remove a certified VA medical examiner from the National Registry of Certified Medical Examiners when a certified VA medical examiner fails to meet or maintain the qualifications established by §§ 390.123 through 390.135, the requirements of other regulations applicable to the certified VA medical examiner, or otherwise does not meet the requirements of 49 U.S.C. 31149. The reasons for removal may include, but are not limited to:

(a) The certified VA medical examiner fails to comply with the requirements for continued listing on the National Registry of Certified Medical Examiners, as described in § 390.131.

(b) FMCSA finds that there are errors, omissions, or other indications of improper certification by the certified VA medical examiner of an operator in either the completed Medical Examination Reports or the medical examiner's certificates.

(c) The FMCSA determines the certified VA medical examiner issued a medical examiner's certificate to an operator of a commercial motor vehicle who failed to meet the applicable standards at the time of the examination.

(d) The certified VA medical examiner fails to comply with the examination requirements in § 391.43 of this chapter.

(e) The certified VA medical examiner falsely claims to have completed training in physical and medical examination standards as required by §§ 390.123 through 390.135.

§ 390.135 Procedure for removal of a certified VA medical examiner from the National Registry of Certified Medical Examiners.

(a) *Voluntary removal.* To be voluntarily removed from the National Registry of Certified Medical Examiners, a certified VA medical examiner must submit a request to the FMCSA Director, Office of Carrier, Driver and Vehicle Safety Standards, 1200 New Jersey Ave. SE, Washington, DC 20590. Except as provided in paragraph (b) of this section, the Director, Office of Carrier, Driver and Vehicle Safety Standards will accept the request and the removal will become effective immediately. On and after the date of issuance of a notice of proposed removal from the National Registry of Certified Medical Examiners, as described in paragraph (b) of this section, however, the Director, Office of Carrier, Driver and Vehicle Safety Standards will not approve the certified VA medical examiner's request for voluntary removal from the National Registry of Certified Medical Examiners.

(b) *Notice of proposed removal.* Except as provided by paragraphs (a) and (e) of this section, FMCSA initiates the process for removal of a certified VA medical examiner from the National Registry of Certified Medical Examiners by issuing a written notice of proposed removal to the certified VA medical examiner, stating the reasons that removal is proposed under § 390.133 and any corrective actions necessary for the certified VA medical examiner to remain listed on the National Registry of Certified Medical Examiners.

(c) *Response to notice of proposed removal and corrective action.* A certified VA medical examiner who has received a notice of proposed removal from the National Registry of Certified Medical Examiners must submit any written response to the Director, Office of Carrier, Driver and Vehicle Safety Standards no later than 30 days after the date of issuance of the notice of proposed removal. The response must indicate either that the certified VA medical examiner believes FMCSA has relied on erroneous reasons, in whole or in part, in proposing removal from the National Registry of Certified Medical Examiners, as described in paragraph (c)(1) of this section, or that the certified VA medical examiner will comply and take any corrective action specified in the notice of proposed removal, as described in paragraph (c)(2) of this section.

(1) *Opposing a notice of proposed removal.* If the certified VA medical examiner believes FMCSA has relied on an erroneous reason, in whole or in part, in proposing removal from the National Registry of Certified Medical Examiners, the certified VA medical examiner must explain the basis for his or her belief that FMCSA relied on an erroneous reason in proposing the removal. The Director, Office of Carrier, Driver and Vehicle Safety Standards will review the explanation.

(i) If the Director, Office of Carrier, Driver and Vehicle Safety Standards finds FMCSA has wholly relied on an erroneous reason for proposing removal from the National Registry of Certified Medical Examiners, the Director, Office of Carrier, Driver and Vehicle Safety Standards will withdraw the notice of proposed removal and notify the certified VA medical examiner in writing of the determination. If the Director, Office of Carrier, Driver and Vehicle Safety Standards finds FMCSA has partly relied on an erroneous reason for proposing removal from the National Registry of Certified Medical Examiners, the Director, Office of Carrier, Driver and Vehicle Safety Standards will modify the notice of proposed removal and notify the certified VA medical examiner in writing of the determination. No later than 60 days after the date the Director, Office of Carrier, Driver and Vehicle Safety Standards modifies a notice of proposed removal, the certified VA medical examiner must comply with §§ 390.123 through 390.135 and correct any deficiencies identified in the modified notice of proposed removal as described in paragraph (c)(2) of this section.

(ii) If the Director, Office of Carrier, Driver and Vehicle Safety Standards finds FMCSA has not relied on an erroneous reason in proposing removal, the Director, Office of Carrier, Driver and Vehicle Safety Standards will affirm the notice of proposed removal and notify the certified VA medical examiner in writing of the determination. No later than 60 days after the date the Director, Office of Carrier, Driver and Vehicle Safety Standards affirms the notice of proposed removal, the certified VA medical examiner must comply with §§ 390.123 through 390.135 and correct the deficiencies identified in the notice of proposed removal as described in paragraph (c)(2) of this section.

(iii) If the certified VA medical examiner does not submit a written response within 30 days of the date of issuance of a notice of proposed removal, the removal becomes effective and the certified VA medical examiner is immediately removed from the National Registry of Certified Medical Examiners.

(2) *Compliance and corrective action.* (i) The certified VA medical examiner must comply with §§ 390.123 through 390.135 and complete the corrective actions specified in the notice of proposed removal no later than 60 days after either the date of issuance of the notice of proposed removal or the date the Director, Office of Carrier, Driver and Vehicle Safety Standards affirms or modifies the notice of proposed removal, whichever is later. The certified VA medical examiner must provide documentation of compliance and completion of the corrective actions to the Director, Office of Carrier, Driver and Vehicle Safety Standards. The Director, Office of Carrier, Driver and Vehicle Safety Standards may conduct any investigations and request any documentation necessary to verify that the certified VA medical examiner has complied with §§ 390.123 through

390.135 and completed the required corrective action(s). The Director, Office of Carrier, Driver and Vehicle Safety Standards will notify the certified VA medical examiner in writing whether he or she has met the requirements to continue to be listed on the National Registry of Certified Medical Examiners.

(ii) If the certified VA medical examiner fails to complete the proposed corrective action(s) within the 60-day period, the removal becomes effective and the certified VA medical examiner is immediately removed from the National Registry of Certified Medical Examiners. The Director, Office of Carrier, Driver and Vehicle Safety Standards will notify the person in writing that he or she has been removed from the National Registry of Certified Medical Examiners.

(3) At any time before a notice of proposed removal from the National Registry of Certified Medical Examiners becomes final, the recipient of the notice of proposed removal and the Director, Office of Carrier, Driver and Vehicle Safety Standards may resolve the matter by mutual agreement.

(d) *Request for administrative review.* If a person has been removed from the National Registry of Certified Medical Examiners under paragraph (c)(1)(iii), (c)(2)(ii), or (e) of this section, that person may request an administrative review no later than 30 days after the date the removal becomes effective. The request must be submitted in writing to the FMCSA Associate Administrator for Policy, 1200 New Jersey Ave. SE, Washington, DC 20590. The request must explain the error(s) committed in removing the certified VA medical examiner from the National Registry of Certified Medical Examiners, and include a list of all factual, legal, and procedural issues in dispute, and any supporting information or documents.

(1) *Additional procedures for administrative review.* The Associate Administrator may ask the person to submit additional data or attend a conference to discuss the removal. If the person does not provide the information requested, or does not attend the scheduled conference, the Associate Administrator may dismiss the request for administrative review.

(2) *Decision on administrative review.* The Associate Administrator will complete the administrative review and notify the person in writing of the decision. The decision constitutes final Agency action. If the Associate Administrator decides the removal was not valid, FMCSA will reinstate the person and reissue a certification credential to expire on the expiration date of the certificate that was invalidated under paragraph (g) of this section. The reinstated certified VA medical examiner must:

(i) Continue to meet the requirements of §§ 390.123 through 390.135 and the applicable requirements of part 391 of this chapter.

(ii) Report to FMCSA any changes in the registration information submitted under § 390.123(a)(3) within 30 days of the reinstatement.

(iii) Be licensed, certified, or registered in accordance with applicable State laws and regulations to perform physical examinations.

(iv) Maintain documentation of licensure, registration, or certification in a State to perform physical examinations and maintain documentation of and completion of all training required by §§ 390.125 and 390.131 of this part. The certified VA medical examiner must make this documentation available to an authorized representative of FMCSA or an authorized representative of Federal, State, or local government. The certified VA medical examiner must provide this documentation within 48 hours of the request for investigations and within 10 days of the request for regular audits of eligibility.

(v) Complete periodic training as required by the Director, Office of Carrier, Driver and Vehicle Safety Standards.

(e) *Emergency removal.* In cases of either willfulness or in which public health, interest, or safety requires, the provisions of paragraph (b) of this section are not applicable and the Director, Office of Carrier, Driver and Vehicle Safety Standards may immediately remove a certified VA medical examiner from the National Registry of Certified Medical Examiners and invalidate the certification credential issued under § 390.129. A person who has been removed under the provisions of this paragraph may request an administrative review of that decision as described under paragraph (d) of this section.

(f) *Reinstatement on the National Registry of Certified Medical Examiners.* No sooner than 30 days after the date of removal from the National Registry of Certified Medical Examiners, a person who has been voluntarily or involuntarily removed may apply to the Director, Office of Carrier, Driver and Vehicle Safety Standards to be reinstated. The person must:

(1) Continue to meet the requirements of §§ 390.123 through 390.135 and the applicable requirements of part 391 of this chapter.

(2) Report to FMCSA any changes in the registration information submitted under § 390.123(a)(3).

(3) Be licensed, certified, or registered in accordance with applicable State laws and regulations to perform physical examinations.

(4) Maintain documentation of licensure, registration, or certification in a State to perform physical examinations and maintain documentation of and completion of all training required by §§ 390.125 and 390.131. The certified VA medical examiner must make this documentation available to an authorized representative of FMCSA or an authorized representative of Federal, State, or local government. The certified VA medical examiner must provide this documentation within 48 hours of the request for investigations and within 10 days of the request for regular audits of eligibility.

(5) Complete training and testing as required by the Director, Office of Carrier, Driver and Vehicle Safety Standards.

(6) In the case of a person who has been involuntarily removed, provide documentation showing completion of any corrective actions required in the notice of proposed removal.

(g) *Effect of final decision by FMCSA.* If a person is removed from the National Registry of Certified Medical Examiners under paragraph (c) or (e) of this section, the certification credential issued under § 390.129 is no longer valid. However, the removed person's information remains publicly available for 3 years, with an indication that the person is no longer listed on the National Registry of Certified Medical Examiners as of the date of removal.

PART 391—QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLES (LCV) DRIVER INSTRUCTORS

■ 12. The authority citation for part 391 is revised to read as follows:

Authority: 49 U.S.C. 504, 508, 31133, 31136, 31149, 31502; sec. 4007(b), Pub. L. 102–240, 105 Stat. 1914, 2152; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 215, Pub. L. 106–159, 113 Stat. 1748, 1767; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; secs. 5403 and 5524, Pub. L. 114–94, 129 Stat. 1312, 1548, 1560; sec. 2, Pub. L. 115–105, 131 Stat. 2263; and 49 CFR 1.87.

■ 13. Amend § 391.43 by revising paragraph (b) to read as follows:

§ 391.43 Medical examination; certificate of physical examination.

* * * * *

(b) Exceptions:

(1) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as specified in paragraph (10) of § 391.41(b).

(2) A certified VA medical examiner must only perform medical examinations of veteran operators.

* * * * *

Issued under authority delegated in 49 CFR 1.87 on: June 5, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–12474 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 83, No. 112
Monday, June 11, 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 AGRICULTURE

Office of the Secretary

7 CFR Part 1

RIN 0503–AA61

USDA Departmental Freedom of Information Act Regulations

AGENCY: Office of the Chief Information Officer, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Department of Agriculture (USDA) is proposing revisions to its current regulations implementing the Freedom of Information Act (FOIA). The revisions in this notice are modeled, in part, after the template published by the Department of Justice Office of Information Policy and will streamline USDA's FOIA processing procedures, include current cost figures to be used in calculating fees but, most importantly, incorporate changes brought about by the FOIA Improvement Act of 2016 and the OPEN Government Act of 2007.

DATES: Written comments must be postmarked and electronic comments submitted on or before August 10, 2018 will be considered prior to issuance of a final rule. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System will accept comments until Midnight Eastern Time at the end of that day.

ADDRESSES: You may submit comments, identified by RIN 0503–AA61, by one of the following two methods:

- Federal eRulemaking Portal at *www.regulations.gov;*
- By mail to Alexis R. Graves, Department FOIA Officer, Office of the Chief Information Officer, United States Department of Agriculture, 1400 Independence Avenue SW, South Building Room 4101, Washington, DC 20250.

To ensure proper handling, please reference RIN 0503–AA61 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Alexis R. Graves, Department FOIA Officer, Office of the Chief Information Officer, United States Department of Agriculture, 1400 Independence Avenue SW, South Building, Room 4101, Washington, DC 20250. You may also contact the Department FOIA Officer by phone at 202–690–3318 or *USDAFOIA@ocio.usda.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

This rule proposes revisions to the Department's regulations implementing the FOIA, 5 U.S.C. 552. USDA's current FOIA regulations, were codified at 7 CFR part 1 subpart A and last revised on July 28, 2000. The revisions in this notice are modeled, in part, after the template published by the Department of Justice Office of Information Policy and will streamline USDA's FOIA processing procedures, include current cost figures to be used in calculating fees but, most importantly, incorporate changes brought about by the FOIA Improvement Act of 2016 and the OPEN Government Act of 2007.

Executive Orders 12866 and 13771

This rule has been drafted and reviewed in accordance with Executive Order 12866, 58 FR 51735 (Sept. 30, 1993), section 1(b), Principles of Regulation, and Executive Order 13563, 76 FR 3821 (January 18, 2011), Improving Regulation and Regulatory Review. The rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rulemaking has not been reviewed by the Office of Management and Budget. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Regulatory Flexibility Act

USDA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters, and only for certain classes of requesters and when particular conditions are satisfied. Thus, fees assessed by the USDA are nominal.

Small Business Regulatory Enforcement Fairness Act of 1995

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Freedom of Information Act, Confidential business information.

For the reasons stated in the preamble, USDA proposes to amend 7 CFR part as follows:

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

Authority: 5 U.S.C. 301, unless otherwise noted.

■ 2. Revise subpart A to read as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

Authority: 5 U.S.C. 301, 552; 7 U.S.C. 3125a; 31 U.S.C. 9701; and 7 CFR 2.28(b)(7)(viii).

USDA Freedom of Information Act Regulations Index

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1.11 Preservation of records.
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Appendix A—Fee Schedule

§ 1.1 General provisions.

(a) This subpart contains the rules that the United States Department of Agriculture (USDA) and its components follow in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These rules should be read together with the FOIA, which provides additional information about access to records maintained by the USDA. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are also processed under this subpart.

(b) The terms ''component'' or ''components'' are used throughout this subpart and in Appendix A to include both USDA program agencies and staff offices.

(c) Unless otherwise stated, references to number of days indicates business days, excluding Saturdays, Sundays, and legal holidays.

(d) Supplemental regulations for FOIA requests and appeals relating to records of USDA's Office of Inspector General are set forth in 7 CFR part 2620.

§ 1.2 Public reading rooms.

(a) Components within the USDA maintain public reading rooms containing the records that the FOIA requires to be made regularly available for public inspection in an electronic format. Each component is responsible for determining which of the records it generates are required to be made available in its respective public reading room.

(b) A link to USDA Electronic Reading Rooms can be found on the USDA public FOIA website.

§ 1.3 Requirements for making a records request.

(a) *Where and how to submit a request.* (1) A requester may submit a request in writing and address the request to the designated component within the USDA that maintains the records requested. The USDA Department FOIA Officer will maintain a list of contact information for component FOIA offices and make this list available on the USDA public FOIA website. Filing a FOIA request directly with the component that maintains the records will facilitate the processing of the request. If responsive records are likely to reside within more than one USDA component, the requester should submit the request to the USDA Department FOIA office.

(2) Alternatively, a requester may submit a request electronically via USDA's online web portal or via the National FOIA portal. USDA components also accept requests submitted to the email addresses of component FOIA offices as listed on the USDA public FOIA website.

(3) If a requester cannot determine where within the USDA to send a request, he or she should consult the USDA public FOIA website to determine where the records might be maintained. Alternatively, he or she may send the request to the USDA Department FOIA Officer, who will route the request to the component(s) believed most likely to maintain the records requested.

(4) To facilitate the processing of a request, a requester should place the phrase ''FOIA REQUEST'' in capital letters on the front of their envelope, the cover sheet of their facsimile transmittal, or the subject line of their email.

(b) *What to include in a request.* (1) A requester seeking access to USDA records should provide sufficient information about himself or herself to enable components to resolve, in a timely manner, any issues that might arise as to the subject and scope of the request, and to deliver the response and, if appropriate, any records released in response to the request. Generally, this includes the name of the requester, name of the institution on whose behalf the request is being made, a phone number at which the requester might be contacted, an email address and/or postal mailing address, and a statement indicating willingness to pay any applicable processing fees.

(2) A requester seeking access to USDA records must also provide a reasonable description of the records requested, as discussed in paragraph (c)(1) of this section.

(3) A requester who is making a request for records about himself or herself may receive greater access if the request is accompanied by a signed declaration of identity that is either notarized or includes a penalty of perjury statement.

(4) Where a request for records pertains to another individual, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased. As an exercise of administrative discretion, the component can require a requester to supply additional information if necessary in order to verify that a particular individual has consented to disclosure.

(c) *How to describe the requested records.* (1) A FOIA request must reasonably describe the records requested. This means a request must be described in such a way as to enable component personnel familiar with the subject of the request to locate them with reasonable effort. In general, requesters should include as much detail as possible about the specific records or types of records that they are seeking. To the extent possible, supply specific information regarding dates, titles, names of individuals, names of offices, locations, names of components or other organizations, and contract or grant numbers that may help in identifying the records requested. If the request relates to pending litigation, the requester should identify the court and its location.

(2) If a component determines that a request is incomplete, or that it does not reasonably describe the records sought, the component will inform the requester of this fact and advise as to what additional information is needed or why the request is otherwise insufficient.

§ 1.4 Requirements for responding to records requests.

(a) *In general.* Except for the instances described in paragraphs (c) and (d) of this section, the component that first receives a request for a record is responsible for referring the request.

(b) *Authority to grant or deny requests.* The head of a component or his or her designee is authorized to grant or to deny any requests for records originating with or maintained by that component.

(c) *Handling of misdirected requests.* When a component's FOIA office determines that a request was misdirected within the Department's components, the receiving component's FOIA office will route the request to the FOIA office of the proper component(s).

(d) *Coordination of requests involving multiple components.* When a component becomes aware that a requester has sent a request for records to multiple USDA components, the component will notify the USDA Department FOIA Officer to determine if some form of coordination is warranted.

(e) *Consultations and referrals in the process of records review.* (1) *Consultation.* When records originated with the component processing the request, but contain within them information of interest to another USDA component or other Federal Government office, the component processing the request should consult with that other entity prior to making a release determination.

(2) *Referral.* When the component processing the request believes that a different USDA component or Federal Government office is best able to determine whether to disclose the record, the component typically should refer the responsibility for responding to the request regarding that record to that USDA component or Federal Government office. Ordinarily, the component or agency that originated the record is presumed to be the best able to make the disclosure determination. However, if the component processing the request and the originating component or agency jointly agree that the former is in the best position to respond regarding the record, then the record may be handled as a consultation.

§ 1.5 Responses to records requests.

(a) *In general.* Components should, to the extent practicable, communicate with requesters having access to the internet by electronic means, such as email, in lieu of first class U.S. mail.

(b) *Acknowledgements of requests.* On receipt of a request, the processing component will send an acknowledgement to the requester and provide an assigned request tracking number for further reference. Components will include in the acknowledgement a brief description of the records sought, or attach a copy of the request, to allow requesters to more easily keep track of their requests.

(c) *Grants of requests.* When a component makes a determination to grant a request in whole or in part, it will notify the requester in writing. The component will also inform the requester of any fees charged, pursuant to § 1.12, in the processing of the request. Except in instances where advance payment of fees is required, components may issue bills for fees charged at the same time that they issue a determination as to the records.

(d) *Specifying the format of records.* Generally, requesters may specify the preferred form or format (including electronic formats) for the records sought. Components will accommodate the request if the records are readily reproducible in that form or format.

(1) *Exemptions and discretionary release.* All component records, except those specifically exempted from mandatory disclosure by one or more provisions of 5 U.S.C. 552(a) and (b), will be made available to any person submitting a records request under this subpart. Components are authorized, in their sole discretion, to make discretionary releases when such releases are not otherwise specifically prohibited by Executive Order, statute, or regulation.

(2) *Reasonable segregation of records.* If a requested record contains portions that are exempt from mandatory disclosure and other portions that are not exempt, the processing component will ensure that all reasonably segregable nonexempt portions are disclosed, and that all exempt portions are identified according to the specific exemption or exemptions which are applicable.

(e) *Adverse determinations of requests when interim responses are not provided.* A component making an adverse determination denying a request in any respect will notify the requester of that determination in writing. The written communication to the requester will include the name and title of the person responsible for the adverse determination, if other than the official signing the letter; a brief statement of the reason(s) for the determination, including any exemption(s) applied in denying the request; an estimate of the volume of records or information withheld, such as the number of pages or some other reasonable form of estimation; a statement that the determination may be appealed, followed by a description of the requirements to file an appeal; and a statement advising the requester that he or she has the right to seek dispute resolution services from the component's FOIA Public Liaison or the Office of Government Information Services. An adverse determination includes:

(1) A determination to withhold any requested record in whole or in part;

(2) A determination that a requested record does not exist or cannot be found, when no responsive records are located and released;

(3) A determination that a record is not readily reproducible in the format sought by the requester;

(4) A determination on any disputed fee matter; or

(5) A denial of a request for expedited treatment.

§ 1.6 Timing of responses to perfected records requests.

(a) *In general.* Components ordinarily will respond to requests according to their order of receipt. In instances involving misdirected requests that are re-routed pursuant to § 1.4(c), the response time will commence on the date that the request is received by the proper component's office that is designated to receive requests, but in any event not later than 10-working days after the request is first received by any component's office that is designated by these regulations to receive requests.

(b) *Response time for responding to requests.* Components ordinarily will inform requesters of their determination concerning requests within 20-working days of the date of receipt of the requests, plus any extension authorized by paragraph (d) of this section.

(c) *Multitrack processing and how it affects requests.* All components must designate a specific track for requests that are granted expedited processing in accordance with the standards set forth in paragraph (f) of this section. A component also may designate additional processing tracks that distinguish between simple and more complex requests based on the estimated amount of work or time needed to process the request. Among the factors a component may consider are the number of pages involved in processing the request and the need for consultations or referrals. Components will advise requesters of the track into which their request falls and, when appropriate, will offer the requesters an opportunity to narrow their request so that it can be placed in a different processing track in order to decrease the processing time. Components will also advise requesters of their right to seek assistance in this matter from the component's FOIA Public Liaison, and of the availability of dispute resolution services from the Office of Government Information Services. Generally, requests that can be processed within 20-working days are placed in the simple processing track, and requests where unusual circumstances apply are placed in the complex processing track.

(d) *Circumstances for extending the response time.* Whenever the component cannot meet the statutory time limit for processing a request because of ''unusual circumstances,'' as defined in the FOIA, and the component extends the time limit on that basis, the component must, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which the component estimates

processing of the request will be completed. Where the extension exceeds 10-working days, the component must, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. The component must make available its designated FOIA contact or its FOIA Public Liaison for this purpose. The component also must alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

(e) *Combining or aggregating requests.* Where a component reasonably believes that multiple requests submitted by a single requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, or have been submitted in this fashion to avoid FOIA fees, the requests may be aggregated. Components will not aggregate multiple requests that involve unrelated matters.

(f) *Procedures for requesting expedited processing.* A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing.

(1) Requests and appeals will be processed on an expedited basis whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information.

(2) Requests for expedited processing may be made at any time. Requests based on paragraphs (f)(1)(i) or (ii) of this section must be submitted to the component that maintains the records requested. Components receiving requests for expedited processing will decide whether to grant them within 10 calendar days of their receipt of these requests, and will notify the requesters accordingly. If a request for expedited treatment is granted, the request or appeal will be given priority, placed in the processing track for expedited requests or appeals, and will be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

§ 1.7 Records responsive to records requests.

(a) In determining which records are responsive to a request, a component ordinarily will include only records in its possession as of the date that the component begins its search.

(b) A component is not required to create a new record in order to fulfill a request for records. The FOIA does not require agencies to do research, to analyze data, or to answer written questions in response to a request.

(c) Creation of records may be undertaken voluntarily if a component determines this action to be in the public interest or the interest of the USDA.

(d) A component is required to provide a record in the format specified by a requester, if the record is readily reproducible by the component in the format requested.

§ 1.8 Requirements for processing records requests seeking business information.

(a) *In general.* Each component is responsible for making the final determination with regard to the disclosure or nondisclosure of business information in records submitted by an outside entity.

(b) *Definitions.* For purposes of this section:

(1) *Business information* means confidential commercial or financial information obtained by the USDA from a submitter that may be protected from disclosure under exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity, including a corporation, tribe, state, or foreign government, but not including another federal government entity that provides information, either directly or indirectly, to the federal government.

(c) *When notice to the submitter is required.* (1) The component must promptly provide written notice to the submitter when it locates records responsive to a FOIA request if:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) The component has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice to a submitter must include:

(i) Either a copy of the request or a general description of the request and the responsive records;

(ii) A description of the procedures for objecting to the release of the possibly confidential information in accordance with paragraph (e) of this section;

(iii) A time limit for responding to the component;

(iv) Notice that the component, not the submitter, is responsible for deciding whether the information will be released or withheld; and

(v) Notice that failing to respond within the timeframe provided by the component will create a presumption that the submitter has no objection to disclosure of the records in question.

(d) *Exceptions to submitter notice requirements.* The notice requirements set forth in paragraphs (c) and (f) of this section do not apply if:

(1) The component determines that the information is exempt under the FOIA and should not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600.

(e) *Submitter's opportunity to object to disclosure.* The component will afford the submitter a reasonable amount of time from the date of receipt of the notice to object to the disclosure of any portion of the responsive records.

(1) If a submitter objects to disclosure of any portion of the records, the submitter must explain the grounds upon which disclosure is opposed in a detailed written statement. The submitter must show why the information is a trade secret or commercial or financial information that is privileged or confidential. If the information is not a trade secret, the following categories must be addressed:

(i) Whether the submitter provided the information voluntarily and, if so, how disclosure will impair the Government's ability to obtain similar information in the future and/or how the information fits into a category of information that the submitter does not customarily release to the public;

(ii) Whether the Government required the information to be submitted, and if so, how disclosure will impair the Government's ability to obtain similar information in the future and/or how substantial competitive or other business harm would likely result from disclosure; and

(iii) Information provided by the submitter under this paragraph may itself be subject to disclosure under the FOIA. A request for this information in a subsequent FOIA request may require a new submitter notice.

(2) If the submitter fails to respond to the notice within the timeframe provided for it to respond, the submitter will be considered to have no objection to disclosure of the information.

(f) *Notice of intent to disclose over submitter's objection.* If a component decides to disclose business information over the objection of a submitter, the component will give the submitter written notice, which will include:

(1) A statement of the reason(s) why each of the submitter's disclosure objections was not sustained;

(2) A description of the business information to be disclosed; and

(3) A disclosure date subsequent to the notice.

(g) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the component will notify the submitter.

(h) *Corresponding notice to requester.* Whenever a component provides a submitter with notice and an opportunity to object to disclosure under paragraph (e) of this section, the component will also notify the requester(s) that it has provided this notice.

(i) *Notice of reverse FOIA lawsuit.* Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the component will also notify the requester(s) of this action and advise that the request will be held in abeyance until the lawsuit initiated by the submitter is resolved.

§ 1.9 Administrative appeals.

(a) *Appeals of adverse determinations.* If a requester is dissatisfied with a component's response to his or her request, the requester may submit a written appeal of that component's adverse determination denying the request in any respect.

(b) *Deadline for submitting an appeal.* Requesters seeking an appeal must ensure that the written appeal is received by the office responsible for administrative processing of FOIA appeals, for the component that issued the initial response, and within 90 calendar days of the date of the adverse determination. The date of receipt of an appeal will be the day it is received in the office responsible for the administrative processing of appeals within the component issuing the response. Components adjudicating appeals will issue a decision on an appeal, within 20-working days of its date of receipt, plus any extension authorized by § 1.6(d).

(c) *Appeals officials.* Each component will provide for review of appeals by an official different from the official or officials designated to make initial determinations on requests.

(d) *Components' responses to appeals.* The decision on an appeal will be made in writing.

(1) If the component grants the appeal in whole or in part, it will inform the requester of any conditions surrounding the granting of the request (*e.g.,* payment of fees). If the component grants only a portion of the appeal, it will treat the portion not granted as a denial.

(2) If the component denies the appeal, either in part or in whole, it will inform the requester of that decision and of the following:

(i) The reasons for denial, including any FOIA exemptions asserted;

(ii) The name and title or position of each person responsible for denial of the appeal;

(iii) The availability of mediation services offered by the Office of Government Information Services of the National Archives and Records Administration as a non-exclusive alternative to litigation; and

(iv) The right to judicial review of the denial in accordance with 5 U.S.C. 552(a)(4).

(e) *Legal sufficiency review of an appeal.* If a component makes the determination to deny an appeal in whole or in part, that component will send a copy of all records to the Assistant General Counsel, General Law and Research Division that the Office of the General Counsel (OGC) would need to examine to provide a legal sufficiency review of the component's decision.

(1) Frequently, these records will include a copy of the unredacted records requested, a copy of the records marked to indicate information the component proposes to withhold, all correspondence relating to the request, and a proposed determination letter. When the volume of records is so large as to make sending a copy impracticable, the component will enclose an informative summary and representative sample of those records. The component will not deny an appeal until it receives concurrence from the Assistant General Counsel.

(2) With regard to appeals involving records of (OIG), the records in question will be referred to the OIG Office of Counsel, which will coordinate all necessary reviews.

(f) *Submission of an appeal before judicial review.* Before seeking review by a court of a component's adverse determination, a requester generally must first submit a timely administrative appeal.

§ 1.10 Authentication and certification of records.

(a) *In general.* Requests seeking either authenticated or certified copies of records will generally be processed under the FOIA. FOIA search, review and duplication fees, where applicable, may also apply. However, because the costs for authenticated and certified copies are outside the FOIA, the provisions of § 1.12 that call for the automatic waiver of FOIA fees under $25.00 do not apply.

(b) *Authentication of records.* (1) Authentication provides confirmation by a USDA officer that a certified copy of a record is what it purports to be, an accurate duplicate of the original record.

(2) When a request is received for an authenticated copy of a record that the component determines may be made available, under the FOIA, each component will send an authentic (*i.e.,* correct) copy of the record to the Assistant General Counsel responsible for the applicable component program or other designee of the Secretary of Agriculture. The Assistant General Counsel for the applicable component program or other designee of the Secretary of Agriculture will certify the copy to be authentic and affix the seal of the USDA to it.

(3) The Hearing Clerk in the Office of Administrative Law Judges may authenticate copies of records for the Hearing Clerk. The Director of the National Appeals Division may authenticate copies of records for the National Appeals Division. The Inspector General is the official that authenticates copies of records for the OIG.

(4) When any component determines that a record for which authentication is requested may be made available only in part, because certain portions of it are exempt from release under the FOIA, the component will process the record under the FOIA and make any needed redactions, including notations on the record as to the FOIA exemption(s) which require(s) the removal of the information redacted. In such an instance, the component will supply a copy of the record both in its unredacted state and in its redacted state to the party authorized to perform authentication, along with a copy of the proposed determination letter regarding the withholding of the information redacted.

(5) The cost for authentication of records is $10.00 per page.

(c) *Certification of records.* (1) Certification is the procedure by which a USDA officer confirms that a copy of a record is a true reproduction of the original.

(2) When a request is received for a certified copy of a record that the component determines may be made available under the FOIA, each component will prepare a correct copy and a statement attesting that the copy is a true and correct copy.

(3) When any component determines that a record for which a certified copy is requested may be made available only in part, because certain portions of it are exempt from release under the FOIA, the component will process the record under the FOIA and make any needed redactions, including notations on the record as to the FOIA exemption(s) which require(s) the removal of the information redacted.

(4) The cost for certification of records is $5.00 per page.

§ 1.11 Preservation of records.

Components will preserve all correspondence and records relating to requests and appeals received under this subpart, as well as copies of all requested records, until disposition or destruction of such correspondence and records is authorized pursuant to title 44 of the United States Code or the General Record Schedule 14 of the National Archives and Records Administration. Records will not be disposed of, or destroyed, while they are the subject of a pending request, appeal, or civil action under the FOIA.

§ 1.12 Fees and fee schedule.

(a) *Authorization to set FOIA fees.* The Chief Financial Officer is delegated authority to promulgate regulations providing for a uniform fee schedule applicable to all components of the USDA regarding requests for records under this subpart. The regulations providing for a uniform fee schedule are found in Appendix A to this subpart.

(b) *In general.* Components will charge for processing requests under the FOIA in accordance with the provisions of Appendix A to this subpart and the *Uniform Freedom of Information Fee Schedule and Guidelines* published by the Office of Management and Budget (OMB Guidelines).

(c) *Guidance for lowering FOIA fees.* Components will ensure that searches, review, and duplication are conducted in the most efficient and least expensive manner practicable.

(d) *Communicating with requesters on fee issues.* In order to resolve any fee issues that arise under this subpart, a component may contact a requester for additional information.

(e) *Notifying requesters of estimated fees.* When a component determines or estimates that the processing of a FOIA request will incur chargeable FOIA fees, in accordance with Appendix A and the OMB Guidelines, the component will notify the requester in writing of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated.

(f) *Requester commitment to pay estimated fees.* In cases in which a requester has been notified that the processing of his or her request will incur chargeable FOIA fees, the component providing such notification will not begin processing the request until the requester commits in writing to pay the actual or estimated total fee, or designates the amount of fees that he or she is willing to pay, or in the case of a requester who has not yet been provided with his or her statutory entitlements, designates that he or she seeks only that which can be provided by these statutory entitlements. The requester must provide the commitment or designation in writing, and must, when applicable, designate an exact dollar amount he or she is willing to pay.

(g) *Tolling of request for fee issues.* If the requester has indicated a willingness to pay some designated amount of fees, but the component estimates that the total fee will exceed that amount, the component will toll the processing of the request when it notified the requester of the estimated fees in excess of the amount the requester is willing to pay. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(h) *Assisting requesters wishing to lower fees.* Components will make available their FOIA Public Liaison or other FOIA professional to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(i) *Timing of Bills of Collection.* Except in instances where advance payment is required, or where requesters have previously failed to pay a properly charged FOIA fee within 30 calendar days of the billing date, components may issue Bills for Collection for FOIA fees owed at the same time that they issue their responses to FOIA requests.

(j) *Advance payment of FOIA fees when estimated fees exceed $250.00.* When a component determines or estimates that a total fee to be charged for the processing of a FOIA request is likely to exceed $250.00, it may require the requester to make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. In cases in which a component requires advance payment, the request will be closed unless the advance payment is received within 20-working days of the date of the request for advance payment. However, a component may elect to process a request prior to collecting fees exceeding $250.00 when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(k) *Special services.* For services not covered by the FOIA or by Appendix A, as described in § 1.10, components may set their own fees in accordance with applicable law. Although components are not required to provide special services, such as providing multiple copies of the same record, or sending records by means other than first class mail, if a component chooses to do so as a matter of administrative discretion, the direct costs of these services will be charged.

(l) *Aggregating requests.* When a component reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, the component may aggregate those requests and charge accordingly. Components may presume that multiple requests of this type made within a 30-calendar day period have been made in order to avoid fees. For requests separated by a longer period, components will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all of the circumstances involves. Multiple requests involving unrelated matters will not be aggregated for fee purposes.

(m) *Payment of FOIA fees.* Requesters must pay FOIA fees by check or money order made payable to the Treasury of the United States. Components are not required to accept payments in installments.

(n) *Failure to pay properly charged fees.* When a requester has previously failed to pay a properly charged FOIA fee to any component or agency within 30 calendar days of the billing date, a component may require that the requester pay the full amount due, plus any applicable interest on that prior request, and the component may require that the requester make an advance payment of the full amount of any anticipated fee before the component begins to process a new request or continues to process a pending request or any pending appeal. Where a component has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding

fees, it may require that the requester provide proof of identity.

(o) *Restrictions on charging fees.* If a component fails to comply with the statutory time limits in which to respond to a request, as provided in § 1.6(b), and if unusual or exceptional circumstances, as those terms are defined by the FOIA, apply to the processing of the request, as discussed in § 1.6(d), it may not charge search fees for the processing of the request, or duplication fees for the processing of the request if the requester is classified as an educational institution requester, a noncommercial scientific institution requester, or a representative of the news media, as defined in Appendix A, unless:

(1) The component notifies the requester, in writing, within the statutory 20-working day time period, that unusual or exceptional circumstances as those terms are defined by the FOIA, apply to the processing of the request;

(2) More than 5,000 pages are necessary to respond to the request; and

(3) The component has discussed with the requester by means of written mail, electronic mail, or by telephone (or has made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request.

(p) *Waivers of chargeable fees.* (1) *In general.* Records responsive to a request will be furnished without charge or at a reduced rate below the rate established in Appendix A, where a component determines, based on available evidence, that the requester has demonstrated that:

(i) Disclosure of the requested information is in the public interest as defined in paragraph (p)(3) of this section, because it is likely to contribute significantly to public understanding of the operations or activities of the government, and;

(ii) Disclosure of the information is not primarily in the commercial interest of the requester as defined in paragraph (p)(4) of this section.

(2) *Adjudication of fee waivers.* Each fee waiver request is judged on its own merit.

(3) *Factors for consideration of public interest.* In deciding whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, components will consider all four of the following factors:

(i) The subject of the request must concern identifiable operations or activities of the Federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested records must be meaningfully informative about government operations or activities to be ''likely to contribute'' to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the requester's individual understanding. A requester's expertise in the subject area as well as his or her ability and intention to effectively convey information to the public will be considered. It will be presumed that a representative of the news media, as defined in Appendix A, will satisfy this consideration.

(iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant degree. However, components will not make value judgments about whether the information at issue is ''important'' enough to be made public.

(4) *Factors for consideration of commercial interest.* In deciding whether disclosure of the requested information is in the requester's commercial interest, components will consider the following two factors:

(i) Components will identify any commercial interest of the requester, as defined in Appendix A. Requesters may be given an opportunity to provide explanatory information regarding this consideration.

(ii) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure. Components ordinarily will presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(5) *Partial fee waivers.* Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records only.

(6) *Timing of requests for fee waivers.* Requests for a waiver or reduction of fees should be made when the request is first submitted to the component and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester will be required to pay any costs incurred up to the date the fee waiver request was received.

Appendix A—Fee Schedule

Section 1. In General. This schedule sets forth fees to be charged for providing copies of records—including photographic reproductions, microfilm, maps and mosaics, and related services—requested under the Freedom of Information Act (FOIA). The fees set forth in this schedule are applicable to all components of the USDA.

Section 2. Definitions.

(a) *Types of FOIA fees.* The FOIA defines the following types of FOIA fees that may be charged for responding to FOIA requests.

(1) *Search fees.*

(i) *Searching* is the process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

(ii) Search time is charged in quarter-hour increments within the USDA, and includes the *direct costs* incurred by a component in searching for records responsive to a request. It does not include overhead expenses such as the costs of space and heating or lighting of the facility in which the records are maintained.

(iii) Components may charge for time spent searching for requested records even if they do not locate any responsive records or if they determine that the records that they locate are entirely exempt from disclosure.

(iv) USDA components will charge for search time at the actual salary rate of the individual who conducts the search, plus 16 percent of the salary rate (to cover benefits.) This rate was adopted for consistency with the OMB Fee Guidelines that state that agencies should charge fees that recoup the full allowable direct costs that they incur in searching for responsive records.

(v) Search time also includes the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. Components will notify requesters of the costs of creating such a program, and requesters must agree to pay the associated costs before these costs may be incurred.

(2) *Review fees.*

(i) *Reviewing* is the process of examining records located in response to a request in order to determine whether any portion of the records is exempt from disclosure. The process of review also includes the process of preparing records for disclosure, for example, doing all that it necessary to redact them and prepare them for release. Review time also includes time spent considering any formal objection to disclosure of responsive records made by a business

submitter as discussed in § 1.8 Requirements for processing requests seeking business information. However, it does not include time spent resolving general legal or policy issues regarding the application of the nine FOIA exemptions.

(ii) Review time is charged in quarter-hour increments within the USDA, and includes the *direct costs* incurred by a component in preparing records responsive to a request for disclosure. It does not include overhead expenses such as the costs of space and heating or lighting of the facility in which the records are maintained.

(iii) UDSA components may charge for time spent reviewing requested records even if they determine that the records reviewed are entirely exempt from disclosure.

(iv) USDA components will charge for review time at the actual salary rate of the individual who conducts the review, plus 16 percent of the salary rate (to cover benefits.) This rate was adopted for consistency with the OMB Fee Guidelines that state that agencies should charge fees that recoup the full allowable direct costs that they incur in reviewing records for disclosure.

(v) Review time also includes the direct costs associated with the cost of computer programming designed to facilitate a manual review of the records, or to perform electronic redaction of responsive records, particularly when records are maintained in electronic form. Components will notify requesters of the costs performing such programming, and requesters must agree to pay the associated costs before these costs may be incurred.

(3) *Duplication fees.*

(i) *Duplicating* is the process of producing copies of records or information contained in records requested under the FOIA. Copies can take the form of paper, audiovisual materials, or electronic records, among other forms.

(ii) Duplication is generally charged on a per-unit basis. The duplication of paper records will be charged at a rate of $.05 per page within the USDA. The duplication of records maintained in other formats will include all *direct costs* incurred by a component in performing the duplication, including any costs associated in acquiring special media, such as CDs, disk drives, special mailers, and so forth, for transmitting the requested records or information. It does not include overhead expenses such as the costs of space and heating or lighting of the facility in which the records are maintained.

(iii) Duplication generally does not include the cost of the time of the individual making the copy. This time is generally factored into the per page cost of duplication. However, when duplication requires the handling of fragile records, or paper records that cannot be safely duplicated in high-speed copiers, components may also charge for the time spent duplicating these records. In such an instance, the cost of this time will be added to the per-page charge, and an explanation provided to the requester in the component's itemization of FOIA fees charges. Components may describe this time as time spent in duplicating fragile records.

(iv) USDA components will charge for time spent in duplicating fragile records at the actual salary rate of the individual who performs the duplication, plus 16 percent of the salary rate (to cover benefits). This rate was adopted for consistency with the OMB Fee Guidelines that state that agencies should charge fees that recoup the full allowable direct costs that they incur in duplicating requested records.

(v) Where paper records must be scanned in order to comply with a requester's preference to receive the records in an electronic format, duplication costs will also include the direct costs associated with scanning those materials, including the time spent by the individual performing the scanning. Components may describe this time as time spent in scanning paper records.

(vi) However, when components ordinarily scan paper records in order to review and/or redact them, the time required for scanning records will not be included in duplication fees, but in review fees, when these are applicable. When components who ordinarily scan paper records in order to review and/or redact them, release records in an electronic format to requesters who are not to be charged review fees, duplication fees will not include the time spent in scanning paper records. In such instances, duplication fees may only include the direct costs of reproducing the scanned records. In such instances, components may not charge duplication fees on a per-page basis.

(b) *Categories of FOIA requesters for fee purposes.* The FOIA defines the following types of requesters for the charging of FOIA fees.

(1) *Commercial requesters.*

(i) *Commercial requesters* are requesters who ask for information for a use or a purpose that furthers commercial, trade or profit interests, which can include furthering those interests through litigation. Components will determine, whenever reasonably possible, the use to which a requester will put the requested records. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because a component has reasonable cause to doubt a requester's stated use, the component may provide the requester a reasonable opportunity to submit further clarification. A component's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information.

(ii) Commercial requesters will be charged applicable search fees, review fees, and duplication fees.

(iii) If a component fails to comply with the statutory time limits in which to respond to a commercial request, as provided in § 1.6(b), and if no unusual or exceptional circumstances, as those terms are defined by the FOIA, apply to the processing of the request, as discussed in § 1.6(d), it may not charge search fees for the processing of the request. It may, however, still charge applicable review and duplication fees.

(iv) If a component fails to comply with the statutory time limits in which to respond to a commercial request, as provided in § 1.6(b), when unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in section § 1.6(d), and the component notifies the requester, in writing, within the statutory 20-working day time period, that unusual or exceptional circumstances as those terms are defined by the FOIA apply to the processing of the request, more than 5,000 pages are necessary to respond to the request, and the component has discussed with the requester by means of written mail, electronic mail, or by telephone (or has made not less than three good faith attempts to do so) how the requester could effectively limit the scope of the request, the component may charge any search fees for the processing of the request, as well as any applicable review and duplication fees. Otherwise, it may only charge applicable review and duplication fees.

(2) *Educational institution requesters.*

(i) *Educational institution requesters* are requesters who are affiliated with a school that operates a program of scholarly research, such as a preschool, a public or private elementary or secondary school, an institution of undergraduate education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research. Records sought by students at an educational institution for use in fulfilling their degree requirements do not necessarily qualify for educational institution status. Students must document how the records they are requesting will further the scholarly research aims of the institution in question.

(ii) Educational institution requesters are entitled to receive 100 pages of duplication without charge. Following the exhaustion of this entitlement, they will be charged fees for the duplicating of any additional pages of responsive records released. They may not be charged search fees or review fees.

(iii) If a component fails to comply with the statutory time limits in which to respond to an educational use request, as provided in § 1.6(b), and if no unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), it may not charge duplication fees for the processing of the request.

(iv) If a component fails to comply with the statutory time limits in which to respond to an educational use request, as provided in § 1.6(b), when unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), and the component notifies the requester, in writing, within the statutory 20-working day time period, that unusual or exceptional circumstances as those terms are defined by the FOIA apply to the processing of the request, more than 5,000 pages are necessary to respond to the request, and the component has discussed with the requester by means of written mail, electronic mail, or by telephone (or has made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request, the

component may charge duplication for the processing of the request. Otherwise, it may not charge duplication fees.

(3) *Noncommercial scientific institution requesters.*

(i) *Noncommercial scientific institution requesters* are requesters who are affiliated with an institution that is not operated on a ''commercial'' basis, as that term is defined in paragraph (b)1(i) of this section, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(ii) Noncommercial scientific institution requesters are entitled to receive 100 pages of duplication without charge. Following the exhaustion of this entitlement, they will be charged fees for the duplicating of any additional pages of responsive records released. They may not be charged search fees or review fees.

(iii) If a component fails to comply with the statutory time limits in which to respond to a noncommercial scientific institution request, as provided in § 1.6(b), and if no unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), it may not charge duplication fees for the processing of the request.

(iv) If a component fails to comply with the statutory time limits in which to respond to a noncommercial scientific institution request, as provided in § 1.6(b), when unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), and the component notifies the requester, in writing, within the statutory 20-working day time period, that unusual or exceptional circumstances as those terms are defined by the FOIA apply to the processing of the request, more than 5,000 pages are necessary to respond to the request, and the component has discussed with the requester by means of written mail, electronic mail, or by telephone (or has made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request, the component may charge duplication for the processing of the request. Otherwise, it may not charge duplication fees.

(4) *Representatives of the news media.*

(i) *Representatives of the news media* are persons or entities organized and operated to publish or broadcast news to the public that actively gather information of potential interest to a segment of the public, uses their editorial skills to turn the raw materials into a distinct work, and distribute that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances where they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public, including news organizations that disseminate solely on the internet. For ''freelance'' journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but components will also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for a commercial use. However, a request for records supporting the news-dissemination function of the requester will not be considered to be for a commercial use.

(ii) Representatives of the news media are entitled to receive 100 pages of duplication without charge. Following the exhaustion of this entitlement, they will be charged fees for the duplication of any additional pages of responsive records released. They may not be charged search or review fees.

(iii) If a component fails to comply with the statutory time limits in which to respond to a news-media use request, as provided in § 1.6(b), and if no unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), it may not charge duplication fees for the processing of the request.

(iv) If a component fails to comply with the statutory time limits in which to respond to a news-media request, as provided in § 1.6(b), when unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), and the component notifies the requester, in writing, within the statutory 20-working day time period, that unusual or exceptional circumstances as those terms are defined by the FOIA apply to the processing of the request, more than 5,000 pages are necessary to respond to the request, and the component has discussed with the requester by means of written mail, electronic mail, or by telephone (or has made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request, the component may charge duplication for the processing of the request. Otherwise, it may not charge duplication fees.

(5) *All other requesters.*

(i) *All other requesters* are individuals and entities who do not fall into any of the four categories described in paragraphs (1), (2), (3) and (4) of this section. Requesters seeking information for personal use, public interest groups, and nonprofit organizations are examples of requesters who might fall into this group.

(ii) All other requesters are entitled to receive 100 pages of duplication without charge. Following the exhaustion of this entitlement, they will be charged fees for the duplicating of any additional pages of responsive records released. All other requesters are also entitled to receive 2 hours of search time without charge. Following the exhaustion of this entitlement, they may be charged search fees for any remaining search time required to locate the records requested. They may not be charged review fees.

(iii) If a component fails to comply with the statutory time limits in which to respond to an all-other request, as provided in § 1.6(b), and if no unusual or exceptional circumstances, as those terms are defined by the FOIA, apply to the processing of the request, as discussed in § 1.6(d), it may not charge search fees for the processing of the request.

(iv) If a component fails to comply with the statutory time limits in which to respond to an all-other request, as provided in § 1.6(b), when unusual or exceptional circumstances, as those terms are defined by the FOIA apply to the processing of the request, as discussed in § 1.6(d), and the component notifies the requester, in writing, within the statutory 20-working day time period, that unusual or exceptional circumstances as those terms are defined by the FOIA apply to the processing of the request, more than 5,000 pages are necessary to respond to the request, and the component has discussed with the requester by means of written mail, electronic mail, or by telephone (or has made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request, the component may charge search fees for the processing of the request as well as any applicable duplication fees. Otherwise, it may only charge only applicable duplication fees.

Section 3. Charging fees.

(a) *In general.* When responding to FOIA requests, components will charge all applicable FOIA fees that exceed the USDA charging threshold, as provided in paragraph (b) of this section, unless a waiver or reduction of fees has been granted under § 1.12(p), or statutory time limits on processing are not met, and when unusual or exceptional circumstances apply, components do not meet all of the three conditions for charging as set forth in § 1.12(o).

(b) *USDA fee charging threshold.* The OMB Fee Guidelines state that agencies will not charge FOIA fees if the cost of collecting the fee would be equal to or greater than the fee itself. This limitation applies to all requests, including those seeking records for commercial use. At the USDA, the cost of collecting a FOIA fee is currently established as $25.00. Therefore, when calculating FOIA fees, components will charge requesters all applicable FOIA fees when these fees equal or exceed $25.01.

(c) *Charging interest.* Components may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by the component. Components will follow the provisions of the Debt Collection Act of 1982
(Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(d) *NARA retrieval fees.* For requests that require the retrieval of records stored by a component at a Federal records center operated by the National Archives and Records Administration (NARA), additional costs will be charged in accordance with the

Transactional Billing Rate Schedule established by NARA.

(e) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires a component to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, the component will inform the requester of the contact information for that program.

(f) *Social Security Numbers and Tax Identification Numbers.* Components may not require requesters to provide Social Security Numbers or Tax Identification Numbers in order to pay FOIA fees due.

TABLE 1 OF APPENDIX TO SUBPART A—FOIA FEE SCHEDULE

Type of request	Type of charge	Price
Commercial Requesters	Duplication charges	$0.05 per page.
		When the component has to copy fragile records, the charge is $0.05 per page plus the copying time involved, which includes the actual hourly salary rate of the employee involved, plus 16% of the hourly salary rate.
	Search charges	Actual hourly salary rate of employee involved, plus 16% of the hourly salary rate.
	Review charges	Actual hourly salary rate of employee involved, plus 16% of the hourly salary rate.
Educational or Non-Commercial Scientific Requesters.	Duplication charges	No charge for first 100 pages, then $0.05 per page.
		When the component has to copy fragile records, the charge is $0.05 per page plus the copying time involved, which includes the actual hourly salary rate of the employee involved, plus 16% of the hourly salary rate.
	Search charges	Free.
	Review charges	Free.
Representatives of the News Media.	Duplication charges	No charge for first 100 pages, then $0.05 per page.
		When the component has to copy fragile records, the charge is $0.05 per page plus the copying time involved, which includes the actual hourly salary rate of the employee involved, plus 16% of the hourly salary rate.
	Search charges	Free.
	Review charges	Free.
All Other Requesters	Duplication charges	No charge for first 100 pages, then $0.05 per page.
		When the component has to copy fragile records, the charge is $0.05 per page plus the copying time involved, which includes the actual hourly salary rate of the employee involved, plus 16% of the hourly salary rate.
	Search charges	No charge for first two (2) hours of search time, then actual hourly salary rate of employee involved, plus 16% of the hourly salary rate.
	Review charges	Free.

Dated: May 25, 2018.

Stephen L. Censky,

Deputy Secretary.

[FR Doc. 2018–11868 Filed 6–8–18; 8:45 am]

BILLING CODE 3410–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

RIN 3245–AG66

Small Business Investment Company Program—Impact SBICs

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Small Business Administration (SBA) is withdrawing its proposed rule published on February 3, 2016. In the proposed rule, SBA would have defined a new class of small business investment companies (SBICs) that would seek to generate positive and measurable social impact in addition to financial return. With the creation of this class of ''Impact SBICs,'' SBA sought to expand the pool of investment capital available primarily to underserved communities and innovative sectors as well as support the development of America's growing impact investing industry. SBA is withdrawing the proposed rule because SBA has determined that the cost is not commensurate with the benefits.

DATES: SBA is withdrawing the proposed rule published on February 3, 2016 (81 FR 5666) as of June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Theresa Jamerson, Office of Investment and Innovation, (202) 205–7563, *theresa.jamerson@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

SBA's efforts in the impact investing space began on April 7, 2011 through a policy letter (''Impact Policy''), which was subsequently updated on September 26, 2012 and September 25, 2014. The purpose of the Impact Policy was to license small business investment companies (''SBICs'') focused on generating both a positive and measurable social impact in addition to a financial return as ''Impact SBICs.'' Licensed Impact SBICs were expected to provide at least 50% of their financings in ''impact investments'' as defined by the Impact Policy.

SBA published a Proposed Rule on February 3, 2016 (81 FR 5666) (the ''Proposed Rule'') to permanently define Impact SBICS and set forth regulations applicable to Impact SBICs with respect to licensing, leverage eligibility, fees, reporting and compliance requirements. The intent of the rule was to encourage qualified private equity fund managers with a focus on social impact to apply to the SBIC program. As part of the Proposed Rule, SBA would have provided the following three key benefits: (1) Impact SBIC applicants would have received a 60% discount on the licensing fee; (2) Impact SBICs would have received a 10% discount on the examination base fee; and (3) Impact SBICs could have simultaneously applied as an Early Stage SBIC not subject to the call and timing provisions identified under 13 CFR 107.300. Given these benefits, the proposed rule also imposed certain penalties if an Impact SBIC did not adhere to its impact strategy or the Impact SBIC rules.

II. Reason for Withdrawal

In determining whether to publish a final rule, SBA evaluated the results of the Impact Policy and the comments received in response to the Proposed Rule. In six years under the Impact Policy, few qualified funds applied to be licensed as Impact SBICs, and SBA licensed only nine Impact SBICs. SBA believes that many of these SBICs would have applied to the SBIC program

regardless of the existence of the Impact Policy. SBA determined that the cost of the Impact Policy was not commensurate with the benefits. On September 28, 2017, SBA provided notice to program stakeholders that SBA was cancelling the Impact Policy and would no longer accept applications to be licensed as an Impact SBIC on or after November 1, 2017.

Although SBA proposed licensing and examination fee discounts to provide further incentives for Impact SBICs as part of the Proposed Rule, SBA received one comment that all SBICs should be treated similarly in fee structure and no discounts should be offered. Three comments stated that the discounts are too small to provide an incentive sufficient to result in the formation of Impact SBICs, although two of these commenters stated that they nonetheless appreciated the discount.

Because Impact SBICs would have received certain benefits under the Proposed Rule, the Proposed Rule also identified penalties if an Impact SBIC failed to meet the requirements set forth in the rule, including failing to invest at least 50% of its financing dollars in impact investments and, for Impact SBICs using a Fund-Identified Impact Investment Strategy, failing to comply with certain specific measurement and reporting obligations. SBA received four comments stating that the Proposed Rule should not apply to Impact SBICs licensed prior to the effective date of any final rule, two comments stating that SBA should adjust the rules to reflect the policies under which the Impact SBICs were licensed, and one comment that suggested that existing Impact SBICs should be allowed the option to either complete their license under the relevant Impact Policy under which they were licensed or opt in to these new regulations. In reviewing these comments, SBA determined that finalizing the rule would not likely result in an increase in the number of Impact SBICs in the program and would likely result in fewer Impact SBIC applications than SBA received under the Impact Policy. Although SBA licensed two Impact SBICs in each of FY 2015 and FY 2016, after publication of the proposed rule, SBA did not license any Impact SBICs in FY 2017.

SBA also considered costs in determining whether to withdraw the Proposed Rule. As noted in the Proposed Rule, due to the risk associated with this class of SBICs, and based on the amount of leverage SBA expected to allocate to the Impact SBIC program, the Proposed Rule was expected to increase the cost to all SBICs issuing SBA-guaranteed debentures by increasing the annual fee payable by all such SBICs by approximately 6.1 basis points. For an SBIC issuing $100 million in SBA-guaranteed debentures, this would equate to $61,000 per year. SBICs typically issue Debentures over a 4 to 6-year period (using multiple commitments) and begin paying back leverage as the fund harvests its investments. As a result, based on Debenture pools since 1992 that have been fully repaid, the average hold period is approximately 6 years, this would equate to $366,000 in total additional fees for the SBIC. If the SBIC held the leverage outstanding for its full ten-year term, this would equate to $610,000 for a single SBIC. Between FYs 2012 and 2017, SBA approved, on average, $2.28 billion aggregate debenture commitments per year. If an additional 6.1 basis point charge were in effect, SBICs would incur over $1.4 million per year in additional fees, or approximately $8.3 million over the average 6-year average holding period for SBIC debentures. This is capital that SBICs could otherwise deploy to small businesses.

The withdrawal of the Proposed Rule has no effect on currently licensed Impact SBICs. Currently licensed Impact SBICs must continue to operate under the Impact Policy under which they were licensed (*i.e.,* the Impact Policy issued in 2011, 2012 or 2014, as applicable). SBA will continue to follow SBA regulations and credit policies applicable to all SBICs with respect to approving leverage commitments and draws for Impact SBICs licensed with the intent of issuing SBA-guaranteed debentures. It should be noted that SBA allocated debentures for Impact SBICs in both FY 2018 and FY 2019 to accommodate existing Impact SBICs. SBA will determine the allocations of leverage for Impact SBICs for subsequent Fiscal Years after taking into account projected need by Impact SBICs in existence at that time.

Executive Order 13771

The withdrawal of the NPRM qualifies as a deregulatory action under Executive Order 13771. See OMB's Memorandum titled ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017).

Accordingly, for the reasons stated in the preamble, the Proposed Rule published at 81 FR 5666 on February 3, 2016, is withdrawn.

Authority: 15 U.S.C. 634(b)(6).

Dated: May 12, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–12031 Filed 6–8–18; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

RIN 3245–AG68

Small Business Investment Companies (SBIC); Early Stage Initiative

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Small Business Administration (SBA) is withdrawing its proposed rule published on September 19, 2016. SBA proposed making changes to its Early Stage Small Business Investment Company (SBIC) initiative, which was launched in 2012. SBA is withdrawing the proposed rule because very few qualified funds applied to the Early Stage SBIC initiative, the costs were not commensurate with the results and the comments to the proposed rule did not demonstrate broad support for a permanent Early Stage SBIC program.

DATES: SBA is withdrawing the proposed rule published on September 19, 2016 (81 FR 64075) as of June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Theresa Jamerson, Office of Investment and Innovation, (202) 205–7563, *theresa.jamerson@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

In the Small Business Investment Act of 1958 (Act), Congress created the Small Business Investment Company (SBIC) program to ''stimulate and supplement the flow of private equity capital and long-term loan funds which small-business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization, and which are not available in adequate supply . . . .'' 15 U.S.C. 661. Congress intended that the program ''be carried out in such manner as to insure the maximum participation of private financing sources.'' *Id.* In accordance with that policy, the U.S. Small Business Administration (SBA) does not invest directly in small businesses. Rather, through the SBIC program, SBA licenses and provides debenture leverage to SBICs. SBICs are privately-owned and professionally managed for-profit investment funds that make loans

to, and investments in, qualified small businesses using a combination of privately raised capital and debenture leverage guaranteed by SBA. SBA will guarantee the repayment of debentures issued by an SBIC (Debentures) up to a maximum amount of $150 million per SBIC based on the amount of the SBIC's qualifying private capital, defined in SBA regulations as Regulatory Capital (consisting of paid-in capital contributions from private investors plus binding capital commitments from Institutional Investors, as defined in existing § 107.50). SBA will typically provide an SBIC with up to two ''tiers'' of leverage (a two-to-one match between leverage and Regulatory Capital).

The standard Debenture requires semi-annual interest payments. Consequently, most SBICs finance later stage small businesses with positive operating cash flow, and most structure their investments as loans or mezzanine debt in an amount that is at least sufficient to cover the SBIC's Debenture interest payments. Early stage companies typically do not have positive operating cash flow and therefore cannot make current interest or dividend payments. As a result, investments in early stage companies do not fit naturally with the structure of debenture leverage.

Early stage businesses without the necessary assets or cash flow for traditional bank funding face difficult challenges accessing capital. As a result of this capital gap, on April 27, 2012, SBA published a final rule (77 FR 25042) to define a new sub-category of SBICs. SBA's intent was to license over a 5-year period (fiscal years 2012 through 2016) venture funds focused on early stage businesses. Because Early Stage SBICs present a higher credit risk than traditional SBICs, that rule authorized SBA to guarantee Debentures in an amount equal to each Early Stage SBIC's Regulatory Capital (one tier of leverage, rather than the two tiers typically available to traditional SBICs), up to a maximum of $50 million. SBA targeted an allocation of $200 million per year ($1 billion total) of its SBIC Debenture authorization over these years to this effort.

In order to determine potential changes needed to attract sufficient interest from qualified early stage fund managers to apply for the Early Stage SBIC program, SBA sought input from the public through an Advance Notice of Proposed Rulemaking (ANPRM) on March 18, 2015 (80 FR 14034). Based on comments on the ANPRM and additional discussions SBA held with industry participants, SBA published a proposed rule (81 FR 64075) on September 19, 2016, to make changes to make the Early Stage SBIC program more attractive and make the program a permanent part of the SBIC program. These changes included: (1) Extending the program past FY 2016; (2) modifying Early Stage licensing procedures to be more consistent with other SBICs by allowing Early Stage SBIC applicants to apply at any time and allowing existing Early Stage SBICs to apply for a subsequent license; (3) allowing Early Stage SBICs to use a line of credit without SBA's prior approval; and (4) increasing the maximum leverage from $50 million to $75 million.

II. Reason for Withdrawal

In determining whether to publish a final rule, SBA evaluated the results of the Early Stage SBIC Initiative, the costs of the initiative and the comments received on the proposed rule.

Between 2012 and June 2016, SBA received 62 applications to the Early Stage SBIC program, but licensed only 5 Early Stage SBICs. Those applicants that were not licensed failed to meet SBA's licensing criteria. Many of the applicants had management teams with limited track records and few positive realizations. Although SBA sought to increase the number of applicants to the Early Stage SBIC initiative, at the end of FY 2016, none of the SBIC applicants utilizing an early stage investment strategy in SBA's licensing pipeline sought to issue SBA-guaranteed Debentures or to be licensed as an Early Stage SBIC. SBA has and will continue to license qualifying early stage venture funds that do not intend to issue SBA-guaranteed Debentures. Although venture capital funds pursuing an early stage investment strategy are not prohibited from applying to the program as a leveraged SBIC, SBIC guaranteed Debentures are not well-suited to an early stage investing strategy since many early stage investments do not provide ongoing cash flows needed to pay the current interest and annual charges associated with SBA guaranteed debentures. Based on its evaluation of the Early Stage initiative, SBA concluded that there are insufficient qualified early stage fund management teams that are interested in using SBA-guaranteed leverage under the terms needed to make the Early Stage SBIC initiative a permanent part of the SBIC program.

SBA also considered costs in determining whether to withdraw the proposed rule. As noted in the April 27, 2012, final rule, due to the risk associated with this class of SBICs, SBA increased the annual charge for all SBICs issuing Debenture leverage in order to implement the Early Stage SBIC initiative. The September 2016 Early Stage SBIC proposed rule stated that because Early Stage SBICs invest in early stage investments with higher risk, the rule would continue to apply a higher annual charge payable by all SBICs issuing SBA-guaranteed Debentures. SBA expected to allocate no more than approximately $200 million in leverage commitments to Early Stage SBICs each year after FY 2017, which allocation was expected to increase the cost to all SBICs issuing SBA-guaranteed debentures by increasing the annual fee payable by all such SBICs by approximately 14 basis points. For an SBIC issuing $100 million in SBA-guaranteed Debentures, 14 basis points would equate to $140,000 per year. SBICs typically issue Debenture leverage over 4 to 6 years (using multiple commitments) and begin paying back leverage as the fund harvests its investments after that period. Based on Debenture pools since 1992 that have been fully repaid, the average hold period is approximately 6 years. Therefore the 14 basis points addition for an SBIC issuing $100 million in SBA-guaranteed Debentures would equate to $840,000. If the SBIC held the leverage for the full 10-year term, this would equate to $1,400,000 for a single SBIC over that timeframe. Between FYs 2012 and 2017, SBA approved on average $2.28 billion aggregate debenture commitments per year. If an additional 14 basis point charge were in effect, SBICs would incur over $3.2 million per year in additional fees, or approximately $19 million over the average 6 year holding period for SBIC-guaranteed Debentures. This is capital that SBICs could otherwise deploy to small businesses. Additionally, SBA must expend additional administrative costs to oversee these SBICs and to maintain subsidy formulation and re-estimate models. SBA received four comment letters on the proposed rule. Among other things, these comments requested changes to the payment structure of the Early Stage debenture—partial, as opposed to full prepayments—which structure SBA has determined is not workable. Another comment suggested that the amount of leverage SBA intended to allocate to Early Stage SBICs on an annual basis was perceived as a limit which placed unacceptable risk to management teams that would otherwise be interested in applying to the program. As discussed above, in order to determine the annual charge as required by the Act, if the proposed rule became final, SBA would be required to

allocate an amount of leverage to Early Stage SBICs on an annual basis. Other comments suggested concerns or requested clarifications. It was not evident to SBA from these comments that the proposed rule was broadly supported by SBIC program stakeholders.

The withdrawal of the proposed rule does not impact the Early Stage regulations contained in 13 CFR part 107 or the five currently licensed Early Stage SBICs. Such Early Stage SBICs remain subject to the Act, applicable regulations at 13 CFR part 107 and SBA policies.

Executive Order 13771

The withdrawal of the proposed rule qualifies as a deregulatory action under Executive Order 13771. See OMB's Memorandum titled ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs''' (April 5, 2017).

Accordingly, for the reasons stated in the preamble, the proposed rule published at 81 FR 64075 on September 16, 2016 is withdrawn.

Authority: 15 U.S.C. 634(b)(6).

Dated: May 12, 2018.

Linda E. McMahon,

Administrator.

[FR Doc. 2018–12030 Filed 6–8–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0509; Product Identifier 2017–NM–076–AD]

RIN 2120–AA64

Airworthiness Directives; Embraer 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 certain Embraer S.A. Model ERJ 190 airplanes. This proposed AD was prompted by reports of bushing migration and loss of nut torque on the engine pylon lower inboard and outboard link fittings. This proposed AD would require modification of the attaching parts of the left-hand (LH) and right-hand (RH) pylon lower link fittings, inboard and outboard positions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 26, 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 Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brazil; telephone: +55 12 3927–5852 or +55 12 3309–0732; fax: +55 12 3927–7546; email: *distrib@embraer.com.br;* internet: *http://www.flyembraer.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–2018–0509; 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: Krista Greer, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221.

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–2018–0509; Product Identifier 2017–NM–076–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

Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian AD 2017–04–01, effective April 25, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Embraer S.A. Model ERJ 190 airplanes. The MCAI states:

> This [Brazilian] AD was prompted by reports of bushing migration and loss of nut torque on the engine pylon lower inboard and outboard link fittings. We are issuing this [Brazilian] AD to prevent loss of integrity of the engine pylon lower link fittings, which could result in separation of the engine from the wing.
>
> This [Brazilian] AD requires modifications of the attaching parts of the left handle (LH) and right handle (RH) pylon lower link fittings, inboard and outboard positions.

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–2018–0509.

Related Service Information Under 1 CFR Part 51

Embraer S.A. has issued Embraer Service Bulletin 190–54–0016, Revision 04, dated December 7, 2017; and Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018. The service information describes procedures for modification of the attaching parts of the LH and RH pylon lower link fittings, inboard and outboard positions. 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 the same type designs.

Costs of Compliance

We estimate that this proposed AD affects 85 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
Modification	Up to 270 work-hours × $85 per hour = $22,950 ..	$3,200	Up to $26,150	Up to $2,222,750.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all available costs in our cost estimate.

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):

Embraer S.A.: Docket No. FAA–2018–0509; Product Identifier 2017–NM–076–AD.

(a) Comments Due Date

We must receive comments by July 26, 2018.

(b) Affected ADs

This AD affects AD 2014–16–16, Amendment 39–17940 (79 FR 48018, August 15, 2014) (''AD 2014–16–16'').

(c) Applicability

This AD applies to the Embraer S.A. airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Model ERJ 190–100 STD, –100 LR, and –100 IGW airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes; as identified in Embraer Service Bulletin 190–54–0016, Revision 04, dated December 7, 2017.

(2) Model ERJ 190–100 ECJ airplanes as identified in Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Reason

This AD was prompted by reports of bushing migration and loss of nut torque on the engine pylon lower inboard and outboard link fittings. We are issuing this AD to prevent loss of integrity of the engine pylon lower link fittings, and possibly resulting in separation of the engine from the wing.

(f) Compliance

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

(g) Definitions

(1) Group 1 airplanes are defined as: Serial numbers 19000002, 19000004, 19000006 through 19000108 inclusive, 19000110 through 19000139 inclusive, 19000141 through 19000158 inclusive, 19000160 through 19000176 inclusive, 19000178 through 19000202 inclusive, 19000204 through 19000224 inclusive, 19000226 through 19000235 inclusive, 19000237 through 19000242 inclusive, 19000244 through 19000260 inclusive, 19000262 through 19000277 inclusive, 19000279 through 19000295 inclusive, 19000297 through 19000306 inclusive, 19000308 through 19000316 inclusive, 19000318 through 19000361 inclusive, 19000363 through 19000437 inclusive, 19000439 through 19000452 inclusive, 19000454 through 19000466 inclusive, 19000468 through 19000525 inclusive, 19000527 through 19000533 inclusive, 19000535 through 19000558 inclusive, 19000560 through 19000570 inclusive, 19000572 through 19000610 inclusive, 19000612 through 19000631 inclusive, and 19000633 through 19000636 inclusive.

(2) Group 2 airplanes are defined as: Serial numbers 19000637 through 19000640 inclusive, 19000642 through 19000655 inclusive, 19000657 through 19000682 inclusive, 19000684 through 19000686 inclusive, 19000688, 19000689, and 19000692 through 19000694 inclusive.

(h) Left-Hand (LH) Pylon Lower Link Fitting Attaching Parts Modification

(1) For Group 1 airplanes as identified in paragraph (g)(1) of this AD: Within 15,000 flight hours or 48 months after the effective date of this AD, whichever occurs later, replace the plain bushings of the lower inboard and outboard link fittings, install the lock washers with the L-profile on the fuse pin's head side, and replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART I'' of the Accomplishment Instructions of Embraer Service Bulletin 190–54–0016, Revision 04, dated December 7, 2017.

(2) For Group 2 airplanes as identified in paragraph (g)(2) of this AD: Within 15,000 flight hours or 48 months after the effective date of this AD, whichever occurs later, replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART I'' of the Accomplishment Instructions of Embraer Service Bulletin 190–54–0016, Revision 04, dated December 7, 2017.

(3) For airplanes identified as Group 1 in Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018: Within 48 months after the effective date of this AD, replace the plain bushings of the lower inboard and outboard link fittings, install the lock washers with the L-profile on the fuse pin's head side, and replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART I'' of the Accomplishment Instructions of Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018.

(4) For airplanes identified as Group 2 in Embraer Service Bulletin Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018: Within 48 months after the effective date of this AD, replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART I'' of the Accomplishment Instructions of Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018.

(i) Right-Hand (RH) Pylon Lower Link Fitting Attaching Parts Modification

(1) For Group 1 airplanes as identified in paragraph (g)(1) of this AD: Within 15,000 flight hours or 48 months after the effective date of this AD, whichever occurs later, replace the plain bushings of the lower inboard and outboard link fittings, install the lock washers with the L-profile on the fuse pin's head side, and replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART II'' of the Accomplishment Instructions of Embraer Service Bulletin 190–54–0016, Revision 04, dated December 7, 2017.

(2) For Group 2 airplanes as identified in paragraph (g)(2) of this AD: Within 15,000 flight hours or 48 months after the effective date of this AD, whichever occurs later, replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART II'' of the Accomplishment Instructions of Embraer Service Bulletin 190–54–0016, Revision 04, dated December 7, 2017.

(3) For airplanes identified as Group 1 in Embraer Service Bulletin Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018: Within 48 months after the effective date of this AD, replace the plain bushings of the lower inboard and outboard link fittings, install the lock washers with the L-profile on the fuse pin's head side, and replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART II'' of the Accomplishment Instructions of Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018.

(4) For airplanes identified as Group 2 in Embraer Service Bulletin Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018: Within 48 months after the effective date of this AD, replace the internal shear pin of the fuse pins with new ones having larger head diameter, in accordance with ''PART II'' of the Accomplishment Instructions of Embraer Service Bulletin 190LIN–54–0008, Revision 02, dated May 9, 2018.

(j) Terminating Action for AD 2014–16–16

(1) Accomplishing the actions required by paragraph (h)(1) or (h)(2) of this AD, as applicable, terminates the requirements of paragraphs (g)(1), (h)(1), and (i)(1) of AD 2014–16–16 for that LH pylon lower link fitting.

(2) Accomplishing the actions required by paragraph (h)(3) or (h)(4) of this AD, as applicable, terminates the requirements of paragraphs (g)(2), (h)(2), and (i)(2) of AD 2014–16–16 for that LH pylon lower link fitting.

(3) Accomplishing the actions required by paragraph (i)(1) or (i)(2) of this AD, as applicable, terminates the requirements of paragraphs (g)(1), (h)(1), and (i)(1) of AD 2014–16–16 for that RH pylon lower link fitting.

(4) Accomplishing the actions required by paragraph (i)(3) or (i)(4) of this AD, as applicable, terminates the requirements of paragraphs (g)(2), (h)(2), and (i)(2) of AD 2014–16–16 for that RH pylon lower link fitting.

(k) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (h)(1), (h)(2), (i)(1), and (i)(2) of this AD, if those actions were performed before the effective date of this AD using Embraer Service Bulletin 190–54–0016, dated September 22, 2015; Embraer Service Bulletin 190–54–0016, Revision 01, dated January 18, 2016; Embraer Service Bulletin 190–54–0016, Revision 02, dated September 12, 2016; or Embraer Service Bulletin 190–54–0016, Revision 03, dated May 18, 2017.

(2) This paragraph provides credit for actions required by paragraphs (h)(3), (h)(4), (i)(3), and (i)(4) of this AD, if those actions were performed before the effective date of this AD using Embraer Service Bulletin 190LIN–54–0008, dated October 2, 2015; Embraer Service Bulletin 190LIN–54–0008, Revision 01, dated April 13, 2017.

(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 Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(3) *Required for Compliance (RC):* For service information that contains steps that are labeled as RC, the provisions of paragraphs (l)(3)(i) and (l)(3)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian AD 2017–04–01, effective April 25, 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–2018–0509.

(2) For more information about this AD, contact Krista Greer, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221.

(3) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brazil; telephone: +55 12 3927–5852 or +55 12 3309–0732; fax: +55 12 3927–7546; email:

distrib@embraer.com.br; internet: *http://www.flyembraer.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 31, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–12228 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0505; Product Identifier 2017–NM–178–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 A350–941 airplanes. This proposed AD was prompted by a report of an overheat failure mode of the hydraulic engine-driven pump, which could cause a fast temperature rise of the hydraulic fluid. This proposed AD would require modifying the hydraulic monitoring and control application (HMCA) software. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 26, 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—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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–2018–0505; 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: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

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–2018–0505; Product Identifier 2017–NM–178–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 2017–0200, dated October 10, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A350–941 airplanes. The MCAI states:

> In the Airbus A350 design, the hydraulic fluid cooling system is located in the fuel tanks. Recently, an overheat failure mode of the hydraulic engine-driven pump (EDP) was found. Such EDP failure may cause a fast temperature rise of the hydraulic fluid.
>
> This condition, if not detected and corrected, combined with an inoperative fuel tank inerting system, could lead to an uncontrolled overheat of the hydraulic fluid, possibly resulting in ignition of the fuel-air mixture in the affected fuel tank.
>
> To address this potential unsafe condition, Airbus issued a Major Event Revision (MER) of the A350 Master Minimum Equipment List (MMEL) that incorporates restrictions to avoid an uncontrolled overheat of the hydraulic system. Consequently, EASA issued Emergency AD 2017–0154–E to require implementation of these dispatch restrictions.
>
> Since EASA Emergency AD 2017–0154–E was issued, following further investigation, Airbus issued another MER of the A350 MMEL that expands the number of restricted MMEL items. At the same time, Airbus revised Flight Operation Transmission (FOT) 999.0068/17, to inform all operators about the latest MMEL restrictions. Consequently, EASA issued AD 2017–0180, retaining the requirements of EASA Emergency AD 2017–0154–E, which was superseded, and requiring implementation of the new Airbus A350 MMEL MER and, consequently, restrictions for aeroplane dispatch.
>
> Since EASA AD 2017–0180 was issued, Airbus developed a software (SW) update of the Hydraulic Monitoring and Control Application (HMCA) SW S4.2, introduction of which avoids uncontrolled overheat of the hydraulic system. HMCA SW S4.2 is embodied in production through Airbus modification (mod) 112090, and introduced in service through Airbus Service Bulletin (SB) A350–29–P012.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2017–0180, which is superseded, and requires modification of the aeroplane by installing HMCA SW S4.2.
>
> This [EASA] AD is still considered to be an interim action and further 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–2018–0505.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A350–29–P012, dated October 6, 2017. The service information describes procedures for modifying the HMCA software by installing HMCA software S4.2 upgrades. 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 7 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
2 work-hours × $85 per hour = $170	$450	$620	$4,340

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–2018–0505; Product Identifier 2017–NM–178–AD.

(a) Comments Due Date

We must receive comments by July 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A350–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Reason

This AD was prompted by a report of an overheat failure mode of the hydraulic engine-driven pump, which could cause a fast temperature rise of the hydraulic fluid. We are issuing this AD to address high hydraulic fluid temperature combined with an inoperative fuel tank inerting system, which could result in uncontrolled overheating of the hydraulic system and consequent ignition sources inside the fuel tank, which, combined with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Definition of Airplane Groups

(1) Group 1 are airplanes on which the hydraulic monitoring and control application (HMCA) software (SW) S4.2 is not installed.

(2) Group 2 are post-mod 112090 airplanes on which the HMCA SW S4.2 is installed.

(h) Software Modification

For Group 1 airplanes: Within 30 days after the effective date of this AD, modify the HMCA software by installing HMCA SW S4.2, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–29–P012, dated October 6, 2017. Where paragraphs 3.C.(1)(a) and 3.C.(2)(a) of Airbus Service Bulletin A350–29–P012, dated October 6, 2017, identify ''SOFTWARE-**'' and indicate that the ''Software becomes'' new software: For purposes of this AD, the new software titles/descriptions might not match exactly with the airplane and the service information; the old and new software titles/descriptions are for reference only as an aid to operators.

(i) Parts Prohibition

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD: No person may install an HMCA software pre-mod HMCA SW S4.2, on any airplane.

(1) *For Group 1 airplanes:* After accomplishment of the modification required by paragraph (h) of this AD.

(2) *For Group 2 airplanes:* As of the effective date of this AD.

(j) Other Acceptable Installation Method

Installation of an HMCA SW standard approved after the effective date of this AD is acceptable for compliance with the corresponding actions required by paragraph (h) of this AD, provided the conditions required by paragraphs (j)(1) and (j)(2) of this AD are met.

(1) The HMCA SW standard must be approved by the Manager, International Section, Transport Standards Branch, FAA; 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.

(2) The installation must be accomplished in accordance with the modification instructions approved by the Manager, International Section, Transport Standards Branch, FAA; the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0200, dated October 10, 2017, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0505.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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 29, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–12230 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0506; Product Identifier 2018–NM–045–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A350–941 airplanes. This proposed AD was prompted by the discovery of inadequate corrosion protection in certain areas of the horizontal stabilizer and the rear fuselage cone structure. This proposed AD would require application of sealant and protective treatment on the affected areas of the horizontal stabilizer and the rear fuselage cone structure and, for certain airplanes, modification of the trimmable horizontal stabilizer (THS) torsion box and re-identification of the elevator. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 26, 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—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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–2018–0506; 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: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

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–2018–0506; Product Identifier 2018–NM–045–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 2018–0036, dated February 7, 2018 (referred to after this as the Mandatory Continuing

Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A350–941 airplanes. The MCAI states:

In some areas of the Horizontal Tail Plane (HTP) [horizontal stabilizer] and fuselage Section (S) 19 [rear fuselage cone structure], the interfay sealant for multimaterial joints (hybrid joints) was only applied on the surface in direct contact with aluminium parts and not between all surfaces of the joint parts. This situation does not ensure full barrier properties. To avoid any risk of water ingress in multi-material-stacks involving aluminium, it is necessary to apply interfay sealant between all assembled parts, even between parts made of corrosion resistant material. This ensures a double barrier in the joint and prevents subsequent potential galvanic corrosion on the aluminum holes on top of the single barrier already applied in aluminium parts.

This condition, if not corrected, could reduce the structural integrity of the HTP and fuselage at S19.

To address this unsafe condition, Airbus developed production mod [Modification] 106695 for fuselage at S19 and mod 107824 for HTP to improve protection against corrosion, and issued [Airbus] SB [Service Bulletin] A350–53–P029 (Airbus mod 110281) and [Airbus] SB A350–55–P003 (Airbus mod 107877 and mod 108494) to provide modification instructions for in-service pre-mod aeroplanes.

For the reasons described above, this [EASA] AD requires application of sealant and protective treatment on the affected areas of the HTP and fuselage at S19 and, for certain aeroplanes, modification of the trimmable horizontal stabilizer (THS) torsion box [and re-identification of the elevator].

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A350–53–P029, dated November 17, 2017. This service information describes procedures to apply sealant and protective treatment on the affected areas of the rear fuselage cone structure.

Airbus has issued Service Bulletin A350–55–P003, dated November 6, 2017. This service information describes procedures to apply sealant and protective treatment on the affected areas of the horizontal stabilizer, modify the THS torsion box in zone 330 and 340, and re-identify the elevator in zone 335 and 345.

The 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 designs.

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:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 57 work-hours × $85 per hour = $4,845	Unavailable	Up to $4,845	Up to $29,070.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

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–2018–0506; Product Identifier 2018–NM–045–AD.

(a) Comments Due Date

We must receive comments by July 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A350–941 airplanes certificated in any category, all manufacturer serial numbers, except those on which Airbus Modification 106695 (or retrofit Modification 110281) and Modification 107824 (or retrofit Modification 107877 and retrofit Modification 108494) have been embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage; 55, Stabilizers.

(e) Reason

This AD was prompted by the discovery of inadequate corrosion protection in certain areas of the horizontal stabilizer and the rear fuselage cone structure. We are issuing this AD to prevent reduced structural integrity of the horizontal stabilizer and the rear fuselage cone structure.

(f) Compliance

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

(g) Definitions

(1) For the purpose of this AD, Group 1 airplanes are those with manufacturer serial numbers (MSNs) listed in Section 1.A., ''Applicability'' of Airbus Service Bulletin A350–53–P029, dated November 17, 2017.

(2) For the purpose of this AD, Group 2 airplanes are those with MSNs listed in Section 1.A., ''Applicability'' of Airbus Service Bulletin A350–55–P003, dated November 6, 2017.

(h) Modification

(1) For Group 1 airplanes: Before exceeding 36 months since the date of issuance of the original standard airworthiness certificate or date of issuance of the original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later, apply sealant and protective treatment on the affected areas of the rear fuselage cone structure, as defined in, and in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–53–P029, dated November 17, 2017.

(2) For Group 2 airplanes: Before exceeding 36 months since the date of issuance of the original standard airworthiness certificate or date of issuance of the original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later, accomplish concurrently the actions specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–55–P003, dated November 6, 2017.

(i) Apply sealant and protective treatment on the affected areas of the horizontal stabilizer, as defined in Airbus Service Bulletin A350–55–P003, dated November 6, 2017.

(ii) Modify the trimmable horizontal stabilizer (THS) torsion box in zone 330 and 340, and re-identify the elevator in zone 335 and 345.

(i) 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 (j)(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.

(3) *Required for Compliance (RC):* 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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0036, dated February 7, 2018, 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–2018–0506.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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 25, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–12229 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0508; Product Identifier 2018–NM–012–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 certain Airbus Model A350–941 airplanes. This proposed AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. This proposed AD would require revising the maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 26, 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—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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–2018–0508; 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: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

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–2018–0508; Product Identifier 2018–NM–012–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 2018–0004, dated January 9, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A350–941 airplanes. The MCAI states:

> Certification Maintenance Requirements (CMR) for the Airbus A350, which are approved by EASA, are currently defined and published in the Airbus A350 ALS Part 3 document. These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition [which is safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition].
>
> EASA previously issued [EASA] AD 2017–0029 to require the actions as specified in Airbus A350 ALS Part 3 Revision 03.
>
> Since this [EASA] AD was issued, Airbus published Revision 04 of Airbus A350 ALS Part 3, to introduce new and more restrictive CMRs.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2017–0029, which is superseded, and requires accomplishment of the actions specified in the ALS.

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–2018–0508.

Related Service Information Under 1 CFR Part 51

Airbus has issued A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 04, dated December 15, 2017. The service information describes mandatory maintenance tasks that operators must perform at specified intervals. 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 (i) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Differences Between This Proposed AD and the MCAI

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.

Airworthiness Limitations Based on Type Design

The FAA recently became aware of an issue related to the applicability of ADs that require incorporation of an ALS revision into an operator's maintenance or inspection program.

Typically, when these types of ADs are issued by civil aviation authorities of other countries, they apply to all airplanes covered under an identified type certificate (TC). The corresponding FAA AD typically retains applicability to all of those airplanes.

In addition, U.S. operators must operate their airplanes in an airworthy condition, in accordance with 14 CFR 91.7(a). Included in this obligation is the requirement to perform any maintenance or inspections specified in the ALS, and in accordance with the ALS as specified in 14 CFR 43.16 and 91.403(c), unless an alternative has been approved by the FAA.

When a type certificate is issued for a type design, the specific ALS, including revisions, is a part of that type design, as specified in 14 CFR 21.31(c).

The sum effect of these operational and maintenance requirements is an obligation to comply with the ALS

defined in the type design referenced in the manufacturer's conformity statement. This obligation may introduce a conflict with an AD that requires a specific ALS revision if new airplanes are delivered with a later revision as part of their type design.

To address this conflict, the FAA has approved alternative methods of compliance (AMOCs) that allow operators to incorporate the most recent ALS revision into their maintenance/inspection programs, in lieu of the ALS revision required by the AD. This eliminates the conflict and enables the operator to comply with both the AD and the type design.

However, compliance with AMOCs is normally optional, and we recently became aware that some operators choose to retain the AD-mandated ALS revision in their fleet-wide maintenance/inspection programs, including those for new airplanes delivered with later ALS revisions, to help standardize the maintenance of the fleet. To ensure that operators comply with the applicable ALS revision for newly delivered airplanes containing a later revision than that specified in an AD, we plan to limit the applicability of ADs that mandate ALS revisions to those airplanes that are subject to an earlier revision of the ALS, either as part of the type design or as mandated by an earlier AD.

This proposed AD therefore applies to all Airbus Model A350–941 airplanes with an original certificate of airworthiness or original export certificate of airworthiness that was issued on or before the date of approval of the ALS revision identified in this proposed AD. Operators of airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued after that date must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet.

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 this figure 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–2018–0508; Product Identifier 2018–NM–012–AD.

(a) Comments Due Date

We must receive comments by July 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A350–941 airplanes, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before December 15, 2017.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to address safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition.

(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 Airbus A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 04, dated December 15, 2017. The initial compliance time for accomplishing the actions is at the applicable times specified in Airbus A350 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirements (CMR), Revision 04, dated December 15, 2017; or within 90 days after the effective date of this AD; whichever occurs later.

(h) 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 (i)(1) of this AD.

(i) 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 (j)(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.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0004, dated January 9, 2018, 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–2018–0508.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@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 31, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–12233 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0404; Product Identifier 2018–NE–15–AD]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines (IAE) Turbofan engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all International Aero Engines (IAE) PW1133G–JM, PW1133GA–JM, PW1130G–JM, PW1127G–JM, PW1127GA–JM, PW1127G1–JM, PW1124G–JM, PW1124G1–JM, and PW1122G–JM turbofan engines. This proposed AD was prompted by reports of in-flight engine shutdowns and aborted take-offs as the result of certain parts affecting the durability of the rear high-pressure compressor (HPC) rotor hub knife edge seal. This proposed AD would require replacing the diffuser case air seal assembly, the high-pressure turbine (HPT) 2nd-stage vane assembly, and the HPT 2nd-stage borescope stator vane assembly with parts eligible for installation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 26, 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 International Aero Engines, 400 Main Street, East Hartford, CT 06118; phone: 800–565–0140; email: *help24@pw.utc.com;* internet: *http://fleetcare.pw.utc.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2018–0404; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

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–2018–0404; Product Identifier 2018–NE–15–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 NPRM.

Discussion

In-flight engine shutdowns and aborted take-offs have occurred on certain IAE turbofan engines as the result of a failed knife edge seal on engine serial numbers (ESNs) P770450 through P770614. In response to these events, the European Aviation Safety Agency published AD 2018–0041R1, dated March 23, 2018 (corrected on April 4, 2018). Additionally, the FAA published AD 2018–04–01 (83 FR 6791,

February 15, 2018), for all Airbus Model A320–271N, A321–271N, and A321–272N airplanes. Both ADs describe procedures to de-pair affected airplanes and to discontinue extended operations (ETOPS) for airplanes with at least one affected engine.

An analysis by the manufacturer of these engine failures has shown that production modifications to the diffuser case air seal assembly and the 2nd-stage HPT vane assemblies, beginning with ESN P770450, negatively affected the durability of the rear HPC rotor hub knife edge seal. The modifications caused the knife edge seal on the rear HPC rotor hub to experience high-cycle fatigue and failure. This condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

Related Service Information

We reviewed Pratt & Whitney Alert Service Bulletin (ASB) PW1000G–C–72–00–0099–00A–930A–D, Issue No. 002, dated March 15, 2018. The ASB describes procedures for removing production modifications to the diffuser case air seal assembly, HPT 2nd-stage vane assembly, and the HPT 2nd-stage borescope stator vane assembly, beginning with ESN P770450, which resulted in an unanticipated increase in stress at the rear HPC rotor hub knife edge seal.

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 removing from service and replacing the diffuser case air seal assembly, P/N 30G4993–01; the HPT 2nd-stage vane assembly, P/N 30G7572; and the HPT 2nd-stage borescope stator vane assembly, P/N 30G7672, with parts eligible for installation.

Interim Action

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

Costs of Compliance

We estimate that this proposed AD affects 16 engines installed on 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
Removing modifications	0 work-hours × $85 per hour = $0	$44,000	$44,000	$704,000

Authority for This Rulemaking

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

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

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

Regulatory Findings

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):

International Aero Engines: Docket No. FAA–2018–0404; Product Identifier 2018–NE–15–AD.

(a) Comments Due Date

We must receive comments by July 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to International Aero Engines (IAE) PW1133G–JM, PW1133GA–JM, PW1130G–JM, PW1127G–JM, PW1127GA–JM, PW1127G1–JM, PW1124G–JM, PW1124G1–JM, and PW1122G–JM turbofan engines with engine serial numbers (ESNs) P770450 through P770614.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of in-flight engine shutdowns and aborted take-offs that were the result of a failed knife edge seal on ESNs P770450 through P770614. We are issuing this AD to prevent failure of the rear high-pressure compressor rotor hub knife edge seal. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

At the next engine shop visit after the effective date of this AD, do the following:

(1) Remove from service the diffuser case air seal assembly, part number (P/N) 30G4993–01, and replace with a part eligible for installation.

(2) Remove from service the high-pressure turbine (HPT) 2nd-stage vane assembly, P/N 30G7572, and replace with a part eligible for installation.

(3) Remove from service HPT 2nd-stage borescope stator vane assembly, P/N 30G7672, and replace with a part eligible for installation.

(h) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges (lettered flanges). The separation of engine flanges solely for the purpose of transportation of the engine without subsequent engine maintenance does not constitute an engine shop visit.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

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

(2) For service information identified in this AD, contact International Aero Engines, 400 Main Street, East Hartford, CT 06118; phone: 800–565–0140; email: *help24@pw.utc.com;* internet: *http://fleetcare.pw.utc.com.* You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, MA, on June 6, 2018.

Robert J. Ganley,

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

[FR Doc. 2018–12452 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1031; Airspace Docket No. 17–ANM–21]

RIN 2120–AA66

Proposed Establishment of Class E Airspace and Amendment of Class E Airspace; Ephrata, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface, and modify Class E surface area airspace at Ephrata Municipal Airport, Ephrata, WA. This action also proposes to update the geographic coordinates of the airport in the associated Class E airspace areas to match the FAA's aeronautical database. These changes are necessary to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System. Also, an editorial change would be made to the Class E surface airspace legal description replacing ''Airport/Facility Directory'' with the term ''Chart Supplement''.

DATES: Comments must be received on or before July 26, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–1031; Airspace Docket No. 17–ANM–21, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Richard Farnsworth, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St., Des Moines, WA 98198–6547; telephone (206) 213–2244.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish and amend Class E airspace at Ephrata Municipal Airport, Ephrata, WA, to support standard instrument approach procedures for IFR operations at the airport.

Comments Invited

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

environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–1031; Airspace Docket No. 17–ANM–21''. The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface and modifying Class E surface area airspace at Ephrata Municipal Airport, Ephrata, WA.

Class E surface area airspace would be modified to a 4.2-mile radius of the airport (from a 4.4-mile radius of the Ephrata Municipal Airport and within 2.7 miles each side of the Ephrata VORTAC 043° and 233° radials extending from the 4.4-mile radius to 7 miles northeast of the VORTAC). The exclusionary language noting Moses Lake, WA, Class D airspace would be removed as it is not needed to define the boundary.

Class E airspace extending upward from 700 feet would be established within 4.2 miles northwest and 6.6 miles southeast of the 043° and 223° bearings from the airport extending from the airport reference point to 11.1 miles northeast and 6.3 miles southwest of the airport, respectively.

Additionally, this action proposes to update the geographic coordinates for the associated Class E airspace areas to match the FAA's aeronautical database. Also, an editorial change would be made to the Class E airspace legal descriptions replacing Airport/Facility Directory with the term Chart Supplement.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM WA E2 Ephrata, WA [Amended]

Ephrata Municipal Airport, WA
(Lat. 47°18′2″ N, long. 119°31′01″ W)

That airspace extending upward from the surface within a 4.2-mile radius of Ephrata Municipal Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ANM WA E5 Ephrata, WA [New]

Ephrata Municipal Airport, WA
(Lat. 47°18′29″ N, long. 119°31′01″ W)

That airspace extending upward from 700 feet above the surface within 4.2 miles northwest and 6.6 miles southeast of the 043° and 223° bearings from Ephrata Municipal Airport extending from the airport reference point to 11.1 miles northeast and 6.3 miles southwest of the airport.

Issued in Seattle, Washington, on June 4, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–12413 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 232, 240, 270, and 274

[Release No. 33–10503; 34–83376; IC–33113; File No. S7–12–18]

RIN 3235–AM28

Request for Comment on Fund Retail Investor Experience and Disclosure

AGENCY: Securities and Exchange Commission.

ACTION: Request for comment.

SUMMARY: The Securities and Exchange Commission (''Commission'') is seeking public comment from individual investors and other interested parties on enhancing disclosures by mutual funds, exchange-traded funds (''ETFs''), and other types of investment funds to improve the investor experience and to help investors make more informed investment decisions. Specifically, we are seeking comment to learn how investors, like you, use these disclosures and how you believe funds can improve disclosures to help you make investment decisions. We are particularly interested in your input on the delivery, design, and content of fund disclosures. In addition to or in place of responses to questions in this release, investors seeking to comment on the investor experience and improving fund disclosure may want to submit a short Feedback Flier on Improving Fund Disclosure.

DATES: Comments should be received on or before October 31, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–12–18 on the subject line.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–12–18. 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 of submission. Commenters are encouraged to identify the number of the specific question(s) to which they are responding. The Commission will post all comments on the Commission's website (*https://www.sec.gov/rules/other.shtml*). Comments are also 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. 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. Investors seeking to comment on the investor experience and improving fund disclosure may want to submit a short Feedback Flier on Improving Fund Disclosure, available at Appendix B.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this request for comment. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: Michael Kosoff, Senior Special Counsel; or Angela Mokodean, Senior Counsel, at (202) 551–6921, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8626.

SUPPLEMENTARY INFORMATION: The Commission is seeking public comment from individual investors and other interested parties on enhancing investment company disclosures to improve the investor experience and to help investors make more informed investment decisions.

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I. Introduction

Today the Commission is continuing its efforts to enhance the information that is available to you, the investor, to help you make informed investment decisions. We have previously taken steps to improve the effectiveness of mutual fund, exchange-traded fund, and other types of public investment fund (''fund'') disclosures.[1] We are now requesting comment from you and other interested parties on ways to enhance fund disclosures, including the delivery, design, and content of fund disclosures, to improve the investor experience and help investors make more informed investment decisions.[2]

Our mission is to protect investors; maintain fair, orderly, and efficient markets; and facilitate capital formation. Disclosure is the backbone of the federal securities laws and is a principal tool we use to fulfill our mission. Disclosure

[1] *See, e.g.,* Enhanced Disclosure and New Prospectus Delivery Option for Registered Open-End Management Investment Companies, Securities Act Release No. 8998 (Jan. 13, 2009) [74 FR 4546, 4558 (Jan. 26, 2009)], available at *https://www.sec.gov/rules/final/2009/33-8998.pdf* (''Summary Prospectus Adopting Release'') (adopting an improved disclosure framework for mutual funds that was intended to address concerns that had been raised regarding the length, complexity, and usefulness of mutual fund prospectuses and to make use of technological advances to enhance the provision of information to mutual fund investors).

The Commission staff has also taken steps to improve fund disclosures. *See, e.g.,* Letter from Barry D. Miller, Associate Director, Division of Investment Management, U.S. Securities and Exchange Commission, to Karrie McMillan, General Counsel, Investment Company Institute (Jul. 30, 2010), available at *https://www.sec.gov/divisions/investment/guidance/ici073010.pdf.*

[2] We are seeking your input to help inform our consideration of whether to, for instance, propose future changes to fund disclosures.

can provide you with the information you need to evaluate investment choices and make informed investment decisions. We recognize that investors have different levels of knowledge and experience, and we seek to promote disclosure that is inviting and usable by a broad spectrum of investors.

Fund disclosures are especially important because millions of American investors invest in funds to help them reach important financial goals, such as saving for retirement and their children's educations. As of the end of 2017, more than 100 million individuals representing nearly 60 million households owned funds.[3] Given these numbers,[4] it is vital that investors obtain the information necessary to help them decide how to invest their assets.

Disclosures can take many forms, and funds provide disclosure on paper as well as through electronic media. Regardless of the medium used, an effective disclosure system should help investors:

- Find what they need;
- Understand what they find; and
- Use what they find to make informed investment decisions.

A modern fund disclosure system should provide investors streamlined and user-friendly information that is material to an investment decision, while providing them the ability to access additional, more in-depth information on-demand. We developed our current disclosure requirements at a time when investors received information primarily on paper. Some have criticized fund prospectuses and other required disclosure documents for containing long narratives; generic, redundant, and even at times irrelevant disclosures; legalese; and extensive disclosure that may serve more to protect funds from liability rather than to inform investors.

As technology evolves, the Commission seeks to improve the fund disclosure system to reflect the way investors currently seek, receive, view, and digest information. Advances in technology have made available new, innovative, and effective ways to improve the delivery, design, and content of fund disclosures. Electronic-based disclosures allow for more interactive, user-friendly design features tailored to meet individual investors' needs and improve investor engagement. Technology could also improve the content of fund disclosures by, for example, allowing investors to customize certain fund disclosures, such as fees and expenses, based on an investor's individual circumstances.

This request for comment, as well as investor testing of disclosure alternatives,[5] are two key initiatives the Commission is using to assess our current disclosure framework for funds. Through modernization of current disclosure requirements, the Commission can create a disclosure system that is better suited to meet the needs of 21st century investors. To that end, we are seeking your input on a wide range of issues relevant to fund disclosures. We have tailored our request to get information on your experience with the delivery, design, and content of fund disclosures. In addition to the specific issues highlighted for comment, we invite investors and other members of the public to address any other matters you believe are relevant to fund disclosure requirements.[6]

We have generally directed questions in this request for comment to you, the investor. If you seek to comment on the investor experience and improving fund disclosure, in addition to or in place of responses to questions in this release, you may want to submit a short Feedback Flier on Improving Fund Disclosure, available at Appendix B.[7]

We recognize that others have an interest in effective disclosure and can provide valuable perspectives. Therefore, we welcome input on these issues from all interested parties, including academics, literacy and design experts, market observers, and fund advisers and boards of directors, particularly comments pertaining to the following:

- How funds currently provide information;
- How investors currently access and use this information; and
- The potential costs and benefits of alternative approaches to our current fund disclosure framework.

II. Fund Disclosure

A. Fund Disclosure and Other Fund Information

There is a wide variety of fund information available to investors, including disclosure documents we require by regulation and materials that funds and others prepare at their discretion, such as sales materials. Together, these materials may be available in many forms, such as print or electronically (including through social media), and they may be static (such as a document) or interactive (such as a calculator or fund comparison tool).

Required Fund Disclosures. Required fund disclosures include the following:

- *Prospectus.* A prospectus provides key information about a fund to help investors make informed investment decisions. This document (or a summary version known as a ''summary prospectus'') is typically available at the time of purchase. Funds typically deliver prospectuses or summary prospectuses to investors before or at the time of confirmation of a purchase of fund shares and each year for as long as they continue to own fund shares. Appendix *A* to this release contains a hypothetical summary prospectus solely for illustrative purposes. A summary prospectus generally includes a description of:
  - The fund's investment objectives or goals;
  - The fund's fees and expenses;
  - Its principal strategies for achieving those investment objectives or goals;
  - The principal risks of investing in the fund;
  - The fund's and a broad-based index's past performance;
  - The fund's advisers and portfolio managers;
  - How to purchase and sell fund shares;
  - Tax information; and

[3] Investment Company Institute, *2018 Investment Company Fact Book,* at ii (2018), available at *https://www.ici.org/pdf/2018_factbook.pdf.*

[4] Funds managed 24 percent of household financial assets at year-end 2017. *Id.* at 36.

[5] The Commission's Office of the Investor Advocate (''OIAD'') currently is engaging in investor testing through its Policy Oriented Stakeholder and Investor Testing for Innovative and Effective Regulation (''POSITIER'') initiative. POSITIER seeks to provide the Commission and its staff with data regarding investor preferences, comprehension, and attitudes about investing. Under this initiative, OIAD has launched a specific study program to examine the topic of retail disclosure effectiveness. This study program seeks to identify and test ways to increase investor understanding of key investment features and, in turn, help improve investment outcomes for individual investors. *See SEC's Office of the Investor Advocate to Hold Evidence Summit, Launch Investor Research Initiative,* Securities and Exchange Commission Press Release, Mar. 2, 2017, available at *https://www.sec.gov/news/pressrelease/2017-59.html.*

[6] The Commission's Office of Investor Education and Advocacy has published guidance on how you can write and submit a comment to us. *See* Investor Bulletin: Suggestions for How Individual Investors Can Comment on SEC Rulemaking (Dec. 12, 2017), available at *https://www.investor.gov/additional-resources/news-alerts/alerts-bulletins/investor-bulletin-suggestions-how-individual.*

[7] The Commission determines that using this short-form Feedback Flier document to obtain information from investors is in the public interest and will protect investors and therefore is not subject to the requirements of the Paperwork Reduction Act of 1995. *See* Securities Act of 1933 (''Securities Act'') section 19(e) and (f). Additionally, for the purpose of developing and considering any potential rules relating to this Request for Comment, the agency may gather information from and communicate with investors or other members from the public. *Id.* section 19(e)(1) and (f).

○ The compensation paid to intermediaries,[8] such as your financial professional and/or his or her firm.[9]

• *Statement of additional information* (''SAI''). The SAI provides additional information that some investors may find useful, but that we do not consider essential information for all investors. The SAI largely expands on information that is contained in the prospectus. It is available online or upon request.

• *Shareholder reports.* Shareholder reports include both annual and semiannual reports, which describe how the fund has operated and include the fund's holdings and financial statements. The annual report also discusses the market conditions and investment strategies that significantly affected the fund's performance during its last fiscal year.

• *Proxy statements.* A proxy statement informs investors about when and where a shareholder meeting is taking place, describes the matters shareholders will vote on, and explains how to vote shares. Funds send this document (or a brief notice describing basic details about the meeting and how to access the full proxy materials) to investors in advance of the shareholder meeting.

• *Other information.* Funds are required to make additional information available on EDGAR [10] that is not required to be delivered to investors. This information includes a fund's holdings for its first and third quarter-ends and its proxy voting record.

Other Fund Information

• A fund may prepare advertising materials to inform potential or current investors about the fund. Fund advertisements may take many forms and can include materials in newspapers, magazines, radio, television, mailings, fact sheets, fund commentaries, newsletters, and on various web-based platforms (including mobile devices, such as smartphones). Fund advertisements must comply with certain regulatory requirements.[11]

• Financial professionals, analysts, and the media may produce other materials that provide information about funds, such as research or analyst reports, tools or other services for researching and comparing funds, fund ratings, and news articles.

• *Investor.gov.* The SEC's Office of Investor Education and Advocacy maintains a website at *www.Investor.gov* that provides a variety of publications to help you understand the various features and risks of common investment products.

Given the volume and complexity of fund information, the delivery, design, and content of fund disclosures have significant effects on investors' ability to access and use important information. One way to assess the effectiveness of our disclosure regime is to examine how investors use fund disclosures today.

Request for Comment

1. How do you select funds for investment? What do you look at before deciding on an investment? Do you look at fund disclosure documents or other publications or websites? If so, which do you primarily look at? Do you use online investment tools or other tools before making an investment?

2. What information do you want to know when you make an investment and monitor an investment you own? What information do you not receive that you would like to receive?

3. Do you rely on any of the disclosure documents we describe above, such as the fund summary prospectus, prospectus, shareholder report, or statement of additional information to invest or continue to hold an investment? If not, why not? If you do rely on any of the disclosure documents, which parts do you rely on and why?

4. Do you rely on certain disclosure when purchasing shares of a fund and different disclosures when holding or selling shares? If so, why?

5. How well do current fund disclosures assist you in your investment decision-making? What disclosures could funds improve? How does technology help you make investment decisions?

6. When making investment decisions, do you rely entirely, partially, or not at all on the advice of a financial professional? Does the assistance of a financial professional affect whether and how you use fund disclosures?

7. Are current fund disclosures understandable? Do you have access to sufficient information, tools, and analysis to help you evaluate potential investment choices and your current investments?

8. How do you compare different investment choices? Are there types of interactive comparison tools that you use? Are there other tools that would be helpful but do not appear to exist?

9. If the current tools available for comparing investment choices are not helpful, have you seen tools or features that compare other types of non-financial products (such as cars or cellphone plans) that are helpful? If so, what are they, and why are those tools more helpful?

10. Should we provide prominent links on our website to tools you can use to compare investment choices or products, such as FINRA's Fund Analyzer, which is available at *https://tools.finra.org/fund_analyzer/*?

11. Recent data indicates that approximately 21 percent of Americans do not speak English in their homes.[12] Is the current disclosure regime effective for Americans whose primary language is not English or who have limited English proficiency? If not, what improvements do you recommend?

B. Delivery of Fund Information

When and how investors receive information can be as important as the content and design of disclosures. Today, there is a lot of information about funds available online. The challenge is whether an investor can easily find, access, and compare the information at a time when the information is useful to the investor. Two important considerations to the delivery of fund information are the following:

• When investors receive fund disclosure relative to their investment decisions; and

• How investors receive fund disclosures, including the form of disclosure (paper or electronic) and the manner of delivery (such as whether an investor receives a copy of the disclosure or a notice that the disclosure is available online or in paper on request).

The Commission is seeking input with respect to all aspects of the timing and delivery of information to fund investors with the goal of improving the investor experience and helping investors make more informed investment decisions.

1. Timing of Disclosure Delivery

A well-functioning fund disclosure regime should provide material information to investors. It should also

[8] An intermediary is an entity (such as a broker-dealer or bank) that you may use to purchase fund shares.

[9] A fund's full prospectus includes additional information.

[10] EDGAR is the SEC's Electronic Data Gathering Analysis and Retrieval System. EDGAR contains the filings of all public companies and certain individuals who are required to file documents with the Commission. Information about paper filings since 1986 and complete electronic filings since 1996 onward are available. EDGAR may be accessed from the Commission's public website, *www.sec.gov*.

[11] *See* rule 482 under the Securities Act. Rule 482 is discussed in detail in the section titled Fund Advertising, below.

[12] *See* Central Intelligence Agency, *The World Factbook,* available at *https://www.cia.gov/library/publications/resources/the-world-factbook/* (estimating that as of 2015, approximately 79 percent of Americans spoke English in the home).

provide that information at a time when it can be useful to an investor.[13] Regulatory documents, such as a prospectus, are typically available before an investment decision. Specifically, any summary prospectus, prospectus, or SAI is available upon request from the fund and may be available on a fund's website. You also can request these documents from your financial professional. In addition, funds and financial professionals typically make other materials available that describe the fund, which may also help an investor make an investment decision.

The federal securities laws do not require delivery of the prospectus at the time you make an investment decision to purchase fund shares. However, investors generally must receive a prospectus or summary prospectus before or at the time they receive a document confirming their purchase of fund shares.

We are seeking input on whether investors are able to obtain the information they need before investing and after investing.

Request for Comment

12. What information (such as investment objectives, fees and expenses, strategies, risks, and performance) is important to you *before* you purchase fund shares? What information is important to you *after* you have made an investment? If you rely on the advice of a financial professional, would your conversations with him or her be more helpful if you received the prospectus before or during your discussion?

13. What information do you receive at or before your purchase of fund shares? Do you typically receive a prospectus (or summary prospectus) at the time of or before your purchase of fund shares? Is there sufficient information about funds available such that delivery of a prospectus before you purchase fund shares is unnecessary? If so, what information do you review?

14. Fund advertisements must include language that tells investors how to obtain a fund's prospectus or summary prospectus and that advises investors to read the prospectus carefully before investing in a fund. Below is an example.

> An investor should consider the investment objectives, risks, and charges and expenses of the Fund carefully before investing. The prospectus and summary prospectus contains this and other information about the Fund. You can get a free copy of the prospectus and summary prospectus by calling the Fund at (800) xxx–xxxx, by clicking *here*, or from your financial professional. You should read the prospectus and summary prospectus carefully before investing.

Does this notice effectively inform you about how to obtain a prospectus or summary prospectus and of the importance of reviewing a prospectus before making an investment decision? If it is not effective, how could we improve it?

15. Do you ever seek out fund information on your own without the help of a financial professional? If so, were you able to find the information easily at the time you were looking for it? If not, what were the problems?

16. Securities regulators in certain other jurisdictions require delivery to investors of a summary document describing the key features of a fund at or before the purchase of fund shares. This type of document generally is known as a ''point-of-sale'' disclosure. Should we consider a similar point-of-sale disclosure requirement? [14]

2. Method of Disclosure Delivery

a. Investors' Use of the Internet

Americans' preference for consuming information through electronic media has grown substantially as the use of the internet has grown.[15] By mid-2017, 95 percent of households owning mutual funds had some form of internet access (up from 68 percent in 2000).[16] While much fund information is available in an electronic format, many of these disclosures are an electronic rendering of paper documents (such as a PDF). Technology, including email and web-based information, can speed up the delivery of information and enhance disclosure.

Because internet access and technology enable varied methods for providing information and investor preferences may be changing in light of advancing technology, we are seeking information about your current use of the internet to communicate about and find information on fund investments. This information will help us improve funds' ability to get investors the information they need.

Request for Comment

17. Do you use the internet to access your personal financial information such as your investment accounts? How often do you do so? Do you ever use the internet to research funds or to find information about your current fund investments? If so, do you look for information on a fund's website, on your financial professional's website, or elsewhere? For example, do you use your brokerage firm's website for fund research? When researching fund information online, do you prefer to use a computer, tablet, smartphone, or a different device?

18. If you do not use electronic media to receive or access information about funds, what are your reasons (such as lack of access to the internet, privacy concerns, preference for reading paper, discomfort with technology, or lack of time or interest)?

19. How do you prefer to receive communications about fund investments (for example, mail delivery, email, website availability, mobile applications, or a combination)? How do you currently receive communications about your investments?

20. Do you maintain an active email address on file with a fund in which you are invested or with your financial professional? Why or why not? Have you chosen to have your fund documents delivered by email? Why or why not? Do you log in to your funds' or financial professionals' website? If so, how often do you log in and what do you look at?

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[13] We recognized this principle when we adopted rule 159 under the Securities Act in 2005. *See* Securities Offering Reform, Securities Act Release No. 8591 (Jul. 19, 2005) [70 FR 44722, 44765 (Aug. 3, 2005)], available at *https://www.sec.gov/rules/final/33-8591fr.pdf.*

[14] We have considered other point-of-sale disclosure in the past. *See* Confirmation Requirements and Point of Sale Disclosure Requirements for Transactions in Certain Mutual Funds and Other Securities, and Other Confirmation Requirement Amendments, and Amendments to the Registration Form for Mutual Funds, Investment Company Act Release No. 26341 (Jan. 29, 2004) [69 FR 6438 (Feb. 10, 2004)]; Point of Sale Disclosure Requirements and Confirmation Requirements for Transactions in Mutual Funds, College Savings Plans, and Certain Other Securities, and Amendments to the Registration Form for Mutual Funds, Investment Company Act Release No. 26778 (Feb. 28, 2005) [70 FR 10521 (Mar. 4, 2005)].

[15] *See* Amy Mitchell, Jeffrey Gottfried, Michael Barthel and Elisa Shearer, *The Modern News Consumer: News Attitudes and Practices in the Digital Era,* Pew Research Center, Jul. 7, 2016, available at *http://assets.pewresearch.org/wp-content/uploads/sites/13/2016/07/07104931/PJ_2016.07.07_Modern-News-Consumer_FINAL.pdf.*

[16] *See* ICI Research Perspective: Ownership of Mutual Funds, Shareholder Sentiment, and Use of the Internet, Investment Company Institute, at 18 (Oct. 2017), available at *https://www.ici.org/pdf/per23-07.pdf.*

21. Is there particular website content that you like to access, such as blogs, videos, fund screeners, interactive calculators, performance presentations, fact sheets, research reports, or social media posts?

b. Form and Manner of Delivery

Increasingly, investors are relying on electronic media to get their news and information. We believe this includes information about their investments. Investors' increasing use of electronic media may change the way they like to receive information, including the form of disclosure delivery (paper versus electronic) and the manner of delivery (such as whether they receive full disclosure documents or notices that disclosure is available online or in paper on request).

Currently investors receive fund prospectuses and shareholder reports (as well as other documents such as account statements and confirmations) in paper through the mail unless they choose electronic delivery.[17] As discussed above, a fund typically delivers a copy of the paper prospectus or summary prospectus to an investor before or at the time of confirmation of a purchase of fund shares and each year after that. A fund also may send investors a paper copy of a ''sticker''—that is, a supplement to a previously sent prospectus or summary prospectus—to reflect certain changes that occur during the year.

Using electronic delivery more broadly could benefit funds and their investors. For example, funds and their shareholders (who ultimately bear the costs of sending paper documents) could potentially save money if a fund has to print and mail fewer paper documents. Electronic disclosure also could enhance design features that are unavailable in paper documents, such as improved searchability, easy reference to additional detail through hyperlinks, and the ability to compare multiple funds simultaneously. These features could improve the usefulness of fund disclosures for investors.

While there are benefits associated with electronic disclosure, there are potential concerns as well. Electronic delivery may vary in effectiveness depending on investor preferences and needs. Some investors may not be comfortable with using technology to access fund disclosures. Further, a small subset of investors do not have access to the internet, although the percentage of investors with internet access continues to increase.[18] Other investors may simply prefer to read information on paper and may process that information better when read on paper rather than electronically. Investors who do not want to or who are unable to access electronic disclosure may be able to rely on a financial professional to provide the relevant disclosure in paper. However, to the extent these investors do not rely on a financial professional to assist with their investments, they may have difficulty accessing electronic fund disclosures.

Different disclosure documents may arrive in different ways. For example, an investor may receive a brief notice in the mail telling him or her how to get proxy materials in paper or online, while he or she would receive a full copy of a fund's prospectus or summary prospectus.

In light of the technological advances made in recent years and the increased reliance by investors on electronic media, we are seeking comment on the form and manner of disclosure delivery.

Request for Comment

22. Do you prefer to access some types of information (such as a prospectus (or summary prospectus), shareholder reports, and proxy statements) electronically and to receive other types in paper? If so, which types of information do you wish to access electronically versus receive in paper?

23. Do you currently receive the right amount of fund information in the mail? If you receive too much or too little information by mail, have you found it difficult to tell your broker, investment adviser, or fund that you want to receive more or less paper?

24. Should we continue to require funds to deliver a paper copy of their prospectuses or summary prospectuses unless you have chosen to receive these documents electronically? Alternatively, should we permit funds to email this information to you and not send paper copies without having to ask you for permission first, if the fund has an email address on file for you? Are there other means such as text messages, notification via an app, or social media that funds should use to effectively communicate information (or the availability of information) to investors? Under an electronic delivery approach, how should investors be able to request delivery of paper disclosures?

25. Do you prefer to receive a prospectus or summary prospectus directly, or would you prefer to receive a brief notice (such as a postcard or an email containing a link to the document) informing you that new or amended fund disclosure is available? Are you more likely to read, retain, or act on a fund disclosure document if you receive it directly by mail or electronic communication (such as email) rather than simply being notified that it is available? If you prefer to receive a brief notice, how frequently should you receive this notice, and how should funds provide the notice (for example, paper, email, text, or robocall)? Alternatively, would you prefer not to receive communication from a fund and to find information independently about the fund online at a time of your choosing? If yes, should we permit this approach for all information, or should there be an exception for certain types of fund information, such as tax information and proxy materials? Are you more likely to read, retain, or act on a fund disclosure document if you receive it directly by mail or electronic communication (such as email)?

26. Do you have different informational needs or interests for new fund investments as opposed to your existing fund investments? For example, would you like a fund to send you a copy of its prospectus or summary prospectus when you first buy a fund's shares but prefer that the fund not send you a copy of the prospectus in subsequent years, except upon request? For your existing fund investments, would you like to receive a copy of the prospectus or other notice only if the fund has a material change (like a material change in its principal investment strategy or a material increase in fees)? If so, should the fund explain or highlight the material change(s) for you in some manner?

c. Promoting Electronic Disclosures

As discussed above and in section II.C.2, electronic delivery of fund disclosures could have significant benefits for funds and investors, such as cost savings and enhanced features improving the usefulness of disclosures. We are seeking comment on what, if anything, the Commission should do to encourage funds to deliver documents electronically in an investor friendly manner, and to encourage investors to take advantage of the benefits that electronic delivery can provide, while minimizing the drawbacks.

[17] On June 5, 2018, we adopted amendments that will permit funds to deliver to their investors a notice alerting them that the fund's most recent annual or semiannual report is available online at a specified website instead of delivering them a full report in paper. *See* Optional Internet Availability of Investment Company Shareholder Reports, Investment Company Act Release No. 33115 (Jun. 5, 2018).

[18] *See supra* note 16 and accompanying text.

Request for Comment

27. How should funds more effectively use technology and communication methods to help investors focus on important fund information?

28. Should we accommodate changes in the ways investors review electronic documents, such as the increasing use of mobile devices? If so, how? How likely are you to read fund disclosures on your mobile device?

29. What features in electronic disclosures (such as hyperlinks, searchability, and the ability to save on your computer) do you find most useful? How can more funds be encouraged to make these features available? Are there any features that funds should be required to make available?

30. Are there steps funds could take to help overcome barriers to electronic delivery in light of various concerns, such as privacy or discomfort with technology? Are there ways that funds can make electronic disclosures more user-friendly, especially for those averse to using the internet in making investment decisions?

31. Do cybersecurity issues make you reluctant to open an attachment, click on a link, or log in to a fund website based on links embedded in emails? How can funds make electronic access more secure, and how can they make you feel safer when receiving documents or other communications electronically? Are there protocols that the Commission could require to help make electronic delivery safer for investors?

32. Would you be more likely to access electronic information about funds, or access such information more frequently, if we required funds to disclose certain updated information online (for example, updated performance)?

C. Design

The design of information can influence an investment decision. For this reason, the Commission has established requirements for certain disclosure documents to help ensure that key information is presented clearly, is easy to find, and facilitates comparisons between funds. These requirements prescribe, for example, the order, content, form, and timing of certain information.

Technology can be a powerful tool to enhance the design of disclosures and the investor experience of consuming them. As an example, a glossary of terms and definitions may be necessary for a paper-based document, but web-based disclosures could take advantage of pop-ups, hovers, or other tools to provide definitions when the investor needs them.

The Commission is seeking input with respect to all aspects of the way fund information is presented to investors and how to design disclosures to improve the investor experience and help investors make more informed investment decisions.

1. Plain Language

Plain language disclosure makes information more accessible to investors and promotes investor engagement in financial decision-making. Currently, funds are required to follow a plain English rule to make their prospectuses clear, concise, and understandable.[19] More detailed standards apply to certain sections of the prospectus, such as the summary section and the description of risk factors. Under the rule, funds generally must follow these plain English principles, among others:

- Short sentences;
- Descriptive headings;
- Understandable language (generally avoiding reliance on glossaries, defined terms, and legal jargon or highly technical business terms);
- Active voice; and
- Tabular presentations or bullet lists, particularly when presenting complex material.

Plain language plays an important role in investors' ability to use fund disclosures. We are seeking comment on the effectiveness of our current plain English framework and how to improve the readability and usefulness of fund disclosures for investors.

Request for Comment

33. Are required fund disclosures (such as a prospectus, shareholder report, and proxy statements) easy to read?

34. Should we do more to promote less technical writing in fund disclosures? For example, should we:

- Replace technical terms, such as ''front-end load'' or ''12b–1 fees''? Alternatively, are these terms so well-established that replacing them would confuse investors?
- Require certain fund disclosure documents or sections of such documents to have specific readability scores? [20]
- Add more sample language to Commission forms that funds can use to introduce a given topic in their disclosures using basic, understandable terms? [21] Which parts of the prospectus would benefit from additional explanation of the purpose of the disclosure?
- Encourage or require greater use of personal pronouns (such as ''you'') in disclosures to speak directly to the reader?

35. Would you prefer more use of visual presentations (such as tables, charts, and graphs) in fund disclosures? Are there particular types of fund information that you would prefer to receive as visual presentations? Do you find the current visuals in fund disclosures (such as graphs showing the performance history of a fund) useful, or can they be too complex?

36. Should we modify the format of prospectuses or other required fund disclosures to make them more user-friendly? For example, should certain summary or other disclosure be presented in a question-and-answer (Q&A) format? [22] If a Q&A format is used, should we standardize the questions, or should funds have the flexibility to develop different questions based on their facts and circumstances?

37. A fund's name is often the first piece of information you see about a fund. If a fund name includes a particular type of investment, industry, country, or geographic region, what conclusions do you draw about how the fund invests? More generally, do you believe that a fund's name conveys information about the fund's investments and investment risks?

38. The SEC's Office of Investor Education and Advocacy maintains a website at *www.Investor.gov* that provides a variety of publications to help you understand the various features and risks of common investment products.[23] Should we

[19] *See* rule 421 under the Securities Act.

[20] Other financial regulators have required that disclosures describing financial products meet minimum readability standards. *See, e.g.,* NAIC Suitability in Annuity Transactions Model Regulation (Model 275–1) (2003) (requiring that certain insurance policies have a minimum score of 40 on the Flesch Reading Ease Test or equivalent comparable test).

[21] Commission forms and rules sometimes include sample language that a fund must include, with modifications as warranted, to introduce a subject and explain the relevance of related disclosure. As an example, Item 3 of Form N–1A provides sample language for a mutual fund to explain the relevance of its fee and expense table, the example regarding the cost of investing in the fund, and the fund's portfolio turnover.

[22] Funds sometimes include Q&As in proxy materials to help investors understand the matters on which they are voting, and other jurisdictions have required Q&A-based fund disclosure. *See also* Canadian Securities Administrators National Instrument 81–101F3, Contents of Fund Facts Document, available at *http://ccmr-ocrmc.ca/wp-content/uploads/81-101_ni_f3_en.pdf.*

[23] *See, e.g.,* Mutual Funds and ETFs: A Guide for Investors, U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, available at *https://www.investor.gov/sites/default/files/mutual-funds.pdf.*

require fund disclosure documents to include a link to that website or its relevant publications to help investors make more informed investment decisions? In the alternative, should we require an investment education section within each prospectus that describes the basic features and risks of the relevant investment type? Are there additional ways the Commission could promote the overall financial education of fund investors?

2. Using Technology To Improve the Design of Fund Disclosures

Recent technological developments could enable more interactive, user-friendly disclosure that funds can tailor to individual investors' needs. Among other things, technology could help investors do the following:

- *Find information of interest.* For instance, while the electronic version of a paper-based disclosure may currently include hyperlinks in the table of contents section, funds could use other technological tools to help an investor better navigate or filter the disclosure to find and understand information of interest.
- *Understand fund disclosures.* Potential tools that funds could use to make their disclosures more understandable include pop-ups or hovers to provide plain language definitions or background on more complex issues.
- *Personalize fund disclosure based on individual needs and circumstances.* Funds or others could use technology to generate personalized fund data or illustrations based on investor inputs, such as fees and expenses on a specific investment size.
- *Access more current information about funds.* Technology could allow a fund to make static disclosure more useful by continuously updating information, such as fund performance.

Given advances in technology, we are seeking comment on ways funds could better use technology to make disclosure more useful and engaging for individual investors.

Request for Comment

39. How can we encourage or require funds to display fund information in a more user-friendly manner? For example, are there ways a fund could use web-based disclosure to present prospectus information to make the information more accessible and useful to you than an electronic rendering of a paper document (such as a PDF)?

40. Should fund disclosures be more personalized to enhance your understanding and engagement? If so, how? For example, should we encourage or require funds to use tools in electronic disclosures to help investors filter information to align with their areas of interest or personalize information based on their individual circumstances?

41. We require certain fund disclosures to include hyperlinks to other pieces of information (such as a fund website or another fund document). Should we require other technologies in addition to or in lieu of hyperlinks to connect information (such as QR codes [24])?

42. Should interactive fee calculators and performance presentations or other interactive tools supplement or replace certain required fund disclosures? If so, how would these tools integrate into the current disclosure regime?

43. How important are design elements—such as larger font sizes, greater use of white space, colors, or visuals, or the use of audio or video disclosures—to investors?

44. Assuming that more interactive and visually appealing disclosures may be more costly and that you will ultimately pay those costs, would you be willing to pay more for these enhanced features?

45. What do investors want to see done to give funds the ability to use technology creatively to effectively convey information to investors?

3. Use of Summaries and the Summary Prospectus

Concise, user-friendly disclosure assists investors in making their investment decisions. To promote these principles, in January 2009, the Commission amended the registration form used by mutual funds and ETFs to provide investors with streamlined and user-friendly information that is key to an investment decision.[25] Specifically, the Commission added a new summary section to mutual fund and ETF prospectuses and allowed these funds to deliver a shorter summary prospectus to investors, subject to certain conditions. The key information in the summary section includes a fund's investment objectives and strategies, risks, costs, and performance. Having this information in a standardized order in all mutual fund and ETF prospectuses helps investors compare multiple funds.

A fund's summary prospectus includes the same key information that the fund provides in the summary section of its prospectus. Appendix *A* to this release contains a hypothetical summary prospectus solely for illustrative purposes. A fund that uses a summary prospectus must provide its prospectus, SAI, and recent shareholder reports on a website and deliver these documents by paper or email upon an investor's request. Under this layered approach to disclosure, investors receive key information directly and have access to more detailed information.

We generally believe that investors benefit from clear and accurate summary disclosure of key information. Specifically, summary disclosure, along with access to more detailed information, can assist investors in making more informed investment decisions. We are seeking comment on the effectiveness of the summary prospectus for mutual funds and ETFs and whether a similar summary disclosure framework might improve other fund disclosures.

Request for Comment

46. Should we do more to encourage or require shorter, ''summary'' disclosures, with additional information available online or upon request? For example, should we require summary versions of other required fund disclosures, such as shareholder reports?

47. Do you use the summary prospectus in making investment decisions? Does the summary prospectus contain the right amount and type of information to assist you in making an investment decision? Would other information, such as measures of leverage [26] or derivative exposure, help you make an informed investment decision? Are there disclosure items currently required in the summary prospectus that we should eliminate?

48. Currently, we only permit funds to disclose certain pieces of information in their summary prospectuses. Should the summary prospectus also alert you to important imminent events, such as impending liquidations, mergers, or large distributions that might have a significant impact on your investment decisions?

49. Do you think summary prospectuses are too short, too long, or

[24] A QR code is a two-dimensional barcode capable of encoding information such as a website addresses, text information, or contact information. These codes are becoming increasingly popular in print materials and can be read using the camera on a smartphone. These codes can provide an easier way for investors to get more information about funds.

[25] *See* Summary Prospectus Adopting Release, *supra* note 1.

[26] Funds employing leverage typically seek to enhance returns by borrowing money to make additional investments, or investing in certain financial instruments that do not require full payment at the time of entering into the trade. While leverage can enhance positive returns, it also can magnify fund losses.

an appropriate length? The Commission intended each summary prospectus to consist of three or four pages, but allows funds flexibility to set the length.[27] However, many summary prospectuses exceed this intended length. Certain foreign jurisdictions have adopted summary disclosure documents that include page limits. For example, Canada's Fund Facts document cannot exceed four pages, and the European Union's Key Investor Information Document (''KIID'') cannot exceed two pages.[28] Should we limit the length of summary prospectuses, or should we continue to provide funds with flexibility in this area?

50. How can technology enhance the usefulness of summary disclosure for investors? Should electronic versions of summary documents provide the ability to more easily access additional, detailed information by clicking on a piece of information? Should we encourage technology that can aggregate fund information from multiple funds so an investor can see a summary of his or her entire portfolio? If so, what is the best way to encourage this type of technology? Would investors be willing to pay for these technological enhancements?

4. Location and Order of Information

Logical organization of information can help investors easily find desired information at the appropriate level of detail. As previously discussed, the current disclosure framework for most funds consists of a prospectus (and a summary prospectus for most mutual funds and ETFs), SAI, and annual and semiannual shareholder reports. The prospectus and SAI generally describe how the fund will operate on an ongoing basis, and the shareholder reports reflect how the fund operated in the past. In addition, funds often make additional information available on their websites.

In certain contexts, such as in summary prospectuses, we require funds to disclose required information in a standardized order. We also require that certain information appear in a fund's prospectus as opposed to its SAI. However, we currently allow funds to choose how to order many individual items within a required disclosure document.

Fund websites can also be a valuable tool for providing information to investors in real-time. For example, performance information can quickly become out-of-date, so referring investors to a website for more current performance information may be preferred. Funds may also have certain arrangements in place with financial professionals with respect to the amount of sales charge imposed.[29] Since the list of financial professionals and the terms of the agreements may change frequently, it may be more appropriate to disclose this information on a website rather than in a fund prospectus.

Because of the importance of providing investors fund information in a location where they can reasonably expect to find the information they want, we are seeking comments on how to rationalize and improve the requirements associated with the location and order of fund information.

Request for Comment

51. Does the current disclosure framework of a summary prospectus, prospectus, SAI, and annual and semiannual reports provide you the necessary information to make informed investment decisions? Should funds provide additional information? Would a one-page sheet at the beginning of each prospectus (or summary prospectus with key information such as historical performance, fees, portfolio managers, date of inception and whether the fund employs leverage to a significant extent) be helpful to investors? If so, should this one-page sheet be standardized?

52. Is there information that is currently located in the summary prospectus, prospectus, SAI, or annual report that would be more appropriate in a different regulatory document or online?

53. Are there any disclosure materials that you receive separately, for example a summary prospectus or annual report, that you would prefer to receive in a single, combined document? If you would prefer to receive these disclosures as a single unified document, when should it be delivered?

54. Does the standardized order of information in a mutual fund or ETF summary prospectus help you more easily locate specific information or compare multiple funds? If so, would you find it helpful if information appeared in a set order in any other fund disclosure documents?

55. Currently, a single prospectus, SAI, or shareholder report may include information about many funds. Do you find these documents difficult to navigate? Should we limit these documents to one fund per document? Does your response depend if it imposes additional costs on investors? Alternatively, should we require that all the information about a single fund appear in one place in a multi-fund document?

56. Currently, while funds' regulatory documents are freely available through the Commission's EDGAR system, most funds include a number of those regulatory documents (such as a prospectus and shareholder report) on their websites. However, they often do not post all of them (such as a fund's quarterly holdings and proxy voting record). Do you typically obtain fund information through EDGAR, through the fund's website, or through a different (such as a, third-party) source—or some combination of these? Would it be useful to you to be able to access all required fund disclosures in one centralized location on a fund's website?

5. Structuring Disclosures

Structuring disclosures can enhance investors' access to information and improve the quality of available information. Even if investors do not know what structured disclosure is, they benefit from structured disclosure when they research and compare funds using various online tools. Structured disclosure consists of disclosure items that are machine-readable (meaning they can be understood by a computer or other electronic device) because the disclosure text has been labeled (sometimes referred to as ''tagged'') using an electronic reporting language, such as eXtensible Markup Language (''XML'') or eXtensible Business Reporting Language (''XBRL''). Tagging disclosures allows investors and other market participants to more easily access, share, and analyze fund information across different systems or platforms. Figure 1 below illustrates the difference between disclosure as you might see it (left image) and structured disclosure as a computer sees it (right image). (To be clear, disclosure, to you, would appear as the example on the left—whether it is structured or

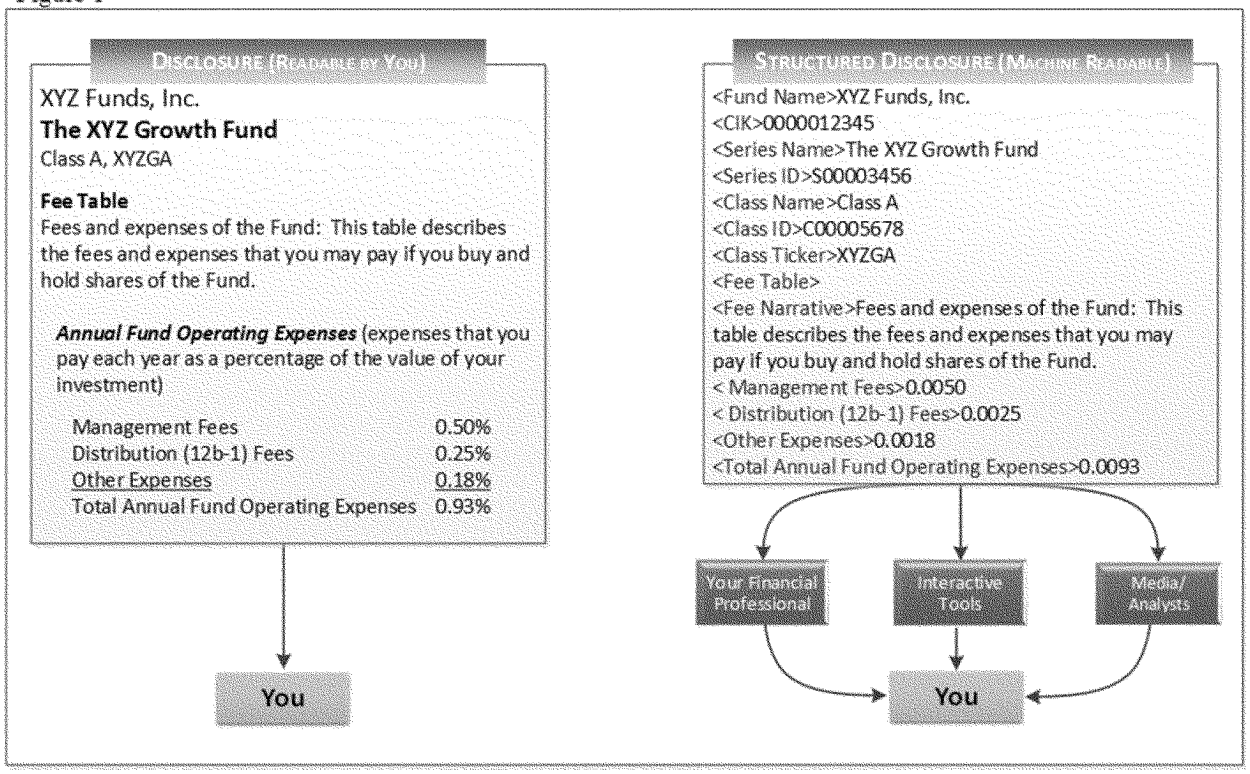
[27] *Id.* at note 14. We have observed summary prospectuses of up to 19 pages in length.

[28] A sample Canadian Fund Facts document is available at *http://www.osc.gov.on.ca/documents/en/Securities-Category8/ni_20130613_81-101_implementation-state-2-pos.pdf#page=51,* and a sample European KIID is available at *https://www.esma.europa.eu/sites/default/files/library/2015/11/10_794.pdf#page=5.*

[29] Currently, funds are required to disclose intermediary specific sales load variations in the prospectus. *See* Item 12(a) of Form N–1A, Item 7(c) of Form N–3, and Item 6(c) of Form N–4.

unstructured. Structured disclosure *adds* the machine-readable information in the example on the right—either in a separate data file that a fund would submit to the Commission, or as a layer of information invisibly embedded within an electronic document—so that the disclosure can be easily read and processed by computers as data.)

Figure 1



Structured disclosure offers many benefits to investors and other market participants because it enhances their ability to use technology to process and synthesize information, allowing for more timely and in-depth analysis of fund information. Structured disclosure can help investors and other market participants to more easily retrieve, aggregate, and analyze information from disclosures across funds and time periods. For example, investors and other market participants can analyze data points to observe trends (such as changes in fund fees over time), examine portfolio data, create ratios, or perform other analyses. Narrative disclosures also can be structured and analyzed to, for example, examine how different funds are describing a portfolio strategy or conduct comparisons against peers. For these reasons, countries around the world, including the United States, are increasingly using structured disclosure for reporting. In addition, unlike other data sources, this data comes directly from information filed with the Commission, which may improve the quality of the data.

Currently, mutual funds and ETFs are required to submit interactive data files (formatted using XBRL) containing their risk/return summary information, which includes objectives, fees, principal strategies, principal risks, and performance disclosures.[30] Money market funds also electronically file a monthly report on Form N–MFP that contains detailed information about fund holdings in the XML format. Other funds will also be required to provide portfolio-level data to the Commission on a monthly basis and census-type information to the Commission on an annual basis in the XML format.[31]

Because of the benefits that structuring disclosures can provide, we are seeking comment on whether and how to improve our current structured disclosure reporting regime to increase the usefulness of structured disclosure.

Request for Comment

57. How are you currently using fund data (such as fees, holdings, or performance-related data)? Which data, in particular, are you using and how do you access the data? Do you obtain the data from fund or third party websites, or directly from the Commission's website?

58. We currently provide risk/return summary information (that is, objectives, fees, principal strategies, principal risks, and performance disclosures) extracted from mutual fund XBRL filings on our website for download.[32] Should we provide other fund industry and fund-specific census-type and portfolio information data sets on our website for download? If so, what additional information should we provide, and how would you use that information?

59. Is there additional mutual fund or ETF information that we should require in a structured disclosure format? If so, what information?

60. Are there other formats for structuring disclosures that would make disclosures more accessible or useful to you and other data users? Are other standards, besides XBRL and XML, becoming more widely used or otherwise superior to these formats in

[30] *See* General Instruction C.3.g(i), (iv) to Form N–1A.

[31] *See* Investment Company Reporting Modernization, Investment Company Act Release No. 32314 (Oct. 13, 2016) [81 FR 81870 (Nov. 18, 2016)]; Investment Company Reporting Modernization, Investment Company Act Release No. 32936 (Dec. 8, 2017) [82 FR 58731 (Dec. 14, 2017)].

[32] *See https://www.sec.gov/dera/data/mutual-fund-prospectus-risk-return-summary-data-sets.*

allowing you and other data users to easily retrieve, aggregate, and analyze fund data? If so, what are those standards? What would be the advantages and drawbacks of these formats to investors, funds, and other data users, compared to XBRL or XML?

61. To what extent is the information currently provided in a structured disclosure format readily available through other sources, such as third-party data aggregators (like Morningstar and Lipper)? If you use third parties, do you pay for the information? Do you access structured disclosure directly from EDGAR or from fund websites for a significant number of funds without using third-party data aggregators? Has the availability of structured disclosure reduced your dependence on, or the costs associated with, using data aggregators?

D. Content

The content of fund disclosures should provide the basis for an investment decision. For this reason, the Commission has established requirements to help ensure that funds' presentations of certain key information (such as objectives, fees, strategies, and risks) is clear, is not misleading, and facilitates comparisons between funds. We are seeking input with respect to the content of fund disclosures to improve the investor experience, which could lead to more informed investment decisions.

1. Strategies

A fund's investment strategies tell you how the fund intends to achieve its investment objective. They indicate the approach the fund's adviser takes in deciding which investments to buy or sell. A fund's principal investment strategies refer to the strategies that the fund expects to have the greatest anticipated importance in achieving its objectives and that the fund anticipates will have a significant effect on its risks and returns. Principal strategy disclosure must also discuss the type(s) of investments in which the fund will principally invest. For example, a fund may employ a strategy to invest in multiple asset classes (such as equities and bonds), invest a large amount of assets in a particular industry, or invest in a specific geographic region.

To effectively select and invest in funds to meet their financial objectives, it is important for investors to understand how a fund is investing. However, the staff has observed significant variations in funds' approaches to principal strategy disclosure that may impact investors' ability to effectively use this information. This disclosure sometimes includes lengthy and highly technical descriptions of fund strategies that can make it difficult for investors to identify and understand how the fund will invest. For example, several mutual funds in Morningstar's Large-Cap Value category describe their principal strategies in under 100 words in the summary section of the prospectus, while other funds in the same category use more than 1,000 words. Some of the longest principal strategies disclosure the staff has observed exceed 5,000 words. While we recognize that some principal investment strategies are more complex, we believe that streamlined, plain English disclosures could enhance the investor experience and contribute to more informed investment decisions.

Several factors may be contributing to lengthy, complex, and hard to understand disclosure regarding principal investment strategies. These include the following:

- Disclosing information about certain investment types the fund is not likely to use.
- Including an extensive discussion of principal strategies and risks in the summary prospectus for a mutual fund or ETF since there is no page limit or limit to the number of strategies or risks a fund may disclose in its summary prospectus.
- Discussing both principal and non-principal strategies in the same section of the prospectus (although this is not permitted in the summary section of mutual fund and ETF prospectuses or the summary prospectuses).
- The strategy itself is complex.

In addition, it may be difficult for retail investors to understand strategy disclosure when such disclosure: (1) Involves certain complex financial transactions, particularly when described using highly technical language; or (2) assumes its readers have a high degree of financial knowledge.

We are seeking input on the current framework for disclosing principal investment strategies and how we could improve this framework to help you better understand how funds invest.

Request for Comment

62. Understanding how a fund will invest your money is important to making an investment decision. Do fund prospectuses and other disclosures adequately describe a fund's strategies? How can funds improve these disclosures?

63. Do you learn about a fund's strategies by looking at a fund's name, its fund category, its prospectus (or summary prospectus), or other materials (such as website disclosure or third-party resources)?

64. Should we address the length and complexity of principal strategies disclosure, and if so, how? Should we establish additional guidelines—such as specific thresholds to determine which strategies are considered ''principal'' (such as if a stated percentage of the fund's assets are devoted to a strategy, it is deemed to be (or presumed to be) a principal strategy)—or impose limits on the length of principal strategies disclosure in a summary section? If so, what would be an appropriate threshold, or limitation on length? Should funds disclose strategies in order of importance or in some other standardized way to help you better understand the key strategies of the fund?

65. Would visual presentations of strategies better help you understand a fund's disclosure, and if so, how? Can graphs, tables, or other visual tools adequately describe strategies? For example, would inclusion of a graphic representation of a fund's holdings improve a fund's principal strategies disclosure? Would the effectiveness of visual presentations depend on the medium in which they are viewed (such as paper, electronic, or mobile device)?

66. Some funds employ a ''go anywhere'' strategy. Under this approach, a fund's manager may invest in a broad array of asset classes, and can target what the manager believes are the best investments, rather than be limited to a particular investment focus. Are there better ways to promote understanding of ''go anywhere'' funds' strategies? Are there ways to highlight the distinctions between ''go anywhere'' funds across different fund complexes?

67. Funds may use leverage to magnify returns (both positively and negatively). Leverage can come from a fund borrowing money to make additional investments or through the use of certain financial instruments, such as derivatives. Some funds try to specify their level of leverage (such as to produce twice the returns on an index), while others reserve more discretion with respect to their use of leverage. However, many investors do not adequately understand the impact of leverage on their investments. Do you believe that funds adequately explain the use and effects of leverage on their portfolios? For instance, do funds make clear that leverage can result in higher returns but also come with the risk of more severe losses? If not, how can we improve the disclosure?

68. Are there certain fund types—whether defined by structure, by type of investment, or by investment strategy

(such as open-end or closed-end, or fixed income or equity)—for which we should require more or less detailed strategies disclosure? If so, what are those types of funds and what disclosures should we add or subtract?

2. Risks

All investments in funds involve risk of financial loss. The reward for taking on investment risk is the potential for a greater investment return. When evaluating funds for investment, it is important to determine if the fund satisfies your investment objective and matches your risk tolerance, as well as the risks in your overall portfolio. A fund's risks vary considerably with the nature of its investments.

We require funds to highlight the principal risks associated with an investment in the fund. Principal risks include, for example, those risks that are reasonably likely to adversely affect the fund's net asset value, yield, and total return. For example, a fund investing in stocks of companies with small market capitalization would discuss market risk as a general risk of holding stocks, as well as the specific risks associated with investing in small capitalization companies (that is, that these stocks may be more volatile and have returns that vary, sometimes significantly, from the overall stock markets).

However, the sometimes lengthy and highly technical descriptions of fund risks can make it difficult for investors to identify and understand the key risks of a fund. For example, as with principal investment strategies, investors may find it difficult to identify and understand the principal risks of investing in a fund because prospectuses may (1) disclose risks associated with strategies the fund has yet to undertake, (2) include overly long discussions of risks, or (3) discuss both principal and non-principal risks in certain non-summary sections of the prospectus. In addition, some funds disclose a wide variety of principal risks that have little potential impact on the fund. Currently, funds are not required to disclose risks in a particular order (such as by order of importance) or to try to quantify their risks in any way.

To effectively select and invest in funds to meet their financial objectives, it is important that investors understand the principal risks associated with a fund. As with strategy disclosure, however, the staff has observed significant variations in funds' approaches to principal risk disclosure that may impact investors' ability to effectively use this information. For example, some mutual funds in Morningstar's Large-Cap Value category describe just a few principal risks in less than 200 words in the summary section of the prospectus, while other funds in the same category list 20 or more principal risks using more than 2,500 words in its summary section of the prospectus. Some of the longest principal risks disclosures the staff has observed exceed 7,000 words. While we recognize that some principal investment strategies give rise to more complex or varied risks than others and that certain funds or fund complexes may present different risks (such as risks associated with a new adviser), we believe refinements to principal risk disclosure would contribute to the investor experience and to more informed investment decisions.

We are seeking input on the current framework for disclosing risks and how we could improve this framework to help you better understand the key risks associated with your fund investments.

Request for Comment

69. Do fund prospectuses and other disclosures adequately describe the level of risk associated with a fund? How can funds improve these disclosures?

70. How do you learn about a fund's risks? What information is most useful to you in evaluating a fund's risks, and what do you want to know? Are there any metrics (such as standard deviation) that you consider?

71. Should we establish additional guidelines—such as specific thresholds to determine which risks are considered ''principal,'' page limits, or limits on the number of principal risks a fund may disclose—to further standardize principal risk disclosure? If so, what would be an appropriate threshold, page limit, or numeric limit on the number of items disclosed?

72. Would visual presentations of risks better help you understand a fund's risks? Can risks be adequately described using graphs, tables, or other visual tools? For example, would a standardized risk measure or risk rating be useful to understand a fund's risk? Both the Fund Facts document required by Canadian securities regulators and the KIID required by the European Union require funds to quantify their level of risk.[33] The Canadian form requires that a fund rank its risk level on a 5-point scale (Low, Low to Medium, Medium, Medium to High, and High). The European form requires that a fund rank its risk level on a 7-point scale. Should we also require a risk rating? If so, what type of scale should we use (for instance, a 10-point scale or low/medium/high risk)? What inputs should determine a fund's rating on the scale? Should the fund's rating on the scale be chosen at the fund manager's discretion, or should a standardized metric be used? Are there other presentations of risks that you think may be useful to investors?

73. Many funds list their principal risks in a way that does not reflect the relative importance of each risk to a fund, such as listing risks in alphabetical order. Would ranking risks in order of importance better help you understand the key risks of the fund? How should a fund determine the importance of a particular risk factor? For example, how should a fund weigh the likelihood and magnitude of a particular risk in determining a ranking? For instance, which would have a higher ranking: A common event that can subject a fund to small losses, or rare occurrences that could lead to significant losses? If we require a ranking, how often should funds be required to reassess the ranking?

74. Would it be helpful if funds disclosed one or more quantitative measures of risk (such as historic volatility, standard deviation, Sharpe ratio)?[34] If yes, which risk measures should be disclosed?

3. Fees and Expenses

When considering investing in a fund, fees and expenses are an important factor investors should consider. Even seemingly small differences in fees and expenses can significantly affect a fund's investment returns over time. Funds must disclose information about fees and expenses in a standardized format to help investors compare that information across funds. Typically, the information appears in two sections: A fee table, which shows shareholder transaction fees and annual fund operating expenses, and an expense example.

• *Shareholder transaction fees* are charges that investors pay directly. They typically appear as a percentage of the amount invested including (1) sales charges (also known as ''loads''), which generally pay investment professionals

[33] A sample Canadian Fund Facts document is available at *http://www.osc.gov.on.ca/documents/en/Securities-Category8/ni_20130613_81-101_implementation-state-2-pos.pdf#page=51,* and a sample European KIID is available at *https://www.esma.europa.eu/sites/default/files/library/2015/11/10_794.pdf#page=5.*

[34] Although we previously inquired about quantitative measures, we are asking for responses to similar questions in this area to learn current investor preferences in this area. *See* Improving Descriptions of Risk by Mutual Funds and Other Investment Companies, Investment Company Act Release No. 20974 (Mar. 29, 1995) [60 FR 17172 (Apr. 4, 1995)].

compensation for selling a fund to an investor; and (2) other applicable fees related to redemptions, exchanges, and account minimums. Some shareholder transaction fees appear as a dollar amount in the fee table.

- *Annual fund operating expenses* are charges that an investor pays indirectly because these charges are paid out of fund assets. Annual fund operating expenses appear as a percentage of net assets and generally include (1) ''management fees,'' which are paid to the fund's investment adviser for deciding which investments the fund buys and sells and for providing other related services; (2) ''Rule 12b–1 fees,'' which pay for marketing and selling fund shares; and (3) ''other expenses,'' which represent various categories, such as auditing, legal, custodial, transfer agency fees, and interest expense.
- The *expense example* is a hypothetical calculation that shows the estimated expenses that an investor will pay for investing in a fund over different time periods. The expense example appears in dollar amounts, based on a hypothetical investment of $10,000, and assumes a 5 percent annual return over the course of 1, 3, 5, and 10 years.[35]

We are seeking comment on how to improve the disclosure requirements associated with fees and expenses to promote more informed investment decisions.

Request for Comment

75. Fund fees and expenses are a key consideration in an investment decision because fees and expenses can significantly affect a fund's investment returns over time. Do funds disclose fund fees and expenses in an effective manner? How could funds improve the disclosure of fund fees and expenses? Would fund fees and expenses be more readily understandable if they were presented as dollar amounts or expressed as a percentage? Would it be helpful if the actual fees and expenses associated with your investment in the fund were included in other fund documents, such as your account statements? [36]

76. Investors may make better investment decisions if they are alerted to the need to focus on certain information. Should we require a fund to add a statement to its prospectus that emphasizes the importance of understanding fees and expenses? What should this statement be?

77. Annual fund operating expenses currently appear as separate line items, such as management fees, rule 12b–1 fees, and other expenses, that add up to a final line item reflecting total annual fund operating expenses. Is the current format useful, or would you prefer to have a simpler presentation that, for example, includes only a single line item for total annual fund operating expenses or a graphical representation of fees like a fee meter (which is a graphic that shows how a fund's fees compares to other funds)?

78. Do you believe it would be helpful to include a ''fees and expenses benchmark'' that could help you compare the fees of the fund to fees of similar funds and understand the relative size of a fund's fees? For example, would it be helpful to include a benchmark or fee meter that would rank fees and expenses as low, medium, or high? If so, how should we define ''similar funds''?

79. A fund's transaction costs (such as the costs of buying and selling a fund's investments and certain foreign taxes) can be significant.[37] Such costs may exceed a fund's total annual operating expenses and negatively affect a fund's performance. A fund must disclose its portfolio turnover rate (that is, the percent of the portfolio the fund typically trades in one year), which is an indication of one type of transaction cost (for instance, a high portfolio turnover may indicate higher transaction costs).[38] Do you find the current presentation of portfolio turnover to be useful to understanding transaction costs incurred by the fund? Do you want to see additional information about these costs? If so, which information? Is there a more effective format for communicating transaction costs to investors? If so, which format?

80. A portion of the transaction costs for an equity fund often pays for research provided by third-party broker-dealers that is used by the adviser in making investment decisions. These costs do not appear in the fee table or expense example. What disclosure, if any, should funds provide about these costs (known as ''soft dollars'')? [39]

81. The expense example disclosed in a fund's prospectus should help investors quickly compare the cost of investing in a fund with the cost of investing in other funds. The example presents expenses based on certain assumptions, such as a fixed investment amount and rate of return over specified periods. Do you find the expense example useful and easy to understand? Are the assumptions in the calculation appropriate? How could we improve the expense example? Are you able to determine your own costs of investing in a fund based on the expense example, or would you prefer to receive a customized calculation of your specific expenses from the fund? Would you like to (or do you currently) use an online tool to calculate a personalized expense amount based on your actual investment in a fund?

82. A fund's fee table discloses costs charged by the fund but not external costs charged by your financial professional. Do you currently have sufficient information about external costs to understand the true cost of your investment? Would it be useful for you to see the total amount you pay annually for investing in a fund, including external costs? Because external costs are shareholder specific and the fund does not have access to this information, what would be the most effective method of communicating this information?

4. Performance

When considering whether to invest in a fund, investors may consider the fund's investment performance. However, consideration of a fund's performance has certain limitations. In particular, past performance cannot

[35] If a fund imposes a fee or other charge when an investor sells (redeems) his or her shares, the fund must disclose two expense examples. The first example shows the estimated expenses of investing in the fund if the investor continues to hold his or her shares throughout the 1, 3, 5, and 10 year periods. The second example shows an investor's estimated investment expense if he or she sells (redeems) shares at the end of the 1, 3, 5, or 10 year periods.

[36] The Commission's Investor Advisory Committee (''IAC'') has recommended that the Commission explore ways to improve mutual fund cost disclosures, with the goal of enhancing investors' understanding of the actual costs they bear when investing in mutual funds and the impact of those costs on total accumulations over the life of their investment. The IAC has suggested that, in the short term, the best way to make investors more aware of costs is through standardized disclosure of actual dollar amount costs on customer account statements. The IAC was established to advise the Commission on, among other things, regulatory priorities, fee structures, the effectiveness of disclosure, and initiatives to protect investor interests and to promote investor confidence. *See* Recommendation of the Investor as Purchaser Subcommittee Regarding Mutual Fund Cost Disclosure (Apr. 14, 2016), available at *https://www.sec.gov/spotlight/investor-advisory-committee-2012/iac-041416-recommendation-investor-as-purchaser.*

[37] *See, e.g.*, Concept Release: Request for Comments on Measures to Improve Disclosure of Mutual Fund Transaction Costs, Investment Company Act Release No. 26313 (Dec. 18, 2003) [68 FR 74819 (Dec. 24, 2003)].

[38] Item 3 of Form N–1A.

[39] We have considered enhancing fund soft dollar disclosure requirements in the past. *See, e.g.,* Commission Guidance Regarding the Duties and Responsibilities of Investment Company Boards of Directors With Respect to Investment Adviser Portfolio Trading Practices, Investment Company Act Release No. 28346 (Jul. 30, 2008) [73 FR 45646 (Aug. 6, 2008)], available at *https://www.sec.gov/rules/proposed/2008/34-58264.pdf.*

predict future performance. Therefore, fund prospectuses are required to state that a fund's past performance is not necessarily an indication of how the fund will perform in the future. Any top performing fund in a given year can easily underperform the following year.

Investors should consider performance information in light of a number of other factors, including the following:

- The fund's fees and expenses, which reduce the fund's overall investment return;
- The investor's age, income, other investments, or debt, all of which may affect his or her financial situation and risk tolerance;
- The performance of the asset classes the fund invests in and its benchmark; and
- Market and economic conditions. While a particular investment return might be above average during a period of economic downturn, that same return could be below average during a period of generally favorable economic conditions.

Notwithstanding the limitations of performance information, it can—if used wisely—contribute to a more informed investment decision. For example, one potential use of performance information is that it can tell an investor how volatile (or stable) a fund has been over a period of time. Generally, the more volatile a fund, the greater the investment risk.

In an effort to balance the limitations of fund performance information with its potential usefulness and investor demand for this information, we have established standards for how funds present their performance in fund prospectuses. Under these standards, the prospectus is generally required to include:

- A bar chart displaying the fund's performance for each of the past 10 years (or since the fund's creation if the fund has less than 10 years of performance history);
- A table comparing the fund's performance for the last 1-, 5-, and 10-year periods to a broad-based securities market index; and
- The fund's performance for its best and worst calendar quarters.

We are soliciting comment on how to improve the presentation of fund performance so investors can make more informed investment decisions.

Request for Comment

83. How do you consider performance information when making an investment decision? For example, do you use it to evaluate the risk of a fund, or do you use it for some other purpose, such as to assess the skill of the investment manager? How could funds improve the presentation of performance information? Should past performance information be emphasized or de-emphasized in fund disclosures? Should short-term performance periods (such as 1-year) be de-emphasized and longer-term performance periods be emphasized?

84. A mutual fund or ETF's performance presentation in the Risk/Return Summary section of its prospectus and fund advertisements must include a statement to the effect that the fund's past performance is not necessarily an indication of how the fund will perform in the future.[40] Is this performance disclaimer sufficiently clear to investors, or can it be improved?

85. A mutual fund or ETF's performance presentation in the Risk/Return Summary section of its prospectus and fund advertisements must also explain that performance information shows how the fund's returns have varied. Is it clear that the performance information is included to show variability of returns, rather than any indication that the fund will perform similarly in the future? How can we improve this disclosure to reflect the risks of relying too heavily on past performance?

86. The performance table in the Risk/Return Summary must show the returns of an appropriate broad-based securities market index in addition to the performance of the fund.[41] Should funds disclose how they determined that their benchmark is an appropriate broad-based benchmark? Should we require new funds that do not yet have past performance to disclose their intended benchmark performance index?

87. Beyond the required comparison of fund performance to that of an appropriate broad-based securities market index, are there other performance comparisons that you would find useful, such as a comparison between the fund's performance and that of a peer group of funds? For example, should a small-cap fund be required to compare its performance to an index comprised of small-cap funds or to all funds with a similar investment strategy? If we take such an approach, how should the Commission define ''peer group'' to help ensure meaningful comparisons?

88. The Risk/Return Summary requires average annual total returns for 1-, 5-, and 10-year periods before taxes as well as after-taxes on distributions and after-taxes on distributions and redemption.[42] Do you find the after-tax information helpful?

89. Under certain circumstances, our staff has not objected to a fund including in its performance record or otherwise disclosing the performance of an unregistered predecessor account of the fund (such as a hedge fund that converted to a mutual fund) or other similarly managed accounts of the adviser or portfolio manager.[43] Is this information helpful to investors, or do you find it to be of limited relevance or confusing?

90. Should the Commission take steps to encourage or require more funds to include interactive performance presentations on their websites? Which of these features or presentations are most helpful for you in understanding performance information? Are there features or presentations that are confusing?

91. The investment decisions and trading strategies of a fund's portfolio manager(s) often drive fund performance. Is information about the identity, experience, and background of fund portfolio managers important to you when considering an investment? Is the current information about fund portfolio managers sufficient? If not, why not? If a fund is managed by a team of managers, should the fund disclose information about each of the team members?

5. Management Discussion of Fund Performance

To understand a fund's performance over the prior year, it is useful for an investor to receive information about relevant factors that affected the fund's performance. Management's Discussion of Fund Performance (''MDFP'') is a section of a mutual fund or ETF's annual report in which fund managers discuss the factors, such as market conditions and investment strategies, that materially affected the fund's performance during its most recently completed fiscal year. Unlike the prospectus, which focuses on how a fund intends to invest, the MDFP describes how the fund actually invested in the prior year and why it performed as it did.

In this discussion, management usually identifies which holdings of the fund contributed to or detracted significantly from the fund's performance. A required line graph compares the fund's performance during

[40] Item 4(b)(2)(i) of Form N–1A.

[41] Item 4(b)(2)(iii) of Form N–1A.

[42] Item 4(b)(iii) of Form N–1A.

[43] With respect to certain commodity funds, this disclosure may be required. *See* CFTC Regulation 4.25(c).

the last 10 years (or for the life of the fund, if shorter) of a hypothetical $10,000 initial investment against an appropriate broad-based securities market index (such as the S&P 500). In addition, the fund must include a table with the fund's average annual returns for the most recent 1-, 5-, and 10-year periods.[44] Many funds also voluntarily provide additional information, such as a fund president's letter to shareholders, interviews with portfolio managers, market commentary, and other similar information that is intended to assist investors in understanding fund performance and market conditions. Some funds include specific portfolio statistics, such as top ten holdings, geographic and sector exposures, and summary statistics with respect to debt yields and maturities.

The MDFP can be an important communications tool that helps investors understand fund performance, the strategies the fund has used, and the risks it has taken on. This can help investors make decisions about whether to buy, sell, or continue to hold fund shares. While most funds meet the basic requirements of the MDFP, the staff has observed diversity in practice in the level of fund-specific detail or insight management provides and the degree to which funds use generic or boilerplate language that does not change much from year to year.

As the MDFP is important to help investors understand performance, we are seeking comments on how to improve the MDFP requirements to enhance the investor experience and promote more informed investment decisions.

Request for Comment

92. How do you use the MDFP, and what parts of it do you consider helpful? Is there any additional information that you would like to have to better understand your fund's performance? Are there more effective ways to present or supplement MDFP, for example, by linking the section to an online video presentation?

93. A fund must disclose its MDFP over the past year in its annual report. Would it be useful to you if funds also included MDFP in their semiannual reports?

94. Does MDFP disclosure adequately describe how a fund has performed over the prior period? Do funds adequately explain market conditions and trends and how they relate to the fund's performance during the relevant period? Do fund MDFP disclosures adequately explain the investments and strategies that significantly contributed to or detracted from the fund's performance? Would additional graphics or narrative discussion of fund holdings be helpful to investors? If so, what kind of information would be useful? If not, why not? Are there any best practices in MDFP disclosure that we should encourage or require?

95. Should the MDFP requirements include a standardized format, such as a Q&A format? If so, what standardized sections or information should be included? What are the advantages and disadvantages of including more standardized information?

96. The MDFP requirements are currently the same for all mutual funds (other than money-market funds) and ETFs. Should there be special requirements for different types of funds (such as a target date fund comparing its actual holdings to how it expected to invest at a given time))?

6. Fund Advertising

Investors often rely on advertising materials made available by a fund to make investment decisions. This information may take many forms and can include materials in newspapers, magazines, radio, television, direct mail advertisements, fact sheets, newsletters, and on various web-based platforms. The Commission has adopted special advertising rules for funds; the most important of these is rule 482 under the Securities Act.

Rule 482 contains requirements for fund advertisements that are intended to provide investors information that is balanced and informative, particularly in the area of investment performance. For example, a fund is required to include in its advertisements the following:

- Disclosure advising investors to consider the fund's investment objectives, risks, charges and expenses, and other information described in the fund's prospectus, and highlighting the availability of the fund's prospectus.
- If performance data is provided for mutual funds, ETFs, or certain variable insurance products, certain standardized performance information, information about any sales loads or other nonrecurring fees, and a legend warning that past performance does not guarantee future results.[45]
- If the fund is a money market fund, a cautionary statement disclosing the particular risks associated with investing in a money market fund.

The rule also sets forth specific requirements regarding (1) the prominence of certain disclosures, (2) advertisements that make tax representations, (3) advertisements used before the effectiveness of the fund's registration statement, and (4) the timeliness of performance data.

Because fund advertisements (including information on fund websites) are so commonplace and are a principal source of information for fund investors, we are seeking comments on how to improve the requirements associated with fund advertisements to enhance the investor experience and promote more informed investment decisions.

Request for Comment

97. Have you ever made an investment decision or looked more closely at a fund based on an advertisement? If so, what type of advertisement was it (such as radio, TV, internet, or print)? What aspects of the advertisement motivated you to invest in or look more closely at a fund?

98. In some countries, funds are required to state whether you are reading an advertisement or a prospectus. For example, the European Union's KIID includes standardized language explaining that it is not marketing material and that it is required by law to help you understand the nature and the risks of investing in the fund.[46] Are you able to distinguish a fund advertisement from a document required by law (such as a summary prospectus or shareholder report)? Do you think it is necessary for you to know the difference? Do you rely more on one type of document over another?

99. Many funds have fund fact sheets, which are short documents (typically one or two pages) that include select information about the fund. Do you think fund fact sheets are more readable than SEC-required disclosure documents, such as summary prospectuses? If so, why? Do you think that fund fact sheets provide sufficient information for you to make an investment decision?

100. Do you think fund advertisements provide a clear discussion of the potential risks and returns of an investment in a fund?

[44] *See* Item 27(b)(7)(ii) of Form N–1A.

[45] Funds that include performance information in their advertisements must make updated performance information available and provide a toll-free number or web address for obtaining updated performance information. *See* rule 482(b)(3)(i) under the Securities Act. Further, to the extent a fund provides updated performance information, it must include in its prospectus information about how investors can obtain updated performance information. *See* Item 4(b)(2)(i) of Form N–1A.

[46] *See* Article 4 of Commission Regulation (EU) 583/2010, available at *http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:176:0001:0015:en:PDF.*

101. Have you observed any fund advertisements that you believe are misleading or otherwise problematic? If so, why do you believe they were misleading or otherwise problematic? Should certain fund advertisements be required to include warnings analogous to those in advertisements for pharmaceuticals or prescription medications?

102. Do the advertising rules effectively operate with respect to newer advertising media, such as websites, smartphone applications, and email? For instance, should there be special requirements, such as embedded hyperlinks in web-based advertisements to the fund prospectus? Are there special issues we should consider about how you access and view information? For example, a printed disclaimer at the bottom of a video may be effective on a 50-inch TV or on a computer monitor, but may be less effective on a 5-inch mobile device. In addition to performance data, are there other types of information that we should standardize in advertisements? For instance, should we require fee information in an advertisement to be consistent with the figures shown in the fee table section of the fund's prospectus?

103. Rule 482 includes special disclosure requirements for certain funds such as money market funds. Are there other types of funds for which special disclosures should be required in fund advertisements?

7. Other Types of Funds

In addition to mutual funds and ETFs, there are other types of funds available to investors to help them achieve their investment goals. The most common of these funds include the following:

- *Closed-End Funds.* Invests the money raised in its offering in stocks, bonds, and/or other investments. Closed-end funds typically sell a fixed number of shares in traditional underwritten offerings. Closed-end fund shares are not redeemable (that is shares cannot be returned to the fund for their net asset value); instead, investors sell closed-end fund shares in secondary market transactions, usually on a securities exchange, or to the fund if it offers to repurchase shares.
- *Business Development Companies.* Closed-end funds that primarily invests in small and developing businesses and that generally makes available significant managerial assistance to such businesses.
- *Unit Investment Trusts.* Invests the money raised from many investors in its one-time public offering in a generally fixed portfolio of stocks, bonds, or other investments.
- *Variable Insurance Products.* Offers investors insurance benefits (such as protection against outliving your assets) coupled with the ability to participate in the securities markets (through investments in mutual funds) while deferring taxes on gains until the assets are withdrawn.

Because of the unique nature of these types of funds, they are subject to different disclosure requirements. We are seeking input on how to appropriately tailor disclosure requirements to these types of funds.

Request for Comment

104. Different types of funds are subject to different disclosure requirements and file on different disclosure forms. Are there disclosure requirements that we should standardize across the various types of funds (such as fees, performance presentations, and MDFP)? If so, please identify them.

105. Are the various disclosure forms well-tailored to the types of funds that must use the forms? If not, how can we improve the forms? Should we eliminate or consolidate some forms that funds no longer use or use infrequently?

106. Should we permit funds other than mutual funds and ETFs, such as closed-end funds, to use a summary prospectus? [47] If so, what information should we include in a summary prospectus for such funds?

107. Should we expand the MDFP requirement, which currently applies to mutual funds and ETFs, to cover other types of funds (such as closed-end funds)?

108. Closed-end funds are not required to show performance information in their prospectuses in the same chart and table format required for mutual funds and ETFs. Should the Commission require that closed-end funds present performance information in the same format as mutual funds and ETFs? Are there other types of performance metrics for evaluating closed-end fund performance that may be useful to investors?

[47] As noted in the Commission's Spring 2018 Regulatory Flexibility Act agenda, the Commission also may consider a rule proposal designed to provide variable annuity investors with more user-friendly disclosure and to improve and streamline the delivery of information about variable annuities through increased use of the internet and other electronic means of delivery. *See https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCd=3235&Image58.x=58&Image58.y.*

E. Opportunities for Ongoing Assessment of Disclosure Effectiveness

Capital markets are evolving continuously in response to technology and innovation. While these developments present regulatory challenges, they also allow us to explore ways to improve fund disclosure effectiveness. We are seeking comments on opportunities the Commission should consider in order for it to assess disclosure effectiveness on an ongoing basis to improve the investor experience and promote more informed investment decisions.

Request for Comment

109. We seek to engage directly with America's investors on fund disclosure matters. Do you have suggestions for other ways we can increase our direct engagement with investors, like you, on key topics? For example, should we expand our use of investor testing, focus groups, surveys, online chats, and town halls? If so, in which forum would you be most likely to participate?

16. Should we conduct pilot programs to test potential disclosure alternatives suggested by fund professionals and/or investor advocacy groups?

110. Should we consider the use of committees or roundtables as formats to engage investors and market participants on fund disclosure matters? For example, should we establish an advisory committee on fund disclosure, or are there existing committees under which the function should be performed, such as our Investor Advisory Committee? Should we sponsor annual roundtables on fund disclosure matters with representatives from the asset management profession, other financial professionals, academics, and investor advocacy groups? Where should those roundtables be held (in Washington, DC, or other locations)?

111. Are there any other approaches we should consider to assess the effectiveness of fund disclosure?

III. General Request for Comment

In addition to the specific issues highlighted for comment, we invite investors and other members of the public to address any other matters that they believe are relevant to improving fund disclosure requirements or improving the investor experience and contributing to more informed investment decisions.

By the Commission.

Dated: June 5, 2018.
Brent J. Fields,
Secretary.
BILLING CODE 8011–01–P

Appendix A: Hypothetical Mutual Fund Summary Prospectus

The XYZ Growth Fund

XYZ Funds, Inc.

Class A – XYZGA
Class C – XYZGC

Summary Prospectus

November 1, 2017

Before you invest, you may want to review the Fund's prospectus, which contains more information about the Fund and its risks. You can find the Fund's prospectus and other information about the Fund, online at www.xyzfunds.com/funddocuments. You can also get this information at no cost by calling 1-800-XYZ-FUND or by sending an email request to documents@xyzfunds.com.

Investment Objective: Long-term capital appreciation.

Fees and expenses of the Fund: This table describes the fees and expenses that you may pay if you buy and hold shares of the Fund. You may qualify for sales charge discounts if you and your family invest, or agree to invest in the future, at least $25,000 in XYZ Funds. More information about these and other discounts is available from your financial professional and in the Purchase and Sale of Fund Shares section on page 33 of the Fund's prospectus.

Shareholder Fees
(Fees paid directly from your investment)

	Class A	Class C
Maximum Sales Charge (Load) Imposed on Purchases (as % of offering price)	5.00%	None
Maximum Deferred Sales Charge (Load) (as % of offering price)	None	None

Annual Fund Operating Expenses
(Ongoing expenses that you pay each year based on the value of your investment)

	Class A	Class C
Management Fees	0.50%	0.50%
Distribution and/or Service (12b-1) Fees	0.25%	0.75%
Acquired Fund Fees and Expenses	0.03%	0.03%
Other Expenses	0.18%	0.18%
Total Annual Fund Operating Expenses	0.96%	1.46%
Fee Waiver[1]	(0.06)%	(0.06)%
Total Annual Fund Operating Expenses After Fee Waiver[1]	0.90%	1.40%

[1] The Adviser has contractually agreed to waive 0.06% of its management fee from the Fund until November 1, 2018. Before that date, the agreement may be terminated only by the Board of Trustees of the XYZ Funds.

Example

This Example is intended to help you compare the cost of investing in the Fund with the cost of investing in other mutual funds. The Example assumes that you invest $10,000 in the Fund for the time periods indicated and then redeem all of your shares at the end of those periods. The Example also assumes that your investment has a 5% return each year and that the Fund's operating expenses remain the same. Although your actual costs may be higher or lower, based on these assumptions your costs would be:

	1 year	3 years	5 years	10 years
Class A (if shares are redeemed)	$587	$785	$998	$1,612
Class C (if shares are redeemed)	$143	$456	$791	$1,740

Portfolio Turnover

The Fund pays transaction costs, such as commissions, when it buys and sells securities (or "turns over" its portfolio). A higher portfolio turnover rate may indicate higher transaction costs and may result in higher taxes when Fund shares are held in a taxable account. These costs, which are not reflected in annual fund operating expenses or in the example, affect the Fund's performance. During the most recent fiscal year, the Fund's portfolio turnover rate was 35% of the average value of its portfolio.

Principal Investment Strategies: The Fund invests mainly in the stocks of mid- and large-capitalization U.S. companies whose revenues and/or earnings are expected to grow faster than those of the average company in the market. The Fund defines mid- and large-capitalization companies as those with market capitalizations greater than $5 billion.

The Adviser expects that normally the Fund's portfolio will tend to emphasize investments in securities issued by U.S. companies, although it may invest in foreign securities. The Fund may also invest in exchange-traded funds (ETFs) to gain exposure to a particular portion of the market.

Principal Risks: You could lose money by investing in the Fund. The Fund is subject to the following risks, which could affect the Fund's performance:

- ETF Risk: ETFs are subject to the risks of investing in the underlying securities. ETF shares may trade at a premium or discount to net asset value and are subject to secondary market trading risks. In addition, the Fund will bear a pro rata portion of the operating expenses of an ETF in which it invests.

- Foreign Securities Risk: Investments in securities of non-U.S. issuers may involve more risk than those of U.S. issuers. These securities may fluctuate more widely in price and may be less liquid due to adverse market, economic, political, regulatory, or other factors.

- Investment Style Risk: Under certain market conditions, the returns from mid- and large-capitalization growth stocks may trail returns from the overall stock market. Mid- and large-capitalization growth stocks tend to go through cycles of doing better — or worse — than other segments of the stock market or the stock market in general. These periods have, in the past, lasted for as long as several years.

- Manager Risk: There is the chance that poor security selection will cause the Fund to underperform relevant benchmarks or other funds with a similar investment objective.

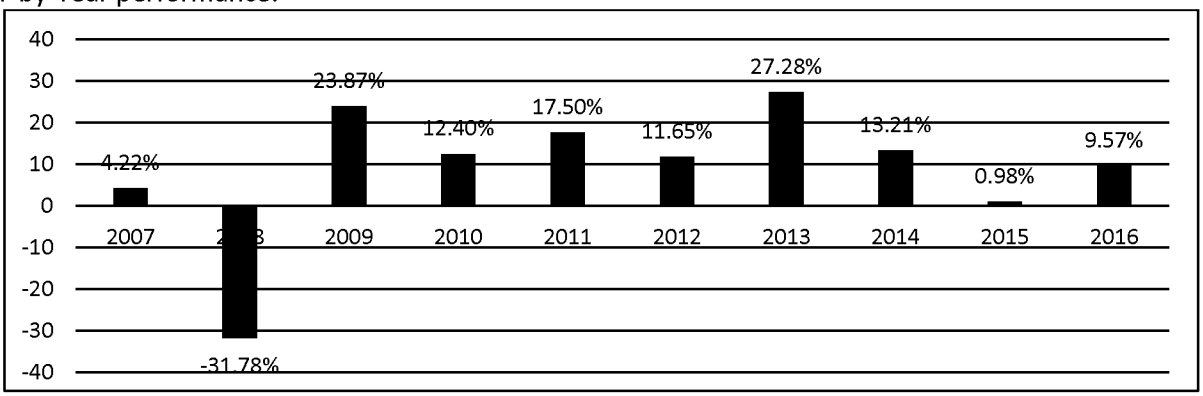
- Stock Market Risk: There is the chance that stock prices overall will decline. Stock markets tend to move in cycles, with periods of rising prices and periods of falling prices.

An investment in the Fund is not a deposit of a bank and is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency.

Annual Total Return: The following bar chart and table provide some indication of the risks of investing in the Fund by showing changes in the Fund's performance from year to year (for its Class A shares in the bar chart) and by showing how the Fund's average annual returns for 1, 5, and 10 years compare with those of a broad measure of market performance. The Fund's past performance (before and after taxes) is not necessarily an indication of how the Fund will perform in the future.

Visit *www.xyzfunds.com* for more recent performance information.

Year-by-Year performance:



Best Quarter (ended 12/31/13): 17.15%. Worst Quarter (ended 12/31/08): -23.11. Sales charges are not reflected in the bar chart, and if those charges were included, returns would be less than those shown.

Average Annual Total Returns for Periods Ended December 31, 2016

	1 Year	5 Years	10 Years
Class A (Return Before Taxes)	4.56%	12.89%	6.19%
Class A (Return After Taxes on Distributions)	4.18	11.92	5.74
Class A (Return After Taxes on Distributions and Sale of Fund Shares)	4.03	11.62	5.66
Class C (Return Before Taxes)	9.09	13.43	6.14
QRS Total Stock Market Index (reflects no deduction for fees, expenses, or taxes)	11.91%	14.56%	6.97%

The after-tax returns are shown only for Class A shares and are calculated using the historical highest individual federal marginal income tax rates and do not reflect the impact of state and local taxes. Actual after-tax returns depend on an investor's tax situation and may differ from those shown. After-tax returns are not relevant to investors who hold their Fund shares through tax-deferred arrangements, such as 401(k) plans or individual retirement accounts.

Investment Adviser: XYZ Management Company, LLC

Portfolio Manager: John E. Smith, CFA, Vice President and Equity Portfolio Manager of XYZ Management. Mr. Smith has managed the Fund since 2011.

Purchase and Sale of Fund Shares: You may purchase or redeem shares of the Fund on any business day online or through our website at www.xyzfunds.com, by mail (XYZ Funds, Box 1000, Anytown, USA 10000), or by telephone at 800-XYZ-FUND. Shares may be purchased by electronic bank transfer, by check, or by wire. You may receive redemption proceeds by electronic bank transfer or by check. You generally buy and redeem shares at the Fund's next-determined net asset value (NAV) after XYZ receives your request in good order. NAVs are determined only on days when the NYSE is open for regular trading. The minimum initial purchase is $2,500. The minimum subsequent investment is $100 (or $50 under an automatic investment plan).

Tax Information: The Fund's distributions may be taxable as ordinary income or capital gain. If you are investing through a tax-advantaged account, such as an IRA or an employer-sponsored retirement or savings plan, special tax rules apply.

Payments to Broker-Dealers and Other Financial Intermediaries: If you purchase the Fund through a broker-dealer or other financial intermediary (such as a bank), the Fund and its related companies may pay the intermediary for the sale of Fund shares and related services. These payments may create a conflict of interest by influencing the broker-dealer or other intermediary and your salesperson to recommend the Fund over another investment. Ask your salesperson or visit your financial intermediary's website for more information.

Appendix B: Feedback Flier on Improving Fund Disclosure

Does the information you get from mutual funds or other funds really work for you?

We're asking everyday investors like you what you think about how funds disclose important information — and how it could be better.

It's important to us at the SEC to hear from individual investors so we can make it easier for you to choose the investments that are right for you.

Please take a few minutes to answer any or all of these questions — and thank you for your feedback!

Questions

Overall Investor Experience

1. How do you pick funds? What information do you want to know when you make an investment in a fund? What publications or websites do you review? What tools, online or otherwise, do you use? Do you look at the SEC's website?

2. Do you read current fund disclosure documents? Do you understand them? Is there information you do not receive from the fund that you would like to get?

3. How well do current fund disclosures (such as a summary prospectus, prospectus, or shareholder report) help you pick an investment? Is it easy to compare different funds? Are there technology-based tools that could make fund comparisons easier? What helpful features do those tools have?

4. Do you use the advice of a financial professional? Does a financial professional's help affect whether and how you use fund disclosures?

Delivery

5. How do you prefer to receive communications about fund investments? For example, do you prefer mail delivery, email, website availability, mobile applications, or a combination?

6. What types of fund information do you prefer to access electronically? What types of fund information do you prefer to receive in paper? Are there other ways — such as by video or audio — you would like to receive fund information?

7. How can the SEC better use technology and communication tools to help investors focus on important fund information?

Design

8. Is there too much technical writing in fund disclosure? Would you prefer more tables, charts, and graphs? Would these graphic displays be in addition to, or in place of, text-heavy disclosures?

9. Do you prefer to receive shorter "summary" disclosures, with additional information available online or upon request?

10. Should fund disclosures be more personalized? For example, should disclosures show the amount of fees you paid or your actual investment returns? If so, how?

Content

11. Do fund disclosures make the fund's strategies and the level of risk clear? How can funds improve these disclosures? Would a risk rating, such as a numerical or graphical measure of risk, be helpful?

12. Fund fees and expenses can significantly affect a fund's investment returns over time. Do you think funds clearly disclose their fees and expenses? How could funds improve the disclosure of fees and expenses? Would a comparison of your fund's fees against other funds' fees help?

13. Do you consider the past performance of a fund when making an investment decision? How could we improve the presentation of performance information?

Final Thoughts

14. Aside from this questionnaire, are there other ways the SEC can engage with investors, like you, on key topics? Is there anything else you would like to tell us?

How to Provide Feedback

You can send us feedback in the following ways (include the file number S7-12-18 in your response):

Mail	Secretary Securities and Exchange Commission 100 F Street, NE Washington, DC 20549-1090
Email	rule-comments@sec.gov
SEC Website	https://www.sec.gov/rules/other.shtml

We will post your feedback on our website. Your submission will be posted without change; we do not redact or edit personal identifying information from submissions. You should only make submissions that you wish to make available publicly.

Thank you!

Mutual funds, ETFs, and other funds provide information to investors in different ways, including in prospectuses, shareholder reports, and advertisements. If you are interested in more information on fund disclosure, or want to provide feedback on additional questions, click here (link). Comments should be received on or before October 31, 2018.

[FR Doc. 2018–12408 Filed 6–8–18; 8:45 am]
BILLING CODE 8011–01–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0481; FRL–9978–82—Region 9]

Air Quality State Implementation Plans: Arizona; Approval and Conditional Approval of State Implementation Plan Revisions; Maricopa County Air Quality Department; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing action on revisions to the Maricopa County Air Quality Department (MCAQD) portion of the state implementation plan (SIP) for the State of Arizona. We are proposing full approval of three rules and conditional approval of three rules submitted by the MCAQD. The revisions update the MCAQD's New Source Review (NSR) permitting program for new and modified sources of air pollution. We are taking comments on this proposed rule and plan to follow with a final action.

DATES: Any comments must arrive by July 11, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0481 at *http://www.regulations.gov,* or via email to *R9AirPermits@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited 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 *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Shaheerah Kelly, EPA Region IX, (415) 947–4156, *kelly.shaheerah@epa.gov.*

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

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Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The word or initials *ADEQ* mean or refer to the Arizona Department of Environmental Quality.

(ii) The word or initials *CAA* or *Act* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(iii) The initials *CFR* mean or refer to Code of Federal Regulations.

(iv) The initials or words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(v) The word or initials *MCAQD* or *Department* mean or refer to the Maricopa County Air Quality Department, the agency with jurisdiction over stationary sources within Maricopa County, Arizona.

(vi) The initials *NAAQS* mean or refer to the National Ambient Air Quality Standards.

(vii) The initials *NSR* mean or refer to New Source Review.

(viii) The initials *NNSR* mean or refer to nonattainment New Source Review.

(ix) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(x) The initials *SIP* mean or refer to State Implementation Plan.

(xi) The word *State* means or refers to the State of Arizona.

(xii) The word *TSD* means or refers to the Technical Support Document.

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the submitted rules addressed by this action with the dates that the rules were adopted by the MCAQD and submitted to EPA by the ADEQ, which is the governor's designee for Arizona SIP submittals. These rules constitute the MCAQD's air quality preconstruction NSR permit program.

TABLE 1—MCAQD SUBMITTED RULES

Regulation & Rule No.	Rule title	Adoption or amendment date	Submitted
Regulation I, Rule 100	General Provisions; General Provisions and Definitions.	2/3/2016	5/18/2016
Regulation II, Rule 200	Permits and Fees; Permit Requirements	2/3/2016	5/18/2016
Regulation II, Rule 210 [1]	Permits and Fees; Title V Permit Provisions	2/3/2016	5/18/2016
Regulation II, Rule 220	Permits and Fees; Non-Title V Permit Provisions	2/3/2016	5/18/2016
Regulation II, Rule 230	Permits and Fees; General Permits	2/3/2016	5/18/2016
Regulation II, Rule 240	Permits and Fees; Federal Major New Source Review	2/3/2016	5/18/2016
Regulation II, Rule 241	Permits and Fees; Minor New Source Review	9/7/2016	11/25/2016

[1] Rule 210 also contains requirements to address the CAA title V requirements for operating permit programs, but we are not evaluating the rule for title V purposes at this time. We will evaluate Rule 210 for compliance with the requirements of title V of the Act and the EPA's implementing regulations in 40 CFR part 70 following receipt of an official part 70 program submittal from Maricopa County containing this rule.

On October 31, 2016, the EPA determined that the submittal for the MCAQD's Rules 100, 200, 210, 220, 230, and 240 met the completeness criteria in 40 CFR part 51 Appendix V. Additionally, on January 17, 2017, the EPA determined that the submittal for the MCAQD Rule 241 met the completeness criteria in 40 CFR part 51 Appendix V.[2] These NSR rule submittals, which we refer to collectively herein as ''MCAQD's NSR submittal'' or ''the submittal,'' represent a comprehensive revision to the MCAQD's preconstruction review and permitting program and are intended to satisfy the requirements under part D (NNSR) of title I of the Act as well as the general preconstruction review requirements under section 110(a)(2)(C) of the Act.

In a letter dated April 6, 2018, the ADEQ requested that the rules or rule sections listed in Table 2 be withdrawn from the May 18, 2016 SIP submittal. Therefore, these rules or rule sections are not part of the submitted rules that the EPA is evaluating and proposing action on in this notice.

TABLE 2—WITHDRAWN MCAQD RULES OR RULE SECTIONS

Regulation, rule, & section No.	Title	Adoption or amendment date	Submitted
Regulation I, Rule 100, Section 200.24	Definition of ''Begin Actual Construction''	2/3/2016	5/18/2016
Regulation I, Rule 100, Section 200.73	Definition of ''Modification''	2/3/2016	5/18/2016
Regulation I, Rule 100, Section 200.104(c)	Definition of ''Regulated Air Pollutant''	2/3/2016	5/18/2016
Regulation II, Rule 230	Permits and Fees; General Permits	2/3/2016	5/18/2016
Regulation II, Rule 240, Section 305	Permit Requirements for New Major Sources or Major Modifications located in Attainment or Unclassifiable Areas.	2/3/2016	5/18/2016

B. Are there other versions of these rules?

The existing SIP-approved NSR program for new or modified stationary sources in Maricopa County consists of the rules identified in Table 3. Collectively, these rules establish the NSR permit requirements for stationary sources under the MCAQD's jurisdiction.

The rules listed in Table 1 will replace the existing SIP-approved NSR program rules listed in Table 3, in their entirety, except for certain definitions the EPA has identified that must be retained in the SIP.[3] The MCAQD made significant revisions to its NSR program, including, for example, switching from separate preconstruction and operating permit programs to a ''unitary'' permit program.[4] The EPA's action on this SIP submittal will update the MCAQD portion of the Arizona SIP.

TABLE 3—MCAQD'S CURRENT SIP-APPROVED RULES

Regulation, rule, & section No.	Rule title	SIP approval date	**Federal Register** citation
Regulation I, Rule 1	General Provisions; Emissions Regulated: Policy, Legal Authority.	7/27/1972	37 FR 15080
Regulation I, Rule 2, No. 11 ''Alteration or Modification'' and No. 33 ''Existing Source''.	General Provisions; Definitions	6/18/1982	47 FR 26382
Regulation I, Rule 2 (excluding Nos. 18, 49, 50, 52, 54 and 57)[5].	General Provisions; Definitions	4/12/1982	47 FR 15579
Regulation I, Rule 3	General Provisions; Air Pollution Prohibited	4/12/1982	47 FR 15579
Regulation I, Rule 100, Section 108	General Provisions; Hearing Board	8/10/2015	80 FR 47859
Regulation I, Rule 100, Section 500	General Provisions; Monitoring and Records	11/5/2012	77 FR 66405
Regulation II, Rule 20[6]	Permits and Fees; Permits Required	7/27/1972	37 FR 15080
Regulation II, Rule 21.0, (paragraphs A–C; subparagraphs D.1.a-d; and paragraph E only)[7].	Permits and Fees; Procedures for Obtaining an Installation Permit.	1/29/1991	56 FR 3219
Regulation II, Rule 21.0, (subparagraph D.1 and subparagraphs D.1.e, f and g only)[8].	Permits and Fees; Procedures for Obtaining an Installation Permit.	1/29/1991	56 FR 3219
Regulation II, Rule 21, Section F[9]	Permits and Fees; Procedures for Obtaining an Installation Permit.	7/27/1972	37 FR 15080
Regulation II, Rule 21, Section G	Permits and Fees; Procedures for Obtaining an Installation Permit.	4/12/1982	47 FR 15579
Regulation II, Rule 23	Permits and Fees; Permit Classes	7/27/1972	37 FR 15080
Regulation II, Rule 25	Permits and Fees; Emissions Test Methods and Procedures.	4/12/1982	47 FR 15579

[2] Copies of the completeness letters are in the docket for today's rulemaking.

[3] See Section 4.8.1.5 in our TSD in the docket for this action for a list of these definitions.

[4] The MCAQD combined its ''installation'' (referred to in EPA regulations as ''construction'') and ''operating'' permit programs to form a ''unitary'' permit program that authorizes both construction and operation of a stationary source in a single permit document. A single permit application is submitted by a stationary source to satisfy both the NSR and Title V Operating permit program requirements. Also, the public notification and review process for the combined permit action is designed to satisfy both the NSR and operating permit program requirements.

[5] The excluded definitions were removed from the SIP-approved version of Rule 2 on June 18, 1982 (47 FR 26382).

[6] The NSR SIP Submittal identifies Rule 20 in the list of SIP rules intended to be replaced by the submitted revised rules. While Rule 20 is not listed in the current approved SIP (see 40 CFR 52.120), it is not entirely clear that it was ever removed from the SIP. Therefore, for completeness we are listing the rule.

[7] This approval action was approved by the EPA on August 10, 1988 (53 FR 30224), then vacated and restored on January 29, 1991 (56 FR 3219).

[8] *Id.*

[9] While Rule 21, Section F is not listed in the current approved SIP (see 40 CFR 52.120), it is not entirely clear that it was ever removed from the SIP. Therefore, for completeness we are listing the rule.

TABLE 3—MCAQD'S CURRENT SIP-APPROVED RULES—Continued

Regulation, rule, & section No.	Rule title	SIP approval date	**Federal Register** citation
Regulation II, Rule 26	Permits and Fees; Air Quality Models	4/12/1982	47 FR 15579
Regulation II, Rule 26	Permits and Fees; Portable Equipment	7/27/1972	37 FR 15080
Regulation II, Rule 220	Permits and Fees; Permits to Operate	1/6/1992	57 FR 354
Regulation IV, Rule 40	Production of Records: Monitoring, Testing, and Sampling Facilities; Record Keeping and Reporting.	4/12/1982	47 FR 15579
Regulation IV, Rule 43	Production of Records: Monitoring, Testing, and Sampling Facilities; Right of Inspection.	7/27/1972	37 FR 15080
Regulation VII, Rule 71	Ambient Air Quality Standards; Anti-degradation	4/12/1982	47 FR 15579
Regulation VIII, Rule 80	Validity and Operation; Validity	7/27/1972	37 FR 15080

C. What is the purpose of the submitted rule revisions?

Section 110(a) of the CAA requires states to submit regulations that include a pre-construction permit program for new or modified stationary sources of pollutants, including a permit program as required by part D of title I of the CAA.

The purpose of the MCAQD's NSR submittal, which includes Rules 100, 200, 210, 220, 240, and 241, is to implement the county's preconstruction permit program for new and modified minor sources, and new and modified major stationary sources for areas designated nonattainment for at least one National Ambient Air Quality Standards (NAAQS).

A portion of Maricopa County (Phoenix-Mesa, AZ) is currently designated as a Moderate nonattainment area for the 2008 ozone NAAQS and as a Marginal nonattainment area for the 2015 ozone NAAQS. Additionally, a different portion of the county (Phoenix Planning Area) is currently designated as a Serious nonattainment area for the 1987 24-hour PM_{10} NAAQS. See 40 CFR 81.303.

We present our evaluation under the CAA and the EPA's implementing regulations applicable to SIP submittals and NSR permit programs in general terms below. We provide a more detailed analysis in our TSD, which is available in the docket for this proposed action.

II. The EPA's Evaluation

A. How is the EPA evaluating the rules?

The EPA has reviewed the MCAQD rules listed in Table 1 for compliance with the CAA's general requirements for SIPs in CAA section 110(a)(2), and for the nonattainment NSR programs in part D of title I (sections 172 and 173). The EPA also evaluated the rules for compliance with the CAA requirements for SIP revisions in CAA sections 110(l) and 193. In addition, the EPA evaluated the submitted rules for consistency with the regulatory provisions of 40 CFR part 51, subpart I (Review of New Sources and Modifications) (*i.e.,* 40 CFR 51.160–51.165) and 40 CFR 51.307.

Among other things, section 110 of the Act requires that SIP rules be enforceable, and provides that the EPA may not approve a SIP revision if it would interfere with any applicable requirements concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. In addition, section 110(a)(2) and section 110(l) of the Act require that each SIP or revision to a SIP submitted by a state must be adopted after reasonable notice and public hearing.

Section 110(a)(2)(C) of the Act requires each SIP to include a program to regulate the modification and construction of any stationary source within the areas covered by the SIP as necessary to assure attainment and maintenance of the NAAQS. The EPA's regulations at 40 CFR 51.160–51.164 provide general programmatic requirements to implement this statutory mandate commonly referred to as the ''general'' or ''minor'' NSR program. These NSR program regulations impose requirements for approval of state and local programs that are more general in nature as compared to the specific statutory and regulatory requirements for NSR permitting programs under part D of title I of the Act.

Part D of title I of the Act contains the general requirements for areas designated nonattainment for a NAAQS (section 172), including preconstruction permit requirements for new major sources and major modifications proposing to construct in nonattainment areas (section 173). 40 CFR 51.165 sets forth the EPA's regulatory requirements for SIP-approval of a nonattainment NSR permit program.

The protection of visibility requirements that apply to NSR programs are contained in 40 CFR 51.307. This provision requires that certain actions be taken in consultation with the local Federal Land Manager if a new major source or major modification may have an impact on visibility in any mandatory Federal Class I Area.

Section 110(l) of the Act prohibits the EPA from approving any SIP revisions that would interfere with any applicable requirement concerning attainment and RFP or any other applicable requirement of the CAA. Section 193 of the Act, which only applies in nonattainment areas, prohibits the modification of a SIP-approved control requirement in effect before November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

Our TSD, which can be found in the docket for this rule, contains a more detailed discussion of the approval criteria.

B. Do the rules meet the evaluation criteria?

The EPA has reviewed the submitted rules in accordance with the rule evaluation criteria described above. With respect to procedural requirements, CAA sections 110(a)(2) and 110(l) require that revisions to a SIP be adopted by the state after reasonable notice and public hearing. Based on our review of the public process documentation included in the May 18, 2016 and November 25, 2016 SIP submittals, we find that the MCAQD has provided sufficient evidence of public notice, and an opportunity for comment and a public hearing prior to adoption and submittal of these rules to the EPA.

With respect to substantive requirements, we have reviewed the submitted rules in accordance with the evaluation criteria discussed above. We are proposing to fully approve Rules 210, 240 and 241 as part of the MCAQD's general and major source NSR permitting program because we have determined that these rules satisfy the substantive statutory and regulatory requirements for NSR permit programs as contained in part D of title I of the

Act (sections 172, 173 and 182(a)), the part D requirements of CAA section 110(a)(2)(C), 40 CFR 51.160–51.165, and 40 CFR 51.307.

In addition, we are proposing a conditional approval of Rules 100, 200, and 220 because we have determined that while they mostly satisfy the statutory and regulatory requirements of CAA section 110(a)(2)(C) and part D of title I of the Act, the rules also contain eight deficiencies that prevent full approval. Below we describe the eight identified deficiencies. Our TSD contains a more detailed evaluation and recommendations for program improvements.

1. Definitions of ''$PM_{2.5}$'' and ''PM_{10}'' (Rule 200, Sections 201 and 315)

The EPA finds the definitions of ''$PM_{2.5}$'' and ''PM_{10}'' in Rule 100, Sections 200.91 and 200.92, deficient because they do not provide that gaseous emissions, which form particulates, are included in the respective definitions. The MCAQD may correct this deficiency by adding language to clarify that gaseous emissions are included in these definitions.

2. Good Engineering Practice Stack Height Provisions (Rule 200, Sections 201 and 315)

An NSR program is required to contain provisions to satisfy the requirements of 40 CFR 51.164, pertaining to stack height procedures. The NSR program must contain provisions ensuring that a source with a stack height that exceeds good engineering practice (GEP), or that uses any other dispersion technique, does not affect the amount of emissions control required. 40 CFR 51.164 also includes specific requirements that must be met before a permit may be issued for any stack that exceeds GEP and a clarifying statement that the regulation does not restrict the actual stack height of any source.

Rule 200, Section 201 defines the term GEP Stack Height as ''stack height *meeting the requirements* described in Rule 240 (Federal Major NSR) of these rules.'' (*Emphasis* added) This definition is inconsistent with the definition for this term provided in 40 CFR 51.100(ii), which provides a numerical value, or formulas for calculating a numerical value, relevant to stack height. Rule 240, Section 306 does not contain any ''requirements for stack height,'' but instead provides criteria for determining if a stack height exceeds GEP, and a prohibition on stack height exceeding GEP from affecting the degree of emission limitation required by any source for control of any air pollutants. Because Rule 240, Section 306 does not provide any specific requirements for stack height, this definition lacks clarity and practical enforceability. Therefore, the EPA finds this definition deficient. The MCAQD may correct this deficiency by removing this definition or revising it in Rule 200 to read ''as defined in 40 CFR 51.100(ii),'' which will ensure the definition of GEP Stack Height is consistent with the EPA definition.

Rule 200, Section 315 states that ''the degree of emission limitation required of any source of any pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique *as determined by the procedures of 40 CFR 51.118* and the EPA regulations cross-referenced therein.'' (*Emphasis* added) While this language satisfies the first sentence of 40 CFR 51.164, it does not include provisions (1) excluding certain stacks (as provided in 40 CFR 51.118(b)); (2) allowing stacks to exceed GEP in specified circumstances; or (3) clarifying that these provisions do not limit the stack height of any source. In addition, despite the language of Rule 200, Section 315, 40 CFR 51.118 does not include any procedures for determining if the degree of emission limitation is or is not affected by a stack height that exceeds GEP or by any other dispersion technique. Therefore, the EPA finds Rule 200, Section 315 to be deficient. The MCAQD may correct this deficiency by moving or adding the provisions of Rule 240, Section 306 to Rule 200, Section 315.

3. Exemption for Agricultural Equipment Used in Normal Farm Operations (Rule 200, Section 305.1.c)

While the EPA agrees that, in general, certain types of equipment may be exempted from the minor NSR program, the MCAQD must provide a basis under 40 CFR 51.160(e) to demonstrate that regulation of the equipment exempted in Rule 200, Section 305.1.c is not needed for the MCAQD's program to meet federal NSR requirements for attainment and maintenance of the NAAQS or review for compliance with the control strategy.

Such demonstration must address: (1) Identification of the types of equipment that the MCAQD considers to be ''agricultural equipment used in normal farm operations'' and whether this type of equipment could potentially be expected to occur at a stationary source subject to title V of the CAA, 40 CFR parts 60, 61, and 63, or part C or D of title I of the CAA, and, if so, whether such equipment is subject to NSR review at such sources; and (2) the MCAQD's basis for determining that ''agricultural equipment used in normal farm operations'' does not need to be regulated as part of the MCAQD's minor NSR program under 40 CFR 51.160(e).

4. Notification and Implementation Provisions for Certain Changes That Do Not Require a Non-Title V Revision (Rule 220, Section 404.3)

Rule 200, Section 404.3 provides criteria for replacing or changing certain equipment if the source provides written notification to the Control Officer within 7 or 30 days in advance of the change. The EPA is concerned that two of the listed provisions (subparagraphs e. and f.) allow changes with potentially significant emission increases and should not be listed as changes that can be made after providing only a notification to the MCAQD. Subparagraph f. allows changes associated with an emission increase greater than 10 percent of the major source threshold (greater than 10 tpy for most criteria pollutants and 25 tpy for some other pollutants), if the increase does not trigger a new applicable requirement. These allowable emission increase thresholds are greater than some of the public notice thresholds provided in Rule 100, Section 200.98. Because the rule contains conflicting requirements—a notification and implementation provision allowing changes without a permit revision versus a public notice requirement for changes with emission increases equal or greater than these amounts, the EPA finds the provisions contained in subparagraph f. to be deficient. Likewise, the provision in subparagraph e. is for reconstructed sources, which are defined, in part, as sources where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new facility. This type of change is not likely to result in an insignificant revision; therefore, the EPA finds that this provision is also deficient. These deficiencies may be addressed by adding language stating that the provisions of Section 404.3 only apply to changes that do not require a permit revision pursuant to Section 403.2. (See language contained in Rule 200, Section 404.3, subparagraph b.)

5. Expiration of NSR Terms and Conditions

The MCAQD's permit programs now rely on a single unitary permit to satisfy both NSR and title V program requirements. Rule 210, Section 402 and

Rule 220, Section 402, both specify that a Title V and Non-Title V permit, respectively, shall remain in effect for no more than 5 years.

The MCAQD's permit program must ensure that all NSR terms and conditions contained in either type of permit do not expire even if the Title V or Non-Title V permit expires. Rule 200, Section 403.2 provides that if a timely and complete application for a permit renewal is submitted, then the permit will not expire until the renewal permit has been issued or denied. However, Rule 200, Section 403.2 does not specifically ensure the continuity of the NSR terms and conditions when a Title V or Non-Title V permit expires. The lack of such a provision is a NSR program deficiency. The MCAQD may correct this deficiency by adding a provision similar to paragraph B of ADEQ's R18–2–303.

6. Inappropriate Rule References of Appendix G in Rules 100 and 200

Appendix G (Incorporated Materials) is referenced throughout the submitted rules as containing pertinent requirements for provisions contained in the MCAQD's rules, but it is not included in the existing SIP, nor has it been included in the SIP submittal. For this reason, the following sections of the submitted rules, which reference Appendix G for the applicability of specified provisions, are deficient.

- Rule 100, Section 200.14 (Definition of ''AP–42'')
- Rule 100, Section 200.80 (Definition of ''Non-Precursor Organic Compound'')
- Rule 100, Section 200.103 (Definition of ''Reference Method'')
- Rule 100, Section 503 (Emission Statements Required as Stated in the Act)
- Rule 200, Section 315 (Stack Height Provisions)

The MCAQD may correct these deficiencies by removing the references to Appendix G and, where appropriate, citing to the appropriate CFR provision without incorporating the provision by reference into a specific MCAQD rule.

7. Inappropriate Rule References of Arizona Testing Manual in Rules 100 and 200

Rules 100 and 200 both include references to the Arizona Testing Manual (ATM). Rule 100, Section 200.17 defines the term ''ATM'' as Sections 1 and 7 of the ATM for Air Pollutant Emissions, amended as of March 1992 (and no future editions). However, only Section 1 of the ATM is approved in the Arizona SIP. This provision is deficient for two separate reasons. First, Rule 100 cross-references and relies on provisions that are not SIP approved. Second, the ATM is significantly out of date, and therefore it is not appropriate to be relied upon as the sole basis for testing procedures as specified in Section 408 of Rule 200. The MCAQD may correct this deficiency by revising Section 408 to specify current EPA test methods or alternative test methods approved by the Director and the EPA in writing.

8. Definitions To Be Retained in the SIP

The MCAQD's SIP submittal states that the Department is seeking to delete certain definitions from the approved SIP by replacing the rules containing these definitions with newly submitted rules that no longer contain these definitions (in effect, these definitions would be repealed from the SIP). However, these definitions are used in other SIP rules and therefore cannot be repealed from the SIP without further justification. Therefore, these definitions will be retained in the SIP. For a list of these definitions see Section 4.8.1.5 of our TSD, which is available in the docket for this proposed action.

III. Proposed Action and Public Comment

If a portion of a plan revision meets all the applicable CAA requirements, CAA section 110(k)(3) authorizes the EPA to approve the plan revision in part. As such we are proposing full approval of MCAQD Rules 210, 240, and 241. In addition, CAA section 110(k)(4) authorizes the EPA to conditionally approve a plan revision based on a commitment by the state to adopt specific enforceable measures by a date certain but not later than one year after the date of the plan approval. In letters dated April 2, 2018 and April 6, 2018, the MCAQD and the ADEQ committed to adopt and submit specific enforceable measures to address the identified deficiencies in Rules 100, 200, and 220 within one year after the date of final approval.[10] Accordingly, pursuant to section 110(k)(4) of the Act, the EPA is proposing a conditional approval of submitted Rules 100, 200, and 220. We are proposing to conditionally approve these rules based on our determination that, separate from the deficiencies listed in Section II.B of this notice, the rules satisfy the substantive statutory and regulatory requirements for a general NSR permit program as contained in 40 CFR 51.160–51.164, as well as a nonattainment NSR permit program as set forth in the applicable provisions of part D of title I of the Act (sections 172, 173 and 182(a)), 40 CFR 51.165, and 40 CFR 51.307. Moreover, we conclude that if the MCAQD and the ADEQ submit the changes listed in their commitment letters, the identified deficiencies will be cured.

In support of this proposed action, we have concluded that our conditional approval of the submitted rules would comply with section 110(l) of the Act because the amended rules, as a whole, would not interfere with continued attainment of the NAAQS in Maricopa County. The intended effect of our proposed conditional approval action is to update the applicable SIP with current MCAQD rules and provide the MCAQD the opportunity to correct the identified deficiencies, as discussed in their commitment letter dated April 2, 2018. If we finalize this action as proposed, our action would be codified through revisions to 40 CFR 52.120 (Identification of plan) and 40 CFR 52.119 (Part D conditional approval).

If the ADEQ and MCAQD meet their commitment to submit the required revisions and/or demonstrations within 12 months of the EPA's final action on this SIP submittal, and the EPA approves the submission, then the deficiencies listed above will be cured. However, if the MCAQD or the ADEQ fails to submit these revisions and/or demonstrations within the required timeframe, the conditional approval will become a disapproval and the EPA will issue a finding of disapproval. The EPA is not required to propose the finding of disapproval. Further, a finding of disapproval would start an 18-month clock to apply sanctions under CAA section 179(b) and a two-year clock for a federal implementation plan under CAA section 110(c)(1).

We will accept comments from the public on the proposed approval and conditional approval of the MCAQD rules listed in Table 1 of this notice for the next 30 days.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the MCAQD rules listed in Table 1 of this notice, except for the rules or rule sections listed in Table 2 of this notice. The EPA has made, and will continue to make, these documents generally available electronically through

[10] See Section 9.2 of the TSD for additional information about how the MCAQD will correct the identified deficiencies. The April 2, 2018 and April 6, 2018 commitment letters from the MCAQD and the ADEQ are contained in the docket for today's rulemaking.

www.regulations.gov and at the EPA Region IX Office (see the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

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

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by reference, Intergovernmental relations, New Source Review, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: May 18, 2018.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–12390 Filed 6–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R03–RCRA–2017–0553; FRL–9979–06—Region 3]

District of Columbia: Proposed Authorization of District Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The District of Columbia (the District) has applied to the United States Environmental Protection Agency (EPA) for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed the District's application, and has determined that these revisions satisfy all requirements needed to qualify for final authorization. As a result, by this proposed rule, EPA is proposing to authorize the District's revisions and is seeking public comment prior to taking final action.

DATES: Comments on this proposed rule must be received by July 11, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–RCRA–2017–0553, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. *Email: kinslow.sara@epa.gov*.

3. *Mail:* Sara Kinslow, U.S. EPA Region III, RCRA Waste Branch, Mailcode 3LC32, 1650 Arch Street, Philadelphia, PA 19103–2029.

4. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

You may view and copy the District's application from 9:00 a.m. to 5:00 p.m., Monday through Friday at the following locations: District of Columbia Department of Energy and Environment, Environmental Services Administration, Hazardous Waste Branch, 1200 First Street NE, 5th Floor, Washington, DC, Phone number: (202) 654–6031, Attn: Barbara Williams; and EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5254.

Instructions: EPA must receive your comments by July 11, 2018. Direct your comments to Docket ID No. EPA–R03–RCRA–2017–0553. EPA's policy is that all comments received will be included

in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The Federal regulations website, *http://www.regulations.gov,* is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. (For additional information about EPA's public docket, visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm*).

Docket: All documents in the docket are listed in the *http://www.regulation.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy.

FOR FURTHER INFORMATION CONTACT: Sara Kinslow, U.S. EPA Region III, RCRA Waste Branch, Mailcode 3LC32, 1650 Arch Street, Philadelphia, PA 19103–2029; Phone: 215–814–5577.

SUPPLEMENTARY INFORMATION:

A. Why are revisions to State programs necessary?

States that have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program is revised to become more stringent or broader in scope, States must revise their programs and apply to EPA to authorize the revisions. Authorization of revisions to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other revisions occur. Most commonly, States must revise their programs because of revisions to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

B. What decisions are proposed in this rule?

On August 15, 2012, the District submitted a final program revision application (with subsequent corrections) seeking authorization of revisions to its hazardous waste program that correspond to certain Federal rules promulgated between January 14, 1985 and July 1, 2004. EPA concludes that the District's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA proposes to authorize revisions to the District's hazardous waste program with the revisions described in its authorization application, and as listed below in Section G of this document.

The District has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those HSWA requirements and prohibitions for which the District has not been authorized, including issuing HSWA permits, until the District is granted authorization to do so.

C. What is the effect of today's proposed authorization decision?

This proposal to authorize revisions to the District's authorized hazardous waste program will not impose additional requirements on the regulated community because the regulations for which the District has requested federal authorization are already effective under District law and are not changed by today's action. The District has enforcement responsibilities under its District hazardous waste program for violations of its program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Perform inspections, and require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions regardless of whether the District has taken its own actions.

D. What happens if EPA receives comments on this proposed action?

If EPA receives comments on this proposed action, we will address those comments in our final action. If you want to comment on this proposed action, you must do so at this time. You may not have another opportunity to comment.

E. What has the District of Columbia previously been authorized for?

The District initially received final authorization effective March 22, 1985 (50 FR 9427, March 8, 1985) to implement its base hazardous waste management program. EPA granted authorization for revisions to the District's regulatory program on September 10, 2001, effective November 9, 2001 (66 FR 46961).

The District's previously-authorized hazardous waste program was administered through the District of Columbia Department of Health. However, on February 15, 2006, the District established the District Department of Environment (DDOE) and reassigned the hazardous waste program to DDOE. On July 23, 2015, DDOE was renamed as the Department of Energy and Environment (DOEE). This name change occurred after the District submitted a program revision application. As such, both DDOE and DOEE appear in the District's final program revision application (and subsequent corrections). The DOEE's Hazardous Waste Branch within its Toxic Substances Division has authority to implement the District's hazardous waste program.

F. What revisions is EPA proposing with this proposed action?

On August 15, 2012, the District submitted a final program revision application (with subsequent corrections), seeking authorization of additional revisions to its program in accordance with 40 CFR 271.21. As described in Section F, the District has proposed to transfer the authority to administer the approved program from

the District of Columbia Department of Health to DOEE. The District's revision application also includes the District's statutory and regulatory changes to the District's authorized hazardous waste program, including adoption of the Federal hazardous waste regulations published through July 1, 2004 (RCRA Cluster XIV), with certain exceptions described in Section H. The District's revised statutes and regulations are equivalent to, and no less stringent than, the analogous Federal requirements.

The District seeks authority to administer the Federal requirements that are listed in Table 1 below. Effective October 28, 2005, the District incorporates by reference these Federal provisions. This table lists the District's analogous requirements that are being recognized as no less stringent than the analogous Federal requirements.

The District's regulatory references are to Title 20 of the District of Columbia Municipal Regulations (DCMR), Chapters 42 and 43, as amended effective October 28, 2005. The District's statutory authority for its hazardous waste program is based on the District of Columbia Hazardous Waste Management Act of 1977, DC Official Code § 8–1301 *et seq*. The District's application also includes a revised Program Description, which provides a description of the hazardous waste regulatory program in the District.

In this proposed rule, EPA proposes, subject to public review and comment, that the District's hazardous waste program revision application satisfies all of the requirements necessary to qualify for final authorization. Therefore, EPA is proposing to authorize the District for the following program revisions:

TABLE 1—THE DISTRICT OF COLUMBIA'S ANALOGS TO THE FEDERAL REQUIREMENTS

Federal requirement	Analogous District of Columbia authority
40 CFR part 260—Hazardous Waste Management System: General, as of July 1, 2004.	Title 20 District of Columbia Municipal Regulations (20 DCMR) 4200, 4202.1, 4260.1 through 4260.7 (except 4260.4(e)). (More stringent provisions: 4206.2).
40 CFR part 261—Identification and Listing of Hazardous Waste, as of July 1, 2004.	20 DCMR 4261.1 through 4261.6, and 4261.8 through 4261.10. (More stringent provisions: 4204.1, 4206.2, and 4261.7).
40 CFR part 262—Standards Applicable to the Generators of Hazardous Waste, as of July 1, 2004.	20 DCMR 4201.9, 4204.1, 4204.3 through 4204.5, 4262.1 through 4262.3, 4262.5, and 4262.7. (More stringent provisions: 4205.1, 4206.1, 4206.2, 4262.4, and 4262.6).
40 CFR part 263—Standards Applicable to the Transporters of Hazardous Waste, as of July 1, 2004.	20 DCMR 4204.1, 4204.2, 4204.5, and 4263.1. (More stringent provisions: 4205.1, 4206.2, and 4263.2 through 4263.5).
40 CFR part 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as of July 1, 2004.	20 DCMR 4201.9, 4204.2, 4264.1 through 4264.2(a)(3), and 4264.2(b) through 4264.12. (More stringent provisions: 4202.3 introduction and (a) through (e), (h), and (k), 4205.1, 4206.1, 4206.2, and 4264.2(a)(4)).
40 CFR part 265—Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, as of July 1, 2004.	20 DCMR 4201.9, 4265.1 through 4265.2(a)(3), 4265.2(b) through 4265.6, and 4265.8 through 4265.11. (More stringent provisions: 4202.3 introduction and (a) through (e), (h), and (k), 4205.1, 4206.2, 4265.2(a)(4), 4265.7.
40 CFR part 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, as of July 1, 2004.	20 DCMR 4201.9 and 4266.1 through 4266.3. (More stringent provisions: 4206.2).
40 CFR part 268—Land Disposal Restrictions, as of July 1, 2004.	20 DCMR 4268.1 through 4268.3. (More stringent provisions: 4202.2, 4202.3(e), and 4206.2).
40 CFR part 270—The Hazardous Waste Permit Program, as of July 1, 2004.	20 DCMR 4270.1, 4270.2, 4270.4 through 4270.14, 4271.1 through 4271.4(a), 4271.6 through 4271.9(a), 4316. (More stringent provisions: 4206.2, 4270.3, 4271.4(b), 4271.5, 4271.9(b).
40 CFR part 273—Standards for Universal Waste Management, as of July 1, 2004.	20 DCMR 4273.1 and 4273.5. (More stringent provisions: 4206.2 and 4273.2 through 4273.4).
40 CFR part 279—Standards for the Management of Used Oil, as of July 1, 2004.	20 DCMR 4279.1, 4279.2, 4279.4, 4279.7(c), 4279.9, and 4279.10. (More stringent provisions: 4202.3 (introduction), and (i), 4205.1, 4206.1, 4206.2, 4279.3, 4279.5 through 4279.7(b), and 4279.8).

G. Where are the revised District rules different from the Federal rules?

1. District of Columbia Requirements That Are Broader in Scope

The District hazardous waste program contains certain provisions that are broader than the scope of the Federal program. These broader in scope provisions are not part of the program EPA is proposing to authorize. EPA cannot enforce requirements that are broader in scope, although compliance with such provisions is required by District law. Examples of broader in scope provisions of the District's program include, but are not limited to, the following:

(a) 20 DCMR 4260.4(e) defines, and 20 DCMR Section 4203 identifies specific procedures for listing, solid wastes that are not considered hazardous wastes under 40 CFR part 261, but which the District may determine to regulate as hazardous wastes under 20 DCMR Chapters 42 and 43. Such District-only wastes would make the District's universe of regulated hazardous waste larger than EPA's and, therefore, broader in scope.

(b) At 20 DCMR Section 4390, the District requires permit application fees from generators, owners or operators of transfer facilities, and hazardous waste storage, treatment, and disposal facilities.

2. District of Columbia Requirements That Are More Stringent Than the Federal Program

The District hazardous waste program contains several provisions that are more stringent than the RCRA program as codified in the July 1, 2004 edition of Title 40 of the CFR. More stringent provisions are part of a Federally-authorized program and are, therefore, Federally-enforceable. Under this proposed action, EPA would authorize the District program for each more stringent provision. The specific more stringent provisions are also noted in Table 1. They include, but are not limited to, the following:

(a) At 20 DCMR 4261.7, the District subjects generators of no more than 100 kilograms in a calendar month to the

notification requirements at 20 DCMR 4204.1, rather than the reduced requirements in the Federal regulations for this group of generators. Additionally, the District does not incorporate the Federal provision at 40 CFR 261.5(j) that allows conditionally exempt small quantity generator waste that is mixed with used oil to be managed as used oil. Instead, the District requires such a mixture to be managed as hazardous waste.

(b) In addition to the requirements of 40 CFR part 265, subpart I, 20 DCMR 4265.7 requires generators storing waste in containers to also comply with the containment system requirements of 40 CFR 264.175 and the closure requirements of 40 CFR 264.178.

(c) At 20 DCMR 4262.4, the District limits hazardous waste satellite accumulation to 90 days (180 days or 270 days for generators of greater than 100 kilograms but less than 1,000 kilograms), and requires that containers in satellite accumulation areas are marked with an accumulation start date. The Federal requirements do not have a dating requirement or time limit for satellite accumulation as long as no more than 55 gallons of non-acute waste or one quart of acute waste is accumulated.

(d) In the District, transfer facilities are considered to be storage facilities and subject to full regulation under 20 DCMR Chapters 42 and 43, rather than the reduced requirements of the federal regulations. The District requirements are found at 20 DCMR 4264.2(a)(4) and 4265.2(a)(4).

(e) The District has a prohibition at 20 DCMR 4202.3 on any land-based treatment, storage, or disposal of hazardous waste within the District. This prohibition includes surface impoundments, waste piles, landfills, road treatment, and any other land application of hazardous waste. The District also prohibits land disposal, incineration, and underground injection of hazardous waste, and prohibits burning, processing, or incineration of hazardous waste, hazardous waste fuels, or mixtures of hazardous wastes and other materials in any type of incinerator, boiler, or industrial furnace. The Federal program does not include such prohibitions.

(f) Unlike the Federal program, the District (at 20 DCMR 4202.3) prohibits the burning of both on- and off-specification used oil in the District, and prohibits the use of used oil as a dust suppressant.

3. Federal Requirements for Which the District of Columbia Is Not Seeking Authorization

A number of the District's regulations are not part of the program revisions EPA is proposing to authorize. Those provisions include, but are not limited to, the following:

(a) The District has regulations defining how program information is to be shared with the public, but is not seeking authorization for the Availability of Information requirements relative to RCRA section 3006(f).

(b) The District is not seeking authority for the Federal corrective action program. EPA will continue to administer this part of the program.

(c) The District has incorporated the Federal hazardous waste export provisions as codified in the July 1, 2004 edition of Title 40, parts 262 and 264 of the CFR into 20 DCMR Sections 4262 and 4264. However, the District is not seeking authorization for these provisions at this time. EPA will continue to implement those requirements as appropriate.

(d) 20 DCMR Section 4266 incorporates the mixed waste provisions as codified in the July 1, 2004 edition of Title 40 of the CFR, but the District has not yet been authorized, nor is the District now seeking authorization, to implement the mixed waste regulations. The provisions at 20 DCMR 4266.1 and 4266.3 will become effective in the District when the District is authorized for the mixed waste rules.

H. Who handles permits after the authorization takes effect?

The District will continue to issue permits covering all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits that EPA issued prior to the effective date of this authorization in accordance with the signed Memorandum of Agreement, dated March 10, 2017, which is included with this program revision application. Until such time as formal transfer of EPA permit responsibility to the District occurs and EPA terminates its permit, EPA and the District agree to coordinate the administration of permits in order to maintain consistency. EPA will not issue any new permits or new portions of permits for the provisions listed in Section G after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which the District is not yet authorized.

I. How would this proposed action affect Indian Country (18 U.S.C. 115) in the District of Columbia?

The District is not seeking authority to operate the program on Indian lands, since there are no Federally-recognized Indian Lands in the District.

J. Statutory and Executive Order Reviews

This authorization revises the District's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by District law. This authorization complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 12866

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), Federal agencies must determine whether the regulatory action is ''significant'', and therefore subject to Office of Management and Budget (OMB) review and the requirements of the E.O. The E.O. defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O. EPA has determined that this authorization is not a ''significant regulatory action'' under the terms of E.O. 12866 and is therefore not subject to OMB review.

2. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* because this authorization does not establish or modify any information or recordkeeping requirements for the regulated community and only seeks to authorize the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose

or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing, and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR are listed in 40 CFR part 9.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this authorization on small entities, small entity is defined as: (1) A small business defined by the Small Business Administration's size regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. I certify that this authorization will not have a significant economic impact on a substantial number of small entities because the authorization will only have the effect of authorizing pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

4. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the rule an explanation why the alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. This authorization contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. It imposes no new enforceable duty on any State, local or tribal governments or the private sector. Similarly, EPA has also determined that this authorization contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, this authorization is not subject to the requirements of sections 202 and 203 of the UMRA.

5. Executive Order 13132: Federalism

This authorization does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in E.O. 13132 (64 FR 43255, August 10, 1999). This document authorizes pre-existing State rules. Thus, E.O. 13132 does not apply to this authorization. In the spirit of E.O. 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on this authorization from State and local officials.

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This authorization does not have tribal implications, as specified in E.O. 13175 because EPA retains its authority over Indian Country. Thus, E.O. 13175 does not apply to this authorization.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the E.O. has the potential to influence the regulation. This action is not subject to E.O. 13045 because it proposes to approve a State program.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This authorization is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under E.O. 12866, as discussed in detail above.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), (Pub. L. 104–113, 12(d)) (15 U.S.C. 272), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide

Congress, through OMB, explanations when the Federal agency decides not to use available and applicable voluntary consensus standards. This authorization does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

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

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this authorization will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This authorization does not affect the level of protection provided to human health or the environment because this document authorizes pre-existing State rules which are equivalent to and no less stringent than existing Federal requirements.

11. The Congressional Review Act, 5 U.S.C. 801–808

The Congressional Review Act, 5 U.S.C. 801–808, 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 document 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 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).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: May 2, 2018.

Cosmo Servidio,

Regional Administrator, U.S. EPA Region III.

[FR Doc. 2018–12507 Filed 6–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2018–0159; FRL–9978–76]

RIN 2070–AK45

Asbestos; Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Toxic Substances Control Act (TSCA), EPA is proposing a significant new use rule (SNUR) for asbestos as defined under the Asbestos Hazard Emergency Response Act. The proposed significant new use of asbestos (including as part of an article) is manufacturing (including importing) or processing for certain uses identified by EPA as no longer ongoing. The Agency has found no information indicating that the following uses are ongoing, and therefore, the following uses are subject to this proposed SNUR: Adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; extruded sealant tape and other tape; filler for acetylene cylinders; high-grade electrical paper; millboard; missile liner; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; and any other building material (other than cement). Persons subject to the SNUR would be required to notify EPA at least 90 days before commencing any manufacturing (including importing) or processing of asbestos (including as part of an article) for a significant new use. The required notification initiates EPA's evaluation of the conditions of use associated with the intended use within the applicable review period. Manufacturing (including importing) and processing (including as part of an article) for the significant new use may not commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.

DATES: Comments must be received on or before August 10, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0159, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Robert Courtnage, National Program Chemicals Division (Mail Code 7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–1081; email address: *courtnage.robert@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import), process, or distribute in commerce asbestos as defined by TSCA Title II, Section 202 (15 U.S.C. 2642) (including as part of an article). The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Construction (NAICS code 23)
- Manufacturing (NAICS codes 31–33)
- Wholesale Trade (NAICS code 42)

- Transportation (NAICS code 48)

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA (15 U.S.C.2601 *et seq.*). Persons who import or process any chemical substance governed by a final SNUR are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements and the corresponding regulations at 19 CFR 12.118 through 12.127 (see also 19 CFR 127.28). Those persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B.

In addition, asbestos, as defined in this proposed rule, is already subject to TSCA section 6(a) (40 CFR part 763, subparts G and I) rules that trigger the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b); see also 40 CFR 721.20). Any person who exports or intends to export asbestos must comply with the export notification requirements in 40 CFR part 707, subpart D; however, although EPA is proposing to make inapplicable the exemption at 40 CFR 721.45(f) for persons who import or process any asbestos as part of an article in a category listed in Table 2, the Agency is not proposing to require export notification for articles containing asbestos.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical information contact listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2) (see Unit IV). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture (including import) or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)(i)). TSCA further prohibits such manufacturing (including importing) or processing from commencing until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B)(ii)). As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

C. What action is the Agency taking?

EPA is proposing a SNUR for asbestos, using the definition in TSCA Title II, Section 202, which defines asbestos as the ''asbestiform varieties of six fiber types—chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite.'' The proposed significant new use of asbestos (including as part of an article) is manufacturing (including importing) or processing for certain uses no longer ongoing. The Agency found no information indicating that the following uses are ongoing, and therefore, the following uses are subject to this proposed SNUR: Adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; extruded sealant tape and other tape; filler for acetylene cylinders; high-grade electrical paper; millboard; missile liner; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; and any other building material (other than cement).

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114–182, 130 Stat. 448) amended TSCA in June 2016. The new law includes statutory requirements related to the risk evaluations of conditions of use for existing chemicals. Based on the 2014 update of EPA's TSCA Work Plan for Chemical Assessments, in December of 2016, EPA designated asbestos as one of the first 10 chemical substances subject to the Agency's initial chemical risk evaluations (81 FR 91927), as required by TSCA section 6(b)(2)(A) (15 U.S.C. 2605(b)(2)(A)).

EPA is separately conducting a risk evaluation of asbestos under its conditions of use, pursuant to TSCA section 6(b)(4)(A). Through scoping and subsequent research for the asbestos risk evaluation, EPA identified several conditions of use of asbestos to include in the risk evaluation. Those include imported raw bulk chrysotile asbestos for the fabrication of diaphragms for use in chlorine and sodium hydroxide production and several imported chrysotile asbestos-containing materials, including sheet gaskets for use in titanium dioxide chemical production, brake blocks for use in oil drilling, aftermarket automotive brakes/linings and other vehicle friction products, other gaskets and packing, cement products, and woven products. This proposed significant new rule would not identify as significant new uses those uses that EPA believes are currently ongoing. EPA is requesting public comment on this proposal and welcomes specific and verifiable documentation of any ongoing uses not identified by the Agency as well as additional uses not identified as no longer ongoing. This proposed SNUR would require persons that intend to manufacture (including import) or process any form of asbestos as defined under Title II of TSCA (including as part of an article) for a significant new use, consistent with the requirements at 40 CFR 721.25, to notify EPA at least 90 days before commencing such manufacturing (including importing) or processing. This proposed SNUR would preclude the commencement of such manufacturing (including importing) or processing until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.

D. Why is the Agency taking this action?

This proposed SNUR is necessary to ensure that EPA receives timely advance notice of any future manufacturing (including importing) or processing of asbestos (including as part of an article) for new uses that may produce changes in human and environmental exposures, and to ensure that an appropriate determination (relevant to the risks associated with such manufacturing (including importing), processing, and use) has been issued prior to the commencement of such manufacturing (including importing) or processing. Today's action is furthermore necessary to ensure that manufacturing (including importing) or processing for the significant new use cannot proceed until EPA has responded to the circumstances by taking the required actions under Sections 5(e) or 5(f) of TSCA in the event that EPA determines any of the following: (1) That the significant new use presents an unreasonable risk under the conditions of use (without consideration of costs or other non-risk factors, and including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by EPA); (2) that the information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the significant new use; (3) that, in the absence of sufficient information, the manufacturing (including importing), processing, distribution in commerce, use, or disposal of the substance, or any combination of such activities, may present an unreasonable risk (without

consideration of costs or other non-risk factors, and including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by EPA); or (4) that there is substantial production and sufficient potential for environmental release or human exposure (as defined in TSCA section 5(a)(3)(B)(ii)(II)).

There is a strong causal association between asbestos exposure and lung cancer and mesotheliomas (tumors arising from the thin membranes that line the chest (thoracic) and abdominal cavities and surround internal organs) (Ref. 1; Ref. 2; Ref. 3; Ref. 4; Ref. 5; Ref. 6). In addition, other cancers, as well as non-cancer effects, such as respiratory and immune effects, have been associated with asbestos exposure (Ref. 7).

Agency research conducted in support of the TSCA risk evaluation of asbestos revealed that the use of asbestos has declined dramatically in the United States since the 1970s when asbestos use was at its peak. EPA is taking action in this proposed rule to ensure that EPA receives timely advance notice and makes an appropriate determination prior to the commencement of manufacturing (including importing) or processing for any significant new use of asbestos (including as part of an article) as identified in Table 2. The rationale and objectives for this proposed SNUR are explained in detail in Unit III.

E. What are the estimated incremental impacts of this action?

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers (including importers) and processors of the chemical substance included in this proposed rule. This Economic Analysis (Ref. 8), which is available in the docket, is discussed in Unit IX. and is briefly summarized here.

In the event that a SNUN is submitted, costs are estimated to be less than $10,000 per SNUN submission for large business submitters and $8,000 for small business submitters. In addition, for persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country, which is estimated to be approximately $96 per notification. However, asbestos is already subject to TSCA section 6(a) rules (40 CFR part 763, subparts G and I) that trigger the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b); see also 40 CFR 721.20), and the Agency is not proposing to require export notifications for articles containing asbestos as articles are generally excluded from the TSCA section 12(b) export notification requirements. Therefore, EPA assumes no additional costs under TSCA section 12(b) for this proposed rule.

The proposed rule may also affect firms that plan to import or process articles that may be subject to the SNUR. Although there are no specific requirements in the rule for these firms, they may choose to undertake some activity to assure themselves they are not undertaking a new use. In the accompanying Economic Analysis for this proposed SNUR (Ref. 8), example steps (and their respective costs) that an importer or processor might take to identify asbestos in articles are provided. These steps can include gathering information through agreements with suppliers, declarations through databases or surveys, or use of a third-party certification system. Additionally, importers may require suppliers to provide certificates of testing analysis of the products or perform their own laboratory testing of certain articles. EPA is unable to predict, however, what, if any, particular steps an importer might take; thus, potential total costs were not estimated.

II. Chemical Substances Subject to This Proposed Rule and Associated Background Information

A. What chemicals are included in the proposed SNUR?

This proposed SNUR applies to asbestos, using the definition in TSCA Title II (added to TSCA in 1986), Section 202, which defines asbestos as the ''asbestiform varieties of six fiber types—chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite.'' This proposed SNUR Applies to the manufacturing (including importing) or processing of asbestos (including as part of an article) for certain uses no longer ongoing. EPA found no information indicating that the following uses are ongoing, and therefore, the following uses are subject to this proposed SNUR: Adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; extruded sealant tape and other tape; filler for acetylene cylinders; high-grade electrical paper; millboard; missile liner; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; and any other building material (other than cement). Under this proposed SNUR, the exemption at 40 CFR 721.45(f) would not apply to persons who import or process asbestos as part of an article (which includes as a component of an article) because there is reasonable potential for exposure to asbestos if the substance is incorporated into articles and then imported or processed. However, in accordance with the impurity exclusion at 40 CFR 721.45(d), this proposed significant new use rule would not apply to persons who manufacture (including import) or process asbestos (including as part of an article) only as an impurity.

B. What are the production volumes and uses of asbestos?

Asbestos has not been mined or otherwise produced in the United States since 2002; therefore, any new raw bulk asbestos used in the United States is imported. According to the U.S. Geological Survey (USGS), approximately 300 metric tons of raw bulk asbestos was imported into the United States in 2017 (Ref. 9). Chrysotile is the only form of raw bulk asbestos currently imported, and the chlor-alkali industry is the only known importer (Ref. 9). EPA did not identify any domestic entity that uses raw bulk asbestos other than the chlor-alkali industry, which uses chrysotile asbestos to fabricate diaphragms for use in chlorine and sodium hydroxide production.

In an effort to identify national import volumes and conditions of use for the asbestos risk evaluation under TSCA section 6(b)(4)(A), EPA searched a number of available data sources including EPA's Chemical Data Reporting (CDR) database, USGS's Mineral Commodities Summary and the Minerals Yearbook, the U.S. International Trade Commission's Dataweb, the U.S. Customs and Border Protection's Automated Commercial Environment (ACE) System, and the *Use and Market Profile for Asbestos* (EPA–HQ–OPPT–2016–0736–0085). Based on this search, EPA published a preliminary list of information and sources related to asbestos conditions of use (see *Preliminary Information on Manufacturing, Processing, Distribution, Use, and Disposal: Asbestos,* EPA–HQ–OPPT–2016–0736–0005) prior to a February 2017 public meeting on the scoping efforts for the risk evaluation convened to solicit public comment. EPA also convened meetings with companies, associated industry groups, chemical users and other stakeholders to aid in identifying conditions of use and verifying conditions of use identified by EPA. On June 22, 2017, EPA published the *Scope of the Risk Evaluation for Asbestos* (EPA–HQ–OPPT–2016–0736–0086), which further

provided opportunity for the public and private sector to identify conditions of use of asbestos in the United States.

During the public comment period for the *Preliminary Information on Manufacturing, Processing, Distribution, Use, and Disposal: Asbestos* (EPA–HQ–OPPT–2016–0736–0005), one company identified the use of asbestos-containing gaskets, which are imported, for use during the production of titanium dioxide. During stakeholder discussions another company confirmed importing and distributing brake blocks for use in drawworks by the oil industry. EPA believes that aftermarket automotive brakes/linings and other vehicle friction products, other gaskets and packing, cement products, and woven products containing asbestos could also be imported, as reported by USGS (Ref. 10) and also appear in data from ACE (Ref. 11); however, the volume of products and the quantity of asbestos within imported products is unknown. ACE is not a publicly accessible database because it contains information that is protected under the provisions of Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and the Trade Secrets Act (18 U.S.C. 1905), and the information in ACE related to importer identity cannot be released.

C. What are the potential health effects of asbestos?

Asbestos was listed as a known human carcinogen in the National Toxicology Program's *First Annual Report on Carcinogens* in 1980 (Ref. 1). In 1988, EPA assessed the health hazards and effects caused by exposure to asbestos under the Integrated Risk Information System (IRIS) program, and determined that asbestos exposure can lead to lung cancer and mesotheliomas (tumors arising from the thin membranes that line internal organs) (Ref. 2). Many authorities have established that there is causal association between asbestos and lung cancer and mesotheliomas (Ref. 1; Ref. 3; Ref. 4). EPA also noted in the *Scope of the Risk Evaluation for Asbestos* that there is a causal association between exposure to asbestos and cancer of the larynx and cancer of the ovary (Ref. 4). There is also suggestive evidence of a positive association between asbestos and cancer of the pharynx (Ref. 4; Ref. 12), stomach (Ref. 3; Ref. 4), and colorectum (Ref. 1; Ref. 3; Ref. 4; Ref. 12; Ref. 13; Ref. 14). All types of asbestos fibers have been reported to cause mesothelioma. (Ref. 4).

Increases in lung cancer mortality have been reported in both workers and residents exposed to various asbestos fiber types as well as fiber mixtures (Ref. 4). There is evidence in in-vitro, animal, and human studies that asbestos is genotoxic, meaning asbestos can damage an organism's genetic material (Ref. 3). There is also evidence that asbestos exposure is associated with adverse respiratory system effects, such as asbestosis and immunotoxicity (Ref. 3; Ref. 7).

D. What are the potential routes and sources of exposure to asbestos?

The greatest risk of exposure to asbestos occurs when the substance is in a friable state, meaning the fibers can be crumbled, pulverized or reduced to a powder under hand pressure (Ref. 3). During use and over time, non-friable asbestos has the potential to become friable (Ref. 3). For example, testing has shown that non-friable asbestos-containing material can become friable during use such as cutting, crumbling, and tearing, and as a result of such use, asbestos fibers can be released into the air (Ref. 15). Similarly, non-friable asbestos-containing building materials can release fibers if disturbed during building repair or demolition (Ref. 16). Exposures to workers, consumers and the general population, as well as environmental receptors, may occur from industrial releases and use of asbestos-containing products. Based on EPA's research conducted during the early stages of the TSCA risk evaluation, most of the ongoing uses of asbestos pertain to industrial and commercial uses (Ref. 7).

The primary exposure route for asbestos is inhalation. Asbestos fibers can be released into the air during processing of raw bulk asbestos and asbestos-containing products. Weathering and the disturbance and/or degradation of asbestos-containing products can also cause asbestos fibers to be suspended in air (Ref. 3). Fibers can then enter the lungs through inhalation. Exposures to asbestos can potentially occur via oral and dermal routes; however, EPA anticipates that the most likely exposure route is inhalation.

III. Rationale and Objectives

A. Rationale

EPA is concerned about the potential for adverse health effects of asbestos based on established sound scientific data indicating that asbestos is a known human carcinogen. Asbestos was listed as a human carcinogen in the National Toxicology Program's *First Annual Report on Carcinogens* in 1980 (Ref. 1).

Asbestos, in particular chrysotile asbestos, has several unique properties, including low electrical conductivity while maintaining high tensile strength, high friction coefficient, and high resistance to heat (Ref. 17). These properties made asbestos ideal for use in friction materials (*e.g.,* brakes), insulation (*e.g.,* sound, heat, and electrical), and building materials (*e.g.,* cement pipes, roofing compounds, flooring) over the past century. However, the use of asbestos has declined dramatically due to health concerns and consumer preference (Ref. 17), which has led to the elimination of some exposure scenarios associated with such uses. According to USGS, in 1973, national consumption, including manufacturing/importing and processing, of raw bulk asbestos peaked around 800,000 metric tons and has since fallen approximately 99 percent to between 300 and 800 metric tons in recent years (Ref. 9). Today, most manufactured products in the United States are now asbestos-free (Ref. 17).

In 1989, EPA published a final rule *Asbestos: Manufacture, Importation, Processing, and Distribution in Commerce Prohibitions* (54 FR 29460, July 12, 1989) (FRL–3476–2), which was intended ''to prohibit, at staged intervals, the future manufacture, importation, processing and distribution in commerce of asbestos in almost all products, as identified in the rule . . .'' and to ''reduce the unreasonable risks presented to human health by exposure to asbestos during activities involving these products.'' The 1989 final rule applied to the asbestos product categories identified in the *Regulatory Impact Analysis of Controls on Asbestos and Asbestos Products,* which was conducted in support of the rule (Ref. 20). However, the ban against most of the asbestos product categories was overturned by the Fifth Circuit Court of Appeals in 1991. In addition to the asbestos products that remain banned after the court ruling, which are identified in Table 1 below, any new use of asbestos was also banned. The prohibition on any new uses of asbestos is for uses initiated for the first time after August 25, 1989. As a point of clarification, in this proposed rulemaking, a significant new use of asbestos addresses multiple uses that were initiated prior to August 25, 1989, for which manufacturing and processing are no longer ongoing in the United States.

TABLE 1—ASBESTOS CONTAINING PRODUCT CATEGORIES BANNED UNDER TSCA SECTION 6

Product category	Definition (40 CFR 763.163)
Corrugated Paper	Corrugated paper means an asbestos-containing product made of corrugated paper, which is often cemented to a flat backing, may be laminated with foils or other materials, and has a corrugated surface. Major applications of asbestos corrugated paper include: Thermal insulation for pipe coverings; block insulation; panel insulation in elevators; insulation in appliances; and insulation in low-pressure steam, hot water, and process lines.
Rollboard	Rollboard means an asbestos-containing product made of paper that is produced in a continuous sheet, is flexible, and is rolled to achieve a desired thickness. Asbestos rollboard consists of two sheets of asbestos paper laminated together. Major applications of this product include: Office partitioning; garage paneling; linings for stoves and electric switch boxes; and fire-proofing agent for security boxes, safes, and files.
Commercial Paper	Commercial paper means an asbestos-containing product that is made of paper intended for use as general insulation paper or muffler paper. Major applications of commercial papers are insulation against fire, heat transfer, and corrosion in circumstances that require a thin, but durable, barrier.
Specialty Paper	Specialty paper means an asbestos-containing product that is made of paper intended for use as filters for beverages or other fluids or as paper fill for cooling towers. Cooling tower fill consists of asbestos paper that is used as a cooling agent for liquids from industrial processes and air conditioning systems.
Flooring Felt	Flooring felt means an asbestos-containing product that is made of paper felt intended for use as an underlayer for floor coverings, or to be bonded to the underside of vinyl sheet flooring.
New Uses *	The commercial uses of asbestos not identified in § 763.165 the manufacture, importation or processing of which would be initiated for the first time after August 25, 1989.

* **Note:** A ''new use'' as defined in 40 CFR 763.163 is distinct from a significant new use per TSCA section 5(a)(2), which is explained for the purposes of this proposed rule in Table 2.

As part of the information gathering activity associated with the current asbestos risk evaluation, the Agency researched market availability for the asbestos product categories subject to the 1989 asbestos ban and phase-out rule that was later overturned. EPA identified several asbestos product categories where manufacturing (including importing) and processing for the use is no longer ongoing. Through further refinement of the *Scope of the Risk Evaluation for Asbestos,* the Agency determined that asbestos-containing cement products (*e.g.,* pipe, shingles and replacement parts) are the only condition of use of asbestos in building materials; therefore, this proposed SNUR also applies to all asbestos-containing building materials other than asbestos cement products. These product categories and descriptions are listed in Table 2, and manufacturing and processing for these product categories are significant new uses subject to this proposed rulemaking. The product category descriptions are based on the product category descriptions presented in the *Regulatory Impact Analysis of Controls on Asbestos and Asbestos Products* for the 1989 final rule (Ref. 20) and may not be all-encompassing.

TABLE 2—PRODUCT CATEGORIES OF PROPOSED SIGNIFICANT NEW USES OF ASBESTOS

Product category	Description of the product category
Arc Chutes	Ceramic arc chutes containing asbestos were used to guide electric arcs in motor starter units in electric generating plants.
Beater-Add Gaskets	Asbestos fibers were incorporated within various elastomeric binders and other fillers to form the beater-add paper. These products were used extensively for internal combustion applications and for the sealing component of spiral wound gaskets. Gaskets were used to seal one compartment of a device from another in non-dynamic applications such as engine and exhaust manifolds.
Extruded Sealant Tape and Other Tape.	Sealant tape was made from a semi-liquid mixture of butyl rubber and asbestos. On exposure to air, the sealant solidified forming a rubber tape about an inch wide and an eighth of an inch thick. The tape acted as a gasket for sealing building windows, automotive windshields, and mobile home windows. It was also used in the manufacture of parts for the aerospace industry and in the manufacture of insulated glass.
Filler for Acetylene Cylinders	Asbestos was used to produce a sponge-like filler, which held the liquefied acetylene gas (acetone) in suspension in the steel cylinder and puled the acetone up through the tank as the gas was released through the oxyacetylene torch. The torch was used to weld or cut metal and sometimes used as an illuminant gas. The filler also acted as an insulator that offered fire protection in case the oxidation of the acetylene became uncontrollable.
High-Grade Electrical Paper	The major use of asbestos electrical paper was insulation for high temperature, low voltage applications such as in motors, generators, transformers, switch gears, and other heavy electrical apparatuses.
Millboard	Asbestos millboard was essentially a heavy cardboard product that was used for gasketing, insulation, fireproofing, and resistance against corrosion and rot. Millboard was used in many industrial applications to include linings in boilers, kilns, and foundries; insulation in glass tank crowns, melters, refiners, and sidewalls in the glass industry; linings for troughs and covers in the aluminum, marine, and aircraft industries; and thermal protection in circuit breakers in the electrical industry. In addition, thin millboard was inserted between metal to produce gaskets. Commercial applications for millboard included fireproof linings for safes, dry-cleaning machines, and incinerators.
Missile Liner	A missile liner was an asbestos and rubber compound used to insulate the outer casing of the rocket from the intense heat generated in the rocket motor while the rocket fuel was burned. Rockets and rocket boosters were used to propel a number of objects including military weapons and the space shuttle.

TABLE 2—PRODUCT CATEGORIES OF PROPOSED SIGNIFICANT NEW USES OF ASBESTOS—Continued

Product category	Description of the product category
Adhesives, Sealants, and Roof and Non-Roof Coatings.	The automobile industry historically used asbestos in a wide variety of adhesive, sealant, and coating applications. The aerospace industry used asbestos in extremely specialized applications such as firewall sealants and epoxy adhesives. Non-roof coatings were used to prevent corrosion (*e.g.,* as vehicle undercoatings and underground pipe coatings). Roof coatings were used to repair and patch roofs, seal around projections such as chimneys and vent pipes, and bond horizontal and vertical surfaces.
Pipeline Wrap	Pipeline wrap was an asbestos felt product primarily used by the oil and gas industry for coating its pipelines. Asbestos pipeline wrap was also used in the coal tar enamel method of coating pipes, some above-ground applications (such as for special piping in cooling towers), and was also used by the chemical industry for underground hot water and steam piping.
Reinforced Plastics	Asbestos-reinforced plastics were used for electro-mechanical parts in the automotive and appliance industries and as high-performance plastics for the aerospace industry. Asbestos-reinforced plastic was typically a mixture of some type of plastic resin (usually phenolic or epoxy), a general filler (often chalk or limestone), and raw asbestos fiber.
Roofing Felt	Asbestos roofing felt was single or multi-layered grade and used for built-up roofing. Asbestos was used in roofing felts because of its dimensional stability and resistance to rot, fire, and heat.
Separators in Fuel Cells and Batteries.	In very specialized aerospace applications, asbestos functioned as an insulator and separator between the negative and positive terminals of a fuel cell/battery.
Vinyl-Asbestos Floor Tile	Vinyl-asbestos floor tile was used in commercial, residential, and institutional buildings in heavy traffic areas such as supermarkets, department stores, commercial plants, kitchens, and ''pivot points''—entry ways and areas around elevators
Any Other Building Materials (other than cement)*.	Examples include insulation, plasters, mastics, textured paints (*e.g.,* simulates stucco), and block filler paints (*e.g.,* for coating masonry).

* **Note:** Not a product category described in the same terms in the Regulatory Impact Analysis; this broader product category is used generally to describe a number of specific product categories identified during the TSCA section 6 risk evaluation process.

As part of the current asbestos risk evaluation process, the Agency identified conditions of use to be considered under the TSCA risk evaluation. Those include: Imported raw bulk chrysotile asbestos for the fabrication of diaphragms for use in chlorine and sodium hydroxide production and several imported chrysotile asbestos-containing materials including sheet gaskets for use in titanium dioxide chemical production, brake blocks for use in oil drilling, aftermarket automotive brakes/linings and other vehicle friction products, other gaskets and packing, cement products, and woven products. These ongoing uses identified by EPA are not among the significant new uses identified in this proposal and therefore would not require a significant new use notification submission to the Agency. EPA requests comment regarding any ongoing uses not identified by the Agency and welcomes specific and verifiable documentation. EPA also requests comment on additional uses not identified as no longer ongoing.

In the absence of this proposed rule, the importing or processing of asbestos (including as part of an article) for the significant new uses proposed in this rule may begin at any time, without prior notice to EPA. Thus, EPA is concerned that commencement of the manufacturing (including importing) or processing for the significant new uses of asbestos identified in Table 2 could significantly increase the volume of manufacturing (including importing) and processing of asbestos as well as the magnitude and duration of exposure to humans over that which would otherwise exist currently. EPA has preliminarily concluded that action on this chemical substance is warranted and therefore proposes that any manufacturing (including importing) or processing of asbestos (including as part of an article), using the definition under Title II of TSCA, for any use identified in Table 2 would be a significant new use.

Consistent with EPA's past practice for issuing SNURs under TSCA section 5(a)(2), EPA's decision to propose a SNUR for a particular chemical use need not be based on an extensive evaluation of the hazard, exposure, or potential risk associated with that use. If a person decides to begin manufacturing (including importing) or processing asbestos (including as part of an article) for a use identified in Table 2, the notice to EPA allows the Agency to evaluate the use according to the specific parameters and circumstances surrounding the conditions of use.

B. Rationale for Making Inapplicable the Exemption at 40 CFR 721.45(f) for Persons Who Import or Process Asbestos

Chemical substances that are part of an article may still result in exposure if the chemical substance has certain physical-chemical properties—as in the case of asbestos, fibers can degrade with use and become friable over time where human exposures can occur leading to increased risks for disease (Ref. 3; Ref. 15; Ref. 16). During use and over time, non-friable asbestos has the potential to become friable (Ref. 3). For example, testing has shown that non-friable asbestos-containing material can become friable during use such as cutting, crumbling, and tearing, and as a result of such use, asbestos fibers can be released into the air (Ref. 15). Similarly, non-friable asbestos-containing building materials can release fibers if disturbed during building repair or demolition (Ref. 16). Therefore, EPA is proposing to make inapplicable the exemption at 40 CFR 721.45(f) for persons who import or process any asbestos as part of an article for the proposed significant new uses, which are identified in Table 2. A person who imports or processes asbestos (including as part of an article) for a proposed significant new use identified in Table 2 would be subject to the significant new use notification requirements in this proposed rule. No person would be able to begin importing or processing asbestos (including as part of an article) for a proposed significant new use without first submitting a SNUN to EPA and until the Agency has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.

As requested in Unit XII., EPA asks for comment on the Agency's understanding of ongoing uses. When submitting a comment to the Agency, EPA requests specific and verifiable information that provides evidence of ongoing uses beyond those identified in this proposed rule.

C. Objectives

Based on the considerations in Unit III.A., EPA wants to achieve the following objectives with regard to the significant new use of asbestos (including as part of an article) as designated in this proposed rule:

1. EPA would receive notice of any person's intent to manufacture (including import) or process asbestos (including as part of an article) for the described significant new use before that activity begins.

2. EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing (including importing) or processing asbestos (including as part of an article) for the described significant new use.

3. EPA would be able to either determine that the significant new use is not likely to present an unreasonable risk, or take necessary regulatory action associated with any other determination before the described significant new use of asbestos (including as part of an article) occurs.

IV. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors including:

1. The projected volume of manufacturing and processing of a chemical substance.

2. The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.

3. The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.

4. The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

Both federal and state environmental protection agencies and occupational safety and health organizations provide existing regulation pertaining to certain aspects of the manufacturing (including importing), processing, use, and/or disposal of asbestos in order to protect consumers, workers, and the environment. EPA believes the significant new uses of asbestos identified in Table 2 could increase the volume of manufacturing (including importing) and processing of asbestos, as well as the duration and magnitude of human and environmental exposure to the substance, reverse the declining trend of national import volumes of the substance, and reintroduce exposure scenarios that have become obsolete over the past several decades. It is imperative that EPA be notified of any intended significant new use of asbestos identified in Table 2 and be provided the opportunity to evaluate such proposed new use. Once a SNUR is finalized, failure to notify EPA and file a SNUN prior to manufacturing or processing for the significant new uses would constitute a violation of TSCA and would be subject to penalties, accordingly.

To determine what would constitute a significant new use of asbestos as discussed in this unit, EPA considered relevant information about the toxicity or expected toxicity of the substance, likely human exposures and environmental releases associated with possible uses, and the four factors listed in Section 5(a)(2) of TSCA. In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

The article exemption at 40 CFR 721.45(f) is based on an assumption that people and the environment will generally not be exposed to chemical substances in articles (Ref. 18). However, even when contained in an article, asbestos can become friable over time with use (Ref. 3; Ref. 15; Ref. 16). Based on this understanding, upon submission of a SNUN, EPA intends to evaluate the potential risk of exposure to human health and the environment for any proposed significant new use of asbestos (including as part of an article). This understanding warrants making the exemption at 40 CFR 721.45(f) inapplicable to importers or processors of articles containing asbestos. Considering the potential friability of asbestos, even when incorporated in articles, and the health risks associated with exposure to asbestos, EPA proposes to affirmatively find under TSCA section 5(a)(5) that notification is justified by the reasonable potential for exposure to asbestos through the articles subject to this SNUR. EPA intends to evaluate such potential uses whether in the form of an article or not before those uses would begin for any associated risks or hazards that might exist. EPA has reason to anticipate that importing or processing asbestos as part of an article would create the potential for exposure to asbestos, and that EPA should have an opportunity to review the intended use before such use could occur. Persons subject to this proposed SNUR are required to notify EPA at least 90 days prior to commencing manufacturing (including importing) or processing of the substance for the new use. This required notification provides EPA with the opportunity to evaluate an intended significant new use of the regulated chemical substance and, if necessary, an opportunity to protect against potential unreasonable risks.

V. Applicability of General Provisions

General provisions for SNURs appear under 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, and exemptions to reporting requirements.

Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of Premanufacture Notices (PMNs) under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before the manufacturing (including importing) or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's finding.

VI. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

EPA designates June 1, 2018 (the date of web posting of this proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule. In developing this proposed rule, EPA has recognized that, given EPA's general practice of posting proposed and final SNURs on its website a week or more in advance of **Federal Register** publication, this objective could be thwarted even before that publication.

Persons who begin commercial manufacturing (including importing) or processing of the chemical substance (to include importing or processing articles

and components thereof containing the chemical substance) for a significant new use identified as of June 1, 2018 would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until all TSCA prerequisites for the commencement of manufacturing (including importing) or processing have been satisfied (see **Federal Register** documents of April 24, 1990 (55 FR 17376) (FRL–3658–5) and November 28, 2016 (81 FR 85472) (FRL–9945–53) for additional information).

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not usually require developing new information (*e.g.,* generating test data) before submission of a SNUN; however, there is an exception: Development of information is required where the chemical substance subject to the SNUR is also subject to a rule, order, or consent agreement under TSCA section 4 (see TSCA section 5(b)(1)). Also pursuant to TSCA section 4(h), which pertains to reduction of testing of vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies or NAMs), if available, to generate any recommended test data. EPA encourages dialogue with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

In the absence of a TSCA section 4 test rule covering the chemical substance, persons are required to submit only information in their possession or control and to describe any other information known to or reasonably ascertainable by them (15 U.S.C. 2604(d); 40 CFR 721.25, and 40 CFR 720.50). However, as a general matter, EPA recommends that SNUN submitters include information that would permit a reasoned evaluation of risks posed by the chemical substance during its manufacturing (including importing), processing, use, distribution in commerce, or disposal. EPA encourages persons to consult with the Agency before submitting a SNUN. As part of this optional pre-notice consultation, EPA would discuss specific information it believes may be useful in evaluating a significant new use.

Submitting a SNUN that does not itself include information sufficient to permit a reasoned evaluation may increase the likelihood that EPA will either respond with a determination that the information available to the Agency is insufficient to permit a reasoned evaluation of the health and environmental effects of the significant new use or, alternatively, that in the absence of sufficient information, the manufacturing (including importing), processing, distribution in commerce, use, or disposal of the chemical substance may present an unreasonable risk of injury.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs and define the terms of any potentially necessary controls if the submitter provides detailed information on human exposure and environmental releases that may result from the significant new uses of the chemical substance.

VIII. SNUN Submissions

EPA recommends that submitters consult with the Agency prior to submitting a SNUN to discuss what information may be useful in evaluating a significant new use. Discussions with the Agency prior to submission can afford ample time to conduct any tests that might be helpful in evaluating risks posed by the substance. According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 721.25 and 40 CFR 720.40. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

IX. Economic Analysis

A. SNUNs

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers (including importers) and processors of the chemical substance included in this proposed rule (Ref. 8). In the event that a SNUN is submitted, average costs are estimated at approximately $9,937 per SNUN submission for large business submitters and $7,537 for small business submitters. These estimates include the cost to prepare and submit the SNUN, and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $2,500 user fee required by 40 CFR 700.45(b)(2)(iii), or, if they are a small business with annual sales of less than $40 million when combined with those of the parent company (if any), a reduced user fee of $100 (40 CFR 700.45(b)(1)). On February 26, 2018, EPA proposed raising the fee for SNUNs to $2,800 for small businesses and $16,000 for other businesses (83 FR 8212). Further, on November 30, 2017, EPA determined that revisions to the current small business size standards for TSCA reporting and recordkeeping requirements are warranted (82 FR 56824). Businesses that submit a SNUN are also estimated to incur average costs of $67 for rule familiarization. First time submitters will incur an average cost of $128 for Central Data Exchange (CDX) registration and associated activities. Companies manufacturing, importing, or processing asbestos or articles containing asbestos will incur an average cost of $80 for notifying their customers of SNUR regulatory activities.

The costs of submitting a SNUN will not be incurred by any company unless a company decides to pursue a significant new use as defined in this proposed SNUR. Additionally, these estimates reflect the costs and fees as they are known at the time this rule is promulgated. EPA's complete economic analysis is available in the public docket for this proposed rule (Ref. 8).

B. Export Notification

Under Section 12(b) of TSCA and the implementing regulations at 40 CFR part 707, subpart D, exporters must notify EPA if they export or intend to export a chemical substance or mixture for which, among other things, a rule has been proposed or promulgated under TSCA section 5. As explained in Unit I., export notifications are required for asbestos, but not for articles containing asbestos. EPA is not proposing that asbestos-containing articles be subject to the export notification requirements; therefore, EPA assumes no additional costs under TSCA section 12(b) for this proposed rule.

In general, for persons exporting a substance that is the subject of a SNUR, a one-time notice to EPA must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical covered in this proposed SNUR, as stated in the accompanying economic analysis of this proposed SNUR, the estimated cost of the export notification

requirement on a per unit basis is approximately $96.

C. Import or Processing Chemical Substances as Part of an Article

In making inapplicable the exemption relating to persons that import or process certain chemical substances as part of an article, this action may affect firms that plan to import or process types of articles that may contain the asbestos. Some firms have an understanding of the contents of the articles they import or process. However, EPA acknowledges that importers and processors of articles may have varying levels of knowledge about the chemical content of the articles that they import or process. These parties may need to become familiar with the requirements of the rule. And, while not required by the SNUR, these parties may take additional steps to determine whether the subject chemical substance is part of the articles they are considering for importing or processing. This determination may involve activities such as gathering information from suppliers along the supply chain and/or testing samples of the article itself. Costs vary across the activities chosen and the extent of familiarity a firm has regarding the articles it imports or processes. Cost ranges are presented in the Understanding the Costs Associated with Eliminating Exemptions for Articles in SNURs (Ref. 19). Based on available information, EPA believes that article importers or processors that choose to investigate their products would incur costs at the lower end of the ranges presented in the Economic Analysis. For those companies choosing to undertake actions to assess the composition of the articles they import or process, EPA expects that importers or processors would take actions that are commensurate with the company's perceived likelihood that a chemical substance might be a part of an article for the significant new uses subject to this proposed rulemaking (identified in Table 2) and the resources it has available. Example activities and their costs are provided in the accompanying Economic Analysis of this proposed rule (Ref. 8).

X. Alternatives

Before proposing this SNUR, EPA considered the following alternative regulatory action: Promulgate a TSCA section 8(a) Reporting Rule.

Under a TSCA section 8(a) rule, EPA could, among other things, generally require persons to report information to the Agency when they intend to manufacture (including import) or process a listed chemical for a specific use or any use. However, for asbestos, the use of TSCA section 8(a) rather than SNUR authority would have several limitations. First, if EPA were to require reporting under TSCA section 8(a) instead of TSCA section 5(a), that action would not ensure that EPA receives timely advance notice of future manufacturing (including importing) or processing of asbestos (including as part of an articles and components thereof) for new uses that may produce changes in human and environmental exposures. Nor would action under 8(a) ensure that an appropriate determination (relevant to the risks of such manufacturing (including importing) or processing) has been issued prior to the commencement of such manufacturing (including importing) or processing. Furthermore, a TSCA section 8(a) rule would not ensure that manufacturing (including importing) or processing for the significant new use cannot proceed until EPA has responded to the circumstances by taking the required actions under Sections 5(e) or 5(f) of TSCA in the event that EPA determines any of the following: (1) That the significant new use presents an unreasonable risk under the conditions of use (without consideration of costs or other non-risk factors, and including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by EPA); (2) that the information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the significant new use; (3) that in the absence of sufficient information, the manufacture (including import), processing, distribution in commerce, use, or disposal of the substance, or any combination of such activities, may present an unreasonable risk (without consideration of costs or other non-risk factors, and including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by EPA); or (4) that there is substantial production and sufficient potential for environmental release or human exposure (as defined in TSCA section 5(a)(3)(B)(ii)(II)).

In addition, EPA may not receive important information from small businesses, because such firms generally are exempt from TSCA section 8(a) reporting requirements (see TSCA sections 8(a)(1)(A) and 8(a)(1)(B)). In view of the level of health concerns about asbestos if used for a proposed significant new use, EPA believes that a TSCA section 8(a) rule for this substance would not meet EPA's regulatory objectives.

XI. Scientific Standards, Evidence, and Available Information

EPA has used scientific information, technical procedures, measures, methods, protocols, methodologies, and models consistent with the best available science, as applicable. These sources supply information relevant to whether a particular use would be a significant new use, based on relevant factors including those listed under TSCA section 5(a)(2). As noted in Unit III., EPA's decision to promulgate a SNUR for a particular chemical use need not be based on an extensive evaluation of the hazard, exposure, or potential risk associated with that use.

The clarity and completeness of the data, assumptions, methods, quality assurance, and analyses employed in EPA's decision are documented, as applicable and to the extent necessary for purposes of this proposed significant new use rule, in Unit II. and in the references cited throughout the preamble of this proposed rule. EPA recognizes, based on the available information, that there is variability and uncertainty in whether any particular significant new use would actually present an unreasonable risk. For precisely this reason, it is appropriate to secure a future notice and review process for these uses, at such time as they are known more definitively. The extent to which the various information, procedures, measures, methods, protocols, methodologies or models used in EPA's decision have been subject to independent verification or peer review is adequate to justify their use, collectively, in the record for a significant new use rule.

XII. Request for Comment

A. Do you have comments or information about ongoing uses?

EPA welcomes comment on all aspects of this proposed rule. EPA based its understanding of the use profile of this chemical on the published literature, the 2016 Chemical Data Reporting submissions, market research, review of Safety Data Sheets, and extensive research conducted during the early stages of the TSCA risk evaluation for asbestos. To confirm EPA's understanding, the Agency is requesting public comment on all aspects of this proposed rule. In providing comments on an ongoing use of asbestos, it would be helpful to provide specific information and documentation sufficient for EPA to substantiate any assertions of use.

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

1. *Submitting CBI.* It is EPA's policy to include all comments received in the public docket without change or further notice to the commenter and to make the comments available online at *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM that you mail to EPA as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2, subpart B.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www2.epa.gov/dockets/commenting-epa-dockets#tips.*

XIII. References

The following is a listing of the documents that are specifically referenced in this document. The docket, EPA–HQ–OPPT–2018–0159, includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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15. Anderson, P.H. and Farino, W.J. (1982). Analysis of Fiber Release from Certain Asbestos Products. Draft Final Report. Prepared by GCA Corporation for the U.S. Environmental Protection Agency. Retrieved from *https://nepis.epa.gov/Exe/ZyPDF.cgi/9101PBZ6.PDF?Dockey=9101PBZ6.PDF.*
16. 40 CFR part 61, subpart M, Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP).
17. Virta, R. (2011). Asbestos. Kirk-Othmer Encyclopedia of Chemical Technology. Retrieved from *http://onlinelibrary.wiley.com/doi/10.1002/0471238961.01190205 10151209.a01.pub3/pdf.*
18. U.S. Environmental Protection Agency. (EPA, 1984). Significant New Uses of Chemical Substances; Certain Chemicals. 49 FR 35014, September 5, 1984 (FRL–2541–8).
19. U.S. Environmental Protection Agency. (EPA, 2013). Understanding the Costs Associated with Eliminating Exemptions for Articles in SNURs. May 1, 2013.
20. U.S. Environmental Protection Agency. (EPA, 1989). Regulatory Impact Analysis of Controls on Asbestos and Asbestos Products: Final Report: Volume III. (5601989ICF001). Washington, DC: Office of Toxic Substances, U.S. Environmental Protection Agency.

XIV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

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

This action is not expected to be a regulatory action subject to Executive Order 13771 (82 FR 9339, February 3, 2017), because this action is not a significant regulatory action under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). The information collection activities associated with existing chemical SNURs are already approved under OMB control number 2070–0038 (EPA ICR No. 1188); and the information collection activities associated with export notifications are already approved under OMB control number 2070–0030 (EPA ICR No. 0795). If an entity were to submit a SNUN to the Agency, the burden is estimated to be approximately 100 hours per response

(slightly less for submitters who have already registered to use the electronic submission system).

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in Title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR, part 9, and included on the related collection instrument, or form, as applicable.

D. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* I certify that promulgation of this SNUR would not have a significant economic impact on a substantial number of small entities. The rationale supporting this conclusion is as follows.

A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a ''significant new use.'' By definition of the word ''new'' and based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. Since this proposed SNUR will require a person who intends to engage in such activity in the future to first notify EPA by submitting a SNUN, no economic impact will occur unless someone files a SNUN to pursue a significant new use in the future or forgoes profits by avoiding or delaying the significant new use. Although some small entities may decide to conduct such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemical substances, the Agency receives only a handful of notices per year. During the six-year period from 2005–2010, only three submitters self-identified as small in their SNUN submissions (Ref. 8). EPA believes the cost of submitting a SNUN is relatively small compared to the cost of developing and marketing a chemical new to a firm or marketing a new use of the chemical and that the requirement to submit a SNUN generally does not have a significant economic impact.

Therefore, EPA believes that the potential economic impact of complying with this proposed SNUR is not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published as a final rule on August 8, 1997 (62 FR 42690) (FRL–5735–4), the Agency presented its general determination that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities.

E. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reason to believe that any State, local, or Tribal government would be impacted by this rulemaking. As such, the requirements of sections 202, 203, 204, or 205 of UMRA, 2 U.S.C. 1531–1538, do not apply to this action.

F. Executive Order 13132: Federalism

This action will not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have any effect on tribal governments, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this action does not address environmental health or safety risks, and EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have any effect on energy supply, distribution, or use.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve any technical standards, and is therefore not subject to considerations under section 12(d) of NTTAA, 15 U.S.C. 272 note.

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

This action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

List of Subjects in 40 CFR Part 721

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

Dated: May 31, 2018.

Tala R. Henry,

Acting Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, the Environmental Protection Agency proposes that 40 CFR chapter I be amended as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add § 721.11095 to subpart E to read as follows:

§ 721.11095 Asbestos.

(a) *Chemical substance and significant new use subject to reporting.* (1) The chemical substance identified as asbestos (as defined by 15 U.S.C. 2642(3) as the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite) is subject to reporting under this section for the significant new use

described in paragraph (a)(2) of this section.

(2) The significant new use is: Manufacturing (including importing) or processing for any of the following uses:

(i) Arc chutes;

(ii) Beater-add gaskets;

(iii) Extruded sealant tape and other tape;

(iv) Filler for acetylene cylinders;

(v) High grade electrical paper;

(vi) Millboard;

(vii) Missile liner;

(viii) Adhesives, sealants, roof and non-roof coatings;

(ix) Pipeline wrap;

(x) Reinforced plastics;

(xi) Roofing felt;

(xii) Separators in fuel cells and batteries;

(xiii) Vinyl-asbestos floor tile; or

(xiv) Other building products (other than cement products).

(b) *Specific requirements.* (1) Section 721.45(f) does not apply to this section. A person who intends to manufacture (including import) or process the substance identified in paragraph (a)(1) of this section for the significant new use identified in (a)(2) of this section as part of an article is subject to the notification provisions of § 721.25.

(2) [Reserved]

[FR Doc. 2018–12513 Filed 6–8–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 10, 11, and 15

[Docket No. USCG–2018–0100]

RIN 1625–AC46

Amendments to the Marine Radar Observer Refresher Training Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise its merchant mariner credentialing regulations to remove obsolete portions of the radar observer requirements and harmonize the radar observer endorsement with the merchant mariner credential. Under this proposed rule, an active mariner who serves in a relevant position for 1 year in the previous 5 years using radar for navigation and collision avoidance purposes on vessels equipped with radar, or has served as a qualified instructor for a Coast Guard-approved radar course at least twice within the past 5 years, would not be required to complete a Coast Guard-approved radar refresher or re-certification course in order to renew his or her radar observer endorsement. This proposed rule would not change the existing requirements for mariners seeking an original radar observer endorsement or mariners who do not have either 1 year of relevant sea service on board radar-equipped vessels in the previous 5 years or service as a qualified instructor for a Coast Guard-approved radar course at least twice within the past 5 years. Elimination of the requirement to take a radar refresher or re-certification course every 5 years would reduce burden on affected mariners without impacting safety.

DATES: Comments and related material must be received by the Coast Guard on or before July 11, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0100 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Davis Breyer, Coast Guard; telephone 202–372–1445, email *davis.j.breyer@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, are available in our online docket at *http://www.regulations.gov,* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

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

We do not plan to hold a public meeting but we will consider doing so if public comments indicate that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
CGAA 2015 Coast Guard Authorization Act of 2015
DHS Department of Homeland Security
FR Federal Register
MERPAC Merchant Marine Personnel Advisory Committee
MMLD Merchant Mariner Licensing and Documentation
MMC Merchant Mariner Credential
OMB Office of Management and Budget
§ Section
STCW International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended
STCW Code Seafarers' Training, Certification and Watchkeeping Code
U.S.C. United States Code

III. Basis and Purpose

The purpose of this proposed rule is to amend the radar observer endorsement requirements by removing obsolete portions and harmonizing the expiration dates of the radar observer endorsement and the merchant mariner credential (MMC).

The Coast Guard is authorized to determine and establish the experience and professional qualifications required

for the issuance of officer credentials pursuant to 46 U.S.C. 7101. Authority under 46 U.S.C. 7101 has been delegated to the Commandant of the Coast Guard by Department of Homeland Security Delegation No. 0170.1(II)(92)(e). The specifics of these professional qualifications and the Coast Guard's evaluation process are prescribed by 46 CFR parts 10 and 11, and the manning requirements are in 46 CFR part 15.

Section 304 of the Coast Guard Authorization Act of 2015 (CGAA 2015), Public Law 114–120, February 8, 2016 (codified as a statutory note to 46 U.S.C. 7302), requires the harmonization of expiration dates of a mariner's radar observer endorsement with his or her MMC and the medical certificate, subject to certain exceptions.[1] Furthermore, the CGAA 2015 specifies that the process to harmonize cannot require a mariner to renew the MMC before it expires. This proposed rule would meet the statutory requirement with regard to the radar observer endorsement. The requirement regarding the medical certificate is already met through policy.[2]

IV. Background

Currently, 46 CFR 11.480 requires that a mariner with a radar observer endorsement complete a Coast Guard-approved radar observer refresher or re-certification course every 5 years to maintain a valid radar observer endorsement on his or her MMC. The MMC is typically valid for a 5-year period in accordance with 46 U.S.C. 7302(f). Under the current regulation, the radar observer endorsement must be added to the MMC. However, the course completion certificate dictates the validity of the radar observer endorsement. This requires the mariner to carry the MMC and have the course completion certificate available in order to demonstrate compliance with the regulations. Under current regulation, it is not possible to harmonize the expiration dates of the radar course completion certificate and the MMC.

The Coast Guard sought comments from the Merchant Marine Personnel Advisory Committee (MERPAC) about harmonization. In September 2015, at Meeting 43, MERPAC recommended that the Coast Guard review whether requiring a radar refresher or re-certification course for mariners with relevant and recent underway service on a vessel equipped with radar should be considered adequate experience for renewal (MERPAC Recommendation 2015–56).[3] MERPAC recommended the Coast Guard consider the history of the radar observer endorsement, the current state of radar observer training and prevalence of radar, and the concept that knowledge and skills will degrade with time if not used or refreshed through training. MERPAC also recommended the Coast Guard consider whether the radar observer endorsement must be on the credential.

The Coast Guard first added a requirement to prove continued competence in radar operation every 5 years by completing a professional examination or completing a Coast Guard-approved course in 1958 (23 FR 3447, May 21, 1958). As discussed in that final rule, the merchant mariner license endorsement ''Radar Observer'' has its roots in a report by the Technical Staff of the Committee on Merchant Marine and Fisheries to the U.S. House of Representatives concerning the *S.S. Andrea Doria* and the *M.V. Stockholm* collision.[4] That report recommended providing adequate training for deck officers and requiring certification of officers such as radar observers. The International Maritime Organization included a requirement for radar training in its International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW) and the STCW Code.[5]

The Coast Guard believes that the potential for accidents continues, and that it is important for mariners to continue to benefit from training to be proficient in the use of radar as both a navigation and collision avoidance tool. The Coast Guard also believes that radar is now a commonly used navigation and collision avoidance tool. Radar carriage requirements, both in the United States and internationally, have increased in the last 60 years, and the current domestic training requirements have been in place for the last 35 years. Currently, mariners on vessels outfitted with radar maintain proficiency in the use of radar through its constant use to navigate and prevent collisions. Therefore, the Coast Guard has concluded that the current requirement for the completion of a radar refresher or re-certification course for mariners with relevant and recent service in a position using radar for navigation and collision avoidance purposes on board vessels equipped with radar is not necessary. Completion of refresher training is unnecessarily burdensome to mariners who routinely use radar.

Section 304 of the CGAA 2015 requires the harmonization of expiration dates of a mariner's radar observer endorsement with his or her MMC, and prohibits requiring a mariner to renew a credential before it expires. In this context, the Coast Guard believes that the MMC is the primary credential documenting the individual's qualifications to perform specific functions on board a ship, and should be the point of alignment when harmonizing the expiration dates of a mariner's endorsements.

In looking at this requirement, the Coast Guard also considered Executive Order 13771 of January 30, 2017, Reducing Regulation and Controlling Regulatory Costs, and Office of Management and Budget (OMB) Guidance of April 5, 2017, on that Executive order; and Executive Order 13777 of February 24, 2017, Enforcing the Regulatory Reform Agenda. These directives require agencies to review regulations in order to provide a reduction of regulatory costs to members of the public. Elimination of the requirement to take a radar refresher or re-certification course every 5 years will eliminate an unnecessary burden on the active mariner and make harmonization possible.

V. Discussion of Proposed Rule

In this proposed rule, the Coast Guard proposes to revise its regulations so that the mariner who serves in a relevant position on board a radar-equipped vessel for 1 year in the previous 5 years is not required to complete a Coast Guard-approved radar refresher or re-certification course per 46 CFR 11.480 to renew their radar observer endorsement. The proposed

[1] Public Law 114–120, sec. 304(c), creates an exception for individuals (1) holding a merchant mariner credential with—(A) an active Standards of Training, Certification, and Watchkeeping endorsement; or (B) Federal first-class pilot endorsement; or (2) who have been issued a time-restricted medical certificate.

[2] CG–MMC Policy Letter 01–18: Guidelines for Requesting Harmonization of Expiration Dates of Merchant Mariner Credentials and Mariner Medical Certificates when Applying for an Original or Renewal Merchant Mariner Credential. *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/MMC/CG-MMC-2%20Policies/CG-MMC%2001-18%20Harmonization.pdf?ver=2018-03-02-071916-180.*

[3] *See* Task Statement #91 from MERPAC *https://homeport.uscg.mil/Lists/Content/DispForm.aspx?&ID=805&Source=https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/merpac/task-statements-2.*

[4] The *S.S. Andrea Doria* and the *M.V. Stockholm* collision occurred off Nantucket in heavy fog at approximately 10:30 p.m. on July 25, 1956, and resulted in multiple fatalities.

[5] In response to increased marine casualties because of untrained mariners, the Port and Tanker Safety Act of 1978 and the International Maritime Organization, through adoption of STCW resolution 18, ''Radar simulator training'' and resolution 20, ''Training in the use of collision avoidance aids'' developed training standards centered on live marine radar equipment, including radar simulators.

requirement for 1 year of sea service within the past 5 years is consistent with similar existing sea service requirements found in, for example, 46 CFR 10.227(e)(1), Requirements for Renewal of an MMC; 46 CFR 11.302(c), Basic Training; and 46 CFR 11.303(c), Advanced Firefighting. For the purposes of this proposed rule, relevant sea service means having served in a position using radar for navigation and collision avoidance purposes on a radar-equipped vessel.

Additionally, mariners who provide evidence of being a qualified instructor and having taught a Coast Guard-approved radar endorsement refresher or re-certification course at least twice within the past 5 years would not be required to complete a radar refresher or re-certification course. The 5-year interval is based on both national and STCW endorsement requirements that follow recognized principles and standards of maritime skill acquisition and retention. The provision to allow renewal of the endorsement by an instructor of the radar course is the same provision that currently exists under 46 CFR 10.227(e)(1)(v) for MMC renewals. This provision would be applied to the radar observer endorsement.

This proposed rule would eliminate the requirement to carry a certificate of training if the radar observer endorsement is on the MMC, and would allow the endorsement and MMC to expire at the same time.

The Coast Guard did consider removing the radar refresher or re-certification course requirement altogether. However, the Coast Guard believes that the competencies required by a radar observer would degrade if the mariner does not use them on board vessels or periodically refresh them by teaching or completing a course. The concept that knowledge and skills will degrade with time if not used or refreshed has been applied in other basic maritime training arenas, such as the STCW requirements for basic training and a firefighting refresher course every 5 years, and is a recognized factor within the education industry. While there are few specific studies in skill degradation in the maritime industry, this issue has been the subject of discussion for decades in other industries, including the aviation industry, which is very similar to the maritime industry.[6] Also, radar continues to be incorporated into other shipboard systems and continues to change with advancements in technology. The radar observer must keep current with these changes through onboard utilization of skills or a formal course of instruction. As a result, the Coast Guard did not pursue removing refresher training altogether.

In summary, the Coast Guard is proposing to continue to require attendance at a radar refresher or re-certification course for mariners seeking to renew a radar observer endorsement who do not have 1 year of relevant sea service in the previous 5 years using radar for navigation and collision avoidance purposes on vessels equipped with radar. As discussed earlier, mariners with radar observer endorsements who do have 1 year of relevant sea service within the previous 5 years and served in a position using radar for navigation and collision avoidance purposes on board a radar-equipped vessel, or who have met certain instructor requirements, would be able to renew the radar observer endorsement without completing a course. In addition, the radar observer endorsement would expire with the MMC, and the mariner with a radar observer endorsement would no longer be required to present a course completion certificate within 48 hours of the demand to do so by an authorized official.

Following is a section-by-section discussion of the proposed changes.

46 CFR 11.480 Radar Observer

This proposed rule would revise 46 CFR 11.480(d), (e), (f), (g), and (h). Pursuant to these changes, a current course completion certificate from a Coast Guard-approved radar refresher or re-certification course in accordance with 46 CFR 11.480 would no longer be the only determinant of a mariner's continued competency as a radar observer.

The proposed rule would revise 46 CFR 11.480 to apply the provisions of 46 CFR 10.227(e)(1)(v) to the radar observer endorsement. A qualified instructor who has taught a Coast Guard-approved radar observer course at least twice within the past 5 years would not be required to complete a refresher or re-certification course because he or she will have met the standards to receive a course completion certificate. During the course approval process in accordance with 46 CFR subpart D, instructors are evaluated to determine whether they are qualified to teach the course; a qualified instructor does not need to complete a refresher or re-certification course.

This proposed rule would allow mariners to use recent sea service in place of completing a radar refresher or re-certification course. Mariners able to provide evidence of 1 year of relevant sea service within the last 5 years in a position using radar for navigation and collision avoidance purposes on vessels equipped with radar would not be required to attend a course to obtain a course completion certificate.

If the radar observer endorsement is on the MMC, then the radar observer endorsement is valid for the same period as the MMC. The validity of the MMC will coincide with the validity of the radar endorsement if the applicant provides the following information: (1) Evidence of 1 year of sea service within the last 5 years in a position using radar for navigation and collision avoidance purposes on board radar-equipped vessels; (2) evidence of having been a qualified instructor who has taught a Coast Guard-approved radar observer course at least twice within the past 5 years; or (3) successful completion of a Coast Guard-approved radar course within the past 5 years. If the applicant does not provide evidence of meeting the requirements for the radar observer endorsement, the endorsement will not be placed on the MMC.

[6] Michael W. Gillen, ''Degradation of Piloting Skills'' (Master's Thesis), University of North Dakota, Grand Forks (2008), assesses professional aircraft pilots' basic instrument skills in the age of highly automated cockpits. In addition to the specific findings related to the aircraft pilots, the document contains a literature review of applicable background studies concerning the general theory of learning related to skill acquisition, retention, and declination. The referenced literature includes a discussion of the inverse nature of practice and completion time—previous studies showed that the time required to perform a task declined at a decreasing rate as experience with the task increased. Results from some of these previous studies indicated a rapid rate of learning depreciation.

Arthur Winfred, Jr., Bennett Winston, Jr., Pamela L. Stanush, and Theresa L. McNelly, ''Factors That Influence Skill Decay and Retention: A Quantitative Review and Analysis'', 11(1) Human Performance 57 (1998), presents a review of skill retention and skill decay literature about factors that influence the loss of trained skills or knowledge over extended periods of non-use. Results indicated that there is substantial skill loss after more than 365 days of non-use or non-practice. Physical, natural, and speed-based tasks—such as checklist and repetitive tasks—were less susceptible to skill loss than decision-making tasks that are cognitive, artificial, and accuracy-based. Collision avoidance and navigation using radar can be considered examples of the latter category.

John M. O'Hara, ''The Retention of Skills Acquired Through Simulator-based Training'', 33(9) Ergonomics 1143 (1990), examines the loss of skills among two groups of merchant marine cadets that were tested for watchstanding skills immediately preceding and following a 9-month simulator-based training program. The mitigation of decay as a function of a retraining experience was also evaluated. The results indicated that watchstanding skills improved following training and declined over the 9-month retention interval, and that refresher training was effective in terms of skill loss mitigation for some skill areas.

46 CFR 15.815

The Coast Guard proposes to revise § 15.815 to eliminate the requirement that a person required to hold a radar endorsement must have his or her course completion certificate readily available. Having the course completion certificate available is not necessary if the MMC reflects a radar observer endorsement, because the radar observer endorsement indicates adequate training or experience demonstrated through one of the three methods described in this proposed rule.

The proposed rule would revise § 15.815(d) to allow the mariners listed in § 15.815(a), (b), and (c), to sail without a radar observer endorsement provided that they hold, and have immediately available, a course completion certificate, issued within the last 5 years, from a Coast Guard-approved radar course. This would create flexibility for mariners who were not qualified for the radar observer endorsement at their last credential application but have subsequently completed a Coast Guard-approved radar course and hold a course completion certificate.

46 CFR 10.232

Finally, the Coast Guard proposes to add a corresponding requirement to § 10.232(a) so that the sea service letter indicates whether the vessel the mariner has served on is equipped with radar, and that the mariner served in a position using radar for navigation and collision avoidance purposes. While certain vessels are required to carry radar, some vessels are not required to do so, such as offshore supply vessels of less than 100 gross tons and mechanically propelled vessels of less than 1,600 gross tons in ocean or coastwise service. This proposed rule would ensure that mariners serving in a position using radar for navigation and collision avoidance purposes on vessels equipped with radar will get credit towards renewal of the radar observer endorsement, regardless of whether the vessel was required to carry radar.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

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

This proposed rule is not designated a significant regulatory action by OMB under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. OMB considers this rule to be an Executive Order 13771 deregulatory action. See the OMB Memorandum titled ''Guidance Implementing Executive Order 13771, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017).

This regulatory analysis provides an evaluation of the economic impacts associated with this proposed rule. The Coast Guard proposes to revise its regulations so that the mariner who served on board a radar-equipped vessel for 1 year in the previous 5 years, in a position using radar for navigation and collision avoidance purposes, is not required to complete a Coast Guard-approved radar refresher or re-certification course to renew their radar observer endorsement, as discussed in section V of this proposed rule. Additionally, mariners who provide evidence of being a qualified instructor and having taught a Coast Guard-approved radar endorsement refresher or re-certification course at least twice within the past 5 years would not be required to complete a radar refresher or re-certification course. Table 1 provides a summary of the affected population, costs, and cost savings after implementation of this proposed rule. The total 10-year discounted cost savings of the rule would be $47,678,762 and the annualized total cost savings would be $6,788,383, both discounted at 7 percent. We expect that an average of 7,037 mariners would benefit from this proposed rule each year. The proposed rule would result in cost savings to these mariners for no longer incurring the costs to complete the radar observer refresher course. There would be no impact to those mariners seeking an original radar observer endorsement or who do not have 1 year of relevant sea service in a position using radar for navigation and collision avoidance purposes on board radar-equipped vessels on board radar-equipped vessels in the previous 5 years. This proposed rule would not impose costs on industry.

TABLE 1—SUMMARY OF THE IMPACTS OF PROPOSED RULE

Change	Description	Affected population	Costs	Cost savings
Revise 46 CFR 11.480 (d), (e), (f), (g), and (h).	Revise the merchant mariner credentialing regulations to allow mariners who are qualified instructors and mariners with 1 year of sea service in the previous 5 years using radar for navigation and collision avoidance purposes on radar-equipped vessels to retain their radar observer endorsement without being required to take a radar renewal or re-certification course.	Total of 35,183 mariners would no longer be required to take radar refresher or re-certification course. Annual average of 7,037 mariners per year benefit from proposed rule (rounded).	No cost	$6,788,830 annualized and $47,678,762 10-year present value monetized industry benefits (cost savings) (7% discount rate).

TABLE 1—SUMMARY OF THE IMPACTS OF PROPOSED RULE—Continued

Change	Description	Affected population	Costs	Cost savings
Revise 46 CFR 15.815	Remove requirement that a person with a radar observer endorsement must have a certificate of training readily available.	35,183 mariners	No cost	No cost savings.
Revise 46 CFR 10.232(a)(2)	Add requirement that sea service letters include the information that the vessel the mariner has served on is radar equipped and the mariner served in a position using radar for navigation and collision avoidance purposes.	35,183 mariners	No quantifiable cost. Cost to add one line item to company's regular update to the service letter is too small to quantify.	No cost savings.

The proposed revisions to 46 CFR 11.480 would result in cost savings to those mariners who no longer would have to complete the radar observer refresher course.

The proposed revisions to 46 CFR 15.815 would eliminate the requirement that a person holding a radar endorsement must also have his or her course completion certificate readily available. While the mariner would no longer physically have to carry the certificate, the mariner would still have to physically carry an MMC that reflects a radar observer endorsement. The costs of obtaining the copy of the certificate are included in the cost of the completion of the course. Therefore, any cost savings from these revisions are included in the calculations of the cost savings to the revisions to 46 CFR 11.480. Those mariners who do not have an MMC that reflects a radar observer endorsement would be allowed to sail if they hold, and have immediately available, a course completion certificate, issued within the last 5 years, from a Coast Guard-approved radar course. There is no impact to these mariners, as they currently have to carry a certificate to show course completion.

The proposed revisions to 46 CFR 10.232 would add a requirement that the sea service letter indicate whether the mariner served on a vessel equipped with radar, and if the mariner served in a position using radar for navigation and collision avoidance purposes. The operating companies that use service letters are already required to provide mariner service information. The companies would have to add a line item once per vessel, and then the letter would be available for all other mariners serving on a radar-equipped vessel using radar for navigation and collision avoidance purposes. The companies generally produce a service letter once every 5 years to provide the employees the documentation necessary to renew their credentials. Because the cost to add one line item is a minimal burden and could be included in the company's regular updates to the service letter, we consider the proposed revisions to 46 CFR 10.232 to have no additional burden or cost savings to industry.

Affected Population

We expect that this proposed rule would affect mariners with a radar observer endorsement and mariners who would need one in the future. More specifically, it would affect those mariners with at least 1 year of sea service in the previous 5 years in a position using radar for navigation and collision avoidance purposes on board a radar-equipped vessel, as they will no longer be required to complete a Coast Guard-approved radar refresher or re-certification course per 46 CFR 11.480 in order to renew their radar observer endorsement. It would also affect mariners who have served as instructors for a Coast Guard-approved radar course at least twice within the past 5 years, the majority of whom hold a valid endorsement and would be included in the affected population. The radar observer endorsement would expire with the MMC and the mariner would no longer be required to carry the course completion certificate so that it can be presented to the Coast Guard upon demand.

We used data from the Coast Guard's Merchant Mariner Licensing and Documentation (MMLD) system to estimate the average number of mariners affected by this proposed rule. The MMLD system is used to produce MMCs at the National Maritime Center. Table 2 below shows the radar endorsement data from the MMLD system used to estimate the affected population. The MMLD system does not have exam data prior to 2011 for the mariners who took the rules of the road exam to renew an MMC.

TABLE 2—MARINERS HOLDING RADAR OBSERVER ENDORSEMENTS

Year	Mariners who hold a radar observer endorsement (current total population)	Mariners who took rules of the road exam to renew MMC	Mariners who benefit from proposed rule
2011	37,612	488	37,124
2012	38,114	572	37,542
2013	37,011	638	36,373
2014	35,262	671	34,591
2015	34,280	716	33,564
2016	34,546	777	33,769
2017	34,076	755	33,321
Average Total Mariners	35,843	660	35,183

TABLE 2—MARINERS HOLDING RADAR OBSERVER ENDORSEMENTS—Continued

Year	Mariners who hold a radar observer endorsement (current total population)	Mariners who took rules of the road exam to renew MMC	Mariners who benefit from proposed rule
Impacted per Year	7,169	132	7,037

The ''Mariners Who Hold a Radar Observer Endorsement'' column shows the number of unique mariners who, on January 1 of each year, held a valid MMC with a radar observer endorsement. Per § 11.480, each applicant for a renewal of a radar observer endorsement must complete the appropriate Coast Guard-approved refresher or re-certification course, receive the appropriate course completion certificate, and present the certificate or a copy of the certificate to the Coast Guard. A radar observer endorsement is typically valid for 5 years from the date of completion of the Coast Guard-approved course. From 2011 to 2017, there was an average of 35,843 total mariners with a valid MMC with a radar observer endorsement. The Coast Guard does not have more detailed information as to the expiration for each mariner's radar observer endorsement. Therefore, we divided the total mariners by 5 to estimate that an average of 7,169 mariners currently would need to take the radar renewal course each year (35,843 total mariners/5, rounded to nearest whole number).

Under this proposed rule, the Coast Guard expects that a portion of the total mariners would not have 1 year of sea service in the last 5 years in a position using radar for navigation and collision avoidance purposes on board radar-equipped vessels. There are some mariners who are inactive but still complete the requirements to renew an MMC. The requirements for the renewal of an MMC are in § 10.227. In order to renew their credentials, mariners must present acceptable documentary evidence of at least 1 year of sea service during the past 5 years, or pass a comprehensive, open-book exercise that includes a rules of the road examination. Mariners who take the rules of the road exam are tracked in the MMLD database. The ''Mariners Who Took Rules of the Road Exam to Renew MMC'' column in table 3 shows the number of the unique mariners in the ''Mariners Who Hold a Radar Observer Endorsement (Current Total Population)'' column who took the rules of the road examination as part of the MMC renewal process for their existing valid MMC, not the number of mariners who took the rules of the road exam in that given year. Therefore, we used this as a proxy to estimate the number of mariners who did not have 1 year of sea service in the last 5 years. Under this proposed rule, an average of 660 total mariners would still have had to take a radar refresher or re-certification course in order to maintain the radar observer endorsement. The Coast Guard does not have more detailed information as when each mariner took the radar refresher or re-certification course over the 5-year period. We divided the total mariners by 5 to find an average of 132 mariners would still need to take the exam each year (660 total mariners/5).

We subtracted the number in the ''Mariners Who Took Rules of the Road Exam to Renew MMC'' column from the number in the ''Mariners Who Hold a Radar Observer Endorsement'' column to find the mariners who, under this proposed rule, would not have had to take a radar refresher or re-certification course when they last renewed their MMC. From 2011 to 2017, there was an average of 35,183 mariners who held radar observer endorsements and had at least 1 year of relevant sea service during the past 5 years. This number represents the total number of mariners expected to benefit from this proposed rule. We divided the total number of mariners expected to benefit from this proposed rule by 5 to find the average mariners that would benefit each year (35,183 total mariners/5). This comes out to an average of 7,037 mariners per year that would no longer have to take a radar refresher or re-certification course (rounded to nearest whole number).

Costs

The regulatory changes in this proposed rule would not impose any costs to industry or government.

Cost Savings

The cost savings to industry are the difference between the current baseline cost to industry and the cost to industry if the regulatory changes in this proposed rule are implemented.

Baseline Cost to Industry

To estimate the cost savings to industry, we first estimated the current costs to industry. The costs to industry include the cost of the refresher or re-certification course, the time to take the course, and time and mileage costs to travel to take the course. The mariners incur costs for the radar refresher or re-certification course. To estimate the cost of the course, the Coast Guard researched and found a sample of course costs from five training centers that offer Coast Guard-approved radar refresher or re-certification courses. The cost of the courses ranged from $199 to $250. We took an average of the 5 estimates to find the average cost of the courses is $228 (($199 + $250 + $225 + $225 + $243)/5, rounded to nearest dollar).[7] [8] [9] [10] [11]

We then estimated the cost of the time for the mariners to take the refresher or re-certification course. The 5 training centers state that the radar renewal course is 1-day. For the purposes of complying with service requirements, a day is defined as 8 hours (46 CFR 10.107, Definitions in subchapter B).[12] We obtained the wage rate of a mariner from the Bureau of Labor Statistics (BLS), using Occupational Series 53–5021, Captains, Mates, and Pilots of Water Vessels (May 2016). The BLS reports that the mean hourly wage rate for a Captain, Mate, or Pilot is $39.19.[13] To account for employee benefits, we used a load factor of 1.52, which we calculated from 2016 4th quarter BLS data.[14] The loaded wage for a mariner is

[7] Maritime Professional Training, course cost of $199, found at *http://www.mptusa.com/course/149-Radar-Observer-Recertification-Renewal.*

[8] Compass Courses, course cost of $250, found at *http://compasscourses.com/maritime-safety-training-courses/radar-re-certification/.*

[9] The Marine Training Institute, course cost of $225, found at *http://themarinetraining institute.com/ecdis-radar-recertification/.*

[10] Calhoon MEBA Engineering School, course cost of $225, found at *http://rro.cutwater.org/.*

[11] Maritime Institute of Technology & Graduate Studies, course cost of $243, found at *https://www.mitags-pmi.org/courses/view/Radar_Observer_Recertification.*

[12] 46 CFR 10.107, *https://ecfr.io/Title-46/pt46.1.10#se46.1.10_1107.*

[13] Mean wage, *https://www.bls.gov/oes/2016/may/oes535021.htm.*

[14] Employer Costs for Employee Compensation provides information on the employer compensation and can be found in table 9 at *https://www.bls.gov/news.release/archives/ecec_03172017.pdf.* The loaded wage factor is equal to

estimated at $59.57 ($39.19 wage rate × 1.52 load factor). We multiplied the loaded wage rate by the hourly burden to find the current cost for a mariner to take the radar renewal course is $476.56 ($59.57 wage rate × 8 hour burden).

We then estimated the cost for the mariners to travel to take the refresher or re-certification course. The radar refresher or re-certification course must be taken in person at a training center. This means the mariners incur costs for time to travel to take the course. We estimated mileage using travel costs assumptions from the *Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements Final Rule.*[15] On average, a mariner commutes 50 miles to a training course one-way, or 100 miles round trip. The Federal Highway Administration reports the average commute speed for private vehicles is 28.87 miles per hour.[16] We divided the average round trip mileage to the training center by the average commute time to find that it takes an average of 3.46 hours for a mariner to travel to the training center (100 miles/28.87 miles per hour, rounded). We multiplied this by the loaded hourly wage rate to find that the hourly burden per mariner to travel to the training center to take the refresher or re-certification course is $206.11 (3.46 hours × $59.57).

The mariners also incur additional mileage costs for traveling to the training facility to take the 1-day course, such as gas and wear and tear on their vehicles. We used the U.S. General Services Administration privately owned vehicle mileage reimbursement rate of $0.54 per mile to estimate this additional cost.[17] We multiplied this rate by the 100 miles round trip to the training facility to estimate that the mariners incur a cost of $54 per mariner for the additional mileage costs.

Table 3 summarizes the costs per mariner to take the radar refresher or re-certification course. Adding the cost of the 1-day course, the opportunity cost of time to take the course, and the opportunity cost of roundtrip travel time and mileage costs to get to the training center, we found that it costs $964.67 per mariner to take the radar refresher or re-certification course.

TABLE 3—COSTS PER MARINER FOR RADAR REFRESHER OR RE-CERTIFICATION COURSE

Cost category	Cost
1-Day Course	$228.00
Opportunity Cost of Time (8 hours) Spent in Training Facility	476.56
Opportunity Cost of Roundtrip Travel Time to Training Center	206.11
Mileage Costs	54.00
Total	964.67

To find the baseline total cost for all mariners to take the radar refresher or re-certification course, we multiplied the total cost per mariner of $964.67 by the annual average mariners who currently hold radar observer endorsements. As shown in table 2, we found this is an annual average of 7,169 mariners. Therefore, the total baseline annual average cost for all mariners is $6,915,719 (7,169 mariners × $964.67 per mariner, rounded).

Costs to Industry After Implementation of the Regulatory Changes Proposed

Revising § 11.480 so that mariners who serve on board a radar-equipped vessel for 1 year in the previous 5 years are not required to take a radar refresher or re-certification course to renew their radar observer endorsement would reduce the number of mariners who would need to take the radar refresher or re-certification course. As shown in table 2 in the ''Affected Population'' subsection, an average of 132 mariners would still need to take the radar refresher or re-certification course each year. These mariners would continue to have the same costs per mariner shown in table 3. Multiplying the cost per mariner by the average mariners that would still need to take the course each year, we found the total annual cost to industry that would remain under this proposed rule would be $127,336 (132 mariners × $964.67 per mariner).

Cost Savings

To find the total cost savings of this proposed rule, we subtracted the costs to industry after implementation of the proposed rule from the baseline costs. Subtracting $127,336 from $6,915,719, we found the total cost savings of this proposed rule would be $6,788,383. Table 4 shows the total 10-year undiscounted industry cost savings of this proposed rule would be $67,883,830. The 10-year estimated discounted cost savings to industry would be $47,678,762, with an annualized cost savings of $6,788,383, using a 7-percent discount rate. Using a perpetual period of analysis, we estimated the total annualized cost savings of the proposed rule would be $5,541,343 in 2016 dollars, using a 7-percent discount rate.

TABLE 4—TOTAL ESTIMATED COST SAVINGS OF THE PROPOSED RULE OVER A 10-YEAR PERIOD OF ANALYSIS

[Discounted at 7 and 3 percent]

Year	Total undiscounted costs	Total, discounted	
		7%	3%
1	$6,788,383	$6,344,283	$6,590,663
2	6,788,383	5,929,237	6,398,702
3	6,788,383	5,541,343	6,212,332
4	6,788,383	5,178,825	6,031,390
5	6,788,383	4,840,023	5,855,719
6	6,788,383	4,523,386	5,685,164
7	6,788,383	4,227,464	5,519,577

the total compensation of $28.15 divided by the wages and salary of $18.53. Values for the total compensation, wages, and salary are for all private industry workers in the transportation and material moving occupations, 2016 4th quarter. We use 2016 data to keep estimated cost savings in 2016 dollars.

[15] Found at *https://www.regulations.gov/docket?D=USCG-2004-17914*. Non-commuting driving time estimate found on page 132 of the Regulatory Analysis and Final Regulatory Flexibility Analysis, located under Supporting Documents.

[16] ''Summary of Travel Trends: 2009 National Household Travel Survey'', table 27, found at *http://nhts.ornl.gov/2009/pub/stt.pdf.*

[17] Found at *https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-rates/pov-mileage-rates-archived*. We use the 2016 rate to keep all costs in 2016 dollars.

TABLE 4—TOTAL ESTIMATED COST SAVINGS OF THE PROPOSED RULE OVER A 10-YEAR PERIOD OF ANALYSIS—Continued

[Discounted at 7 and 3 percent]

Year	Total undiscounted costs	Total, discounted	
		7%	3%
8	6,788,383	3,950,901	5,358,812
9	6,788,383	3,692,431	5,202,730
10	6,788,383	3,450,870	5,051,194
Total	67,883,830	47,678,762	57,906,284
Annualized	.....	6,788,383	6,788,383

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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.

This proposed rule reduces the burden on industry by removing the requirement to attend a radar refresher or re-certification course every 5 years for mariners who have 1 year of relevant sea service in the previous 5 years in a position using radar for navigation and collision avoidance purposes on board radar-equipped vessels, or for Coast Guard-approved radar course qualified instructors who have taught the class at least twice within the past 5 years. The MMC and radar observer endorsement is in the mariner's name and not the company's name, so we assume the affected mariners would receive the cost savings from this proposed rule. We do not have further information that any companies would reimburse the mariners for these costs and would acquire the costs savings.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule reduces the burden associated with mariners taking the radar refresher or re-certification course and will not adversely affect small entities as defined by the Small Business Administration in 13 CFR 121.201. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed 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 in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

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).

D. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. The information collection associated with this proposed rule is the currently approved collection 1625–0040 (MMC Application).[18] The proposed revisions to 46 CFR 15.815 would eliminate the requirement that a person holding a radar endorsement must also have his or her course completion certificate readily available. While the mariner would no longer physically have to carry the certificate, the mariner would still have to carry an MMC that reflects a radar observer endorsement. Those mariners who do not have an MMC that reflects a radar observer endorsement would be allowed to sail provided that they hold, and have immediately available, a course completion certificate, issued within the last 5 years, from a Coast Guard-approved radar refresher or re-certification course. There is no impact to these mariners, as they currently have to carry a certificate to show course completion.

The proposed revisions to 46 CFR 10.232 would add a requirement that the sea service letter indicates whether the mariner served on a vessel equipped with radar, and if the mariner served in a position using radar for navigation and collision avoidance purposes. In place of an indication on an application or by separate certification that a mariner completed a Coast Guard-approved radar observer course, a statement would be added to the already-required sea service letter. The operating companies that use service letters are already required to provide mariner service information. The companies would have to add a line item once per vessel, and then the letter would be available for all other mariners serving on a radar-equipped vessel using radar for navigation and collision avoidance purposes. The companies generally produce a service letter once every 5 years to provide the employees the documentation necessary to renew their credentials. Because the cost to add one line item is a minimal burden and could be included in the company's regular updates to the service letter, we

[18] The full title of COI 1625–0040 is ''Application for Merchant Mariner Credential (MMC), Application for Medical Certificate, Application for Medical Certificate—Short Form, Small Vessel Sea Service (Optional) Form, DOT/USCG Periodic Drug Testing (Optional) Form, and Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions (Optional) Form.''

consider the proposed revisions to 46 CFR 10.232 to have no additional burden to industry. Therefore, the proposed revisions would not change the burden in the currently approved collection 1625–0040.

E. Federalism

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

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke and Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). Because this proposed rule involves the credentialing of mariners under 46 U.S.C. 7101, it relates to personnel qualifications and, as a result, is foreclosed from regulation by the States. Therefore, because the States may not regulate within these categories, this proposed rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule has implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

F. 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 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

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

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and would not likely have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD (COMDTINST M16475.1D), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary (draft) Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. This proposed rule would be categorically excluded under categorical exclusion (CATEX) numbers L52, L56, L57, and L62 of DHS Directive 023–01(series). As such, CATEX L52 pertains to regulations concerning vessel operation safety standards, CATEX L56 pertains to regulations concerning the training, qualifying, and licensing of maritime personnel, CATEX L57 pertains to regulations concerning manning of vessels, and CATEX L62 pertains to regulations in aid of navigation. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 10

Penalties, Personally identifiable information, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 11

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR parts 10, 11, and 15 as follows:

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 73; 46 U.S.C. chapter 75; 46 U.S.C. 2104; 46 U.S.C. 7701, 8903, 8904, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 10.232 by redesignating paragraphs (a)(2)(vii) through (a)(2)(x) as paragraphs (a)(2)(viii) through (a)(2)(xi), respectively and add new paragraph (a)(2)(vii) to read as follows:

§ 10.232 Sea service.

(a) * * *

(2) * * *

(vii) For those seeking to renew a radar observer endorsement, whether the vessel is equipped with radar and if the mariner served in a position using radar for navigation and collision avoidance purposes.

* * * * *

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

■ 2. Amend § 11.480 as follows:

■ a. In paragraph (d), remove the text ''paragraph (e)'' and add, in its place, the text ''paragraphs (f) or (g)''; and

■ b. Revise paragraphs (e) through (h) to read as follows:

§ 11.480 Radar observer.

* * * * *

(e) A radar observer endorsement issued under this section is valid until the expiration of the mariner's MMC.

(f) A mariner may also renew his or her radar observer endorsement by providing evidence of meeting the requirements located in 46 CFR 10.227(e)(1)(v).

(g) The Coast Guard will accept on-board training and experience through acceptable documentary evidence of 1 year of relevant sea service within the last 5 years in a position using radar for navigation and collision avoidance purposes on vessels equipped with radar as meeting the refresher or re-certification requirements of paragraph (d) of this section.

(h) An applicant for renewal of a license or MMC who does not provide evidence of meeting the renewal requirements of paragraphs (d), (f), or (g) of this section will not have a radar observer endorsement placed on his or her MMC.

PART 15—MANNING REQUIREMENTS

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

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; sec. 617, Pub. L. 111–281, 124 Stat. 2905; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 15.815 by revising paragraph (d) and removing paragraph (e) to read as follows:

§ 15.815 Radar observers.

* * * * *

(d) In the event that a person described in paragraphs (a), (b), or (c) of this section does not hold an endorsement as radar observer, he or she must have immediately available a valid course completion certificate from a Coast Guard-approved radar course.

Jeffrey G. Lantz,

Director, Office of Commercial Regulations and Standards.

[FR Doc. 2018–12502 Filed 6–8–18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Chapter III

[Docket No. FMCSA–2018–0037]

Federal Motor Carrier Safety Regulations (FMCSRs) Which May Be a Barrier to the Safe Integration of Automated Driving Systems (ADS) in Commercial Motor Vehicle (CMV) Operations; Public Meeting

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

ACTION: Notice of public listening session.

SUMMARY: FMCSA announces a public listening session on June 19, 2018, to solicit information on issues relating to the design, development, testing, and integration of ADS-equipped CMVs on our Nation's roadways. The listening session will provide interested parties with an opportunity to assist the Agency's future rulemaking efforts by sharing their views on the FMCSRs as they relate to the development and safe integration of ADS. It will also allow FMCSA to share with stakeholders the Agency's ADS strategy and open a channel for two-way communication. This listening session will supplement the information gathered from FMCSA's previous requests for comment on issues related to automation by targeting stakeholders from whom they have not previously received comments, including academia, insurance groups, and technology providers and developers. Attendees are also encouraged to share any data or analysis on this topic with Agency representatives.

DATES: The meeting will be held Tuesday, June 19, 2018, from 1:00 p.m. to 3:00 p.m., Eastern Daylight Time (EDT), at the University of Michigan's Mcity in Ann Arbor, Michigan. Research Auditorium, 2800 Plymouth Street, Bldg. 10, Ann Arbor, MI 48109.

Please use the following link to RSVP and find additional information about this public meeting as it approaches: *https://fmcsaads.eventbrite.com/.* Information about this listening session can also be found at: *https://www.transportation.gov/AV.*

FOR FURTHER INFORMATION CONTACT: Mr. William Cunnane, Program Specialist, Program Integration Office, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, email: *fmcsaads@dot.gov.*

Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please contact Victoria Waters at (734) 647–4217 by June 12, 2018.

SUPPLEMENTARY INFORMATION:

I. Background

FMCSA is responsible for overseeing the safety of CMVs, their drivers, and those motor carriers operating CMVs in interstate commerce. The Agency works with Federal, State, and local enforcement agencies, the motor carrier industry, safety groups, and organized labor to reduce crashes, injuries, and fatalities involving large trucks and buses.

The FMCSRs provide rules to support the safe operation of CMVs, as defined in 49 CFR 390.5, which includes vehicles with a gross vehicle weight/gross combination weight or gross vehicle weight rating/gross combination weight rating, whichever is greater, of 10,001 pounds or more; passenger-carrying vehicles designed or used to transport nine to 15 passengers for direct compensation; passenger-carrying vehicles designed or used to transport 16 or more passengers; and any size vehicle transporting hazardous materials in a quantity requiring placards.

On September 12, 2017, the Department published the *Automated Driving Systems (ADS): A Vision for Safety 2.0.* (the Voluntary Guidance), adopting the SAE International (SAE) J3016 standard's definitions for levels of automation.[1] The SAE definitions divide vehicles into levels based on ''who does what, when.'' Generally:

- *SAE Level 0, No Driving Automation;* the driver performs all driving tasks.
- *SAE Level 1, Driver Assistance;* the vehicle is controlled by the driver, but some driving assist features may be included in the vehicle design.
- *SAE Level 2, Partial Driving Automation;* the vehicle has combined automated functions, like acceleration and steering, but the driver must remain engaged with the driving task and monitor the environment at all times.
- *SAE Level 3, Conditional Driving Automation;* the driver is a necessity, but is not required to monitor the environment. The driver must be ready to take control of the vehicle at all times with notice.
- *SAE Level 4, High Driving Automation;* the vehicle is capable of performing all driving functions under certain conditions. The driver may have the option to control the vehicle.
- *SAE Level 5, Full Driving Automation:* the vehicle is capable of performing all driving functions under all conditions.

Using the SAE levels described above, the Department draws a distinction between Levels 0–2 and 3–5 based on whether the human driver or the automated system is primarily responsible for monitoring the driving environment. For the purposes of this public meeting, FMCSA's primary focus is SAE Levels 3–5 ADS.

FMCSA encourages the development of these advanced safety technologies for use in CMVs. The Agency also recognizes the need to work with the States and localities to ensure that all testing and use of these advanced safety systems supports the safe operation and deployment of ADS-equipped CMVs.

II. FMCSA's 2018 Request for Comments

On March 28, 2018, FMCSA published ''Request for Comments (RFC) Concerning Federal Motor Carrier Safety Regulations (FMCSRs) Which May Be a Barrier to the Safe Testing and Deployment of Automated Driving Systems-Equipped Commercial Motor Vehicles on Public Roads.'' [2] The notice solicited public comments on existing Federal Motor Carrier Safety Regulations (FMCSRs) that may need to be updated, modified, or eliminated to facilitate the safe introduction of automated driving systems (ADS)-equipped commercial motor vehicles (CMVs) onto our Nation's roadways. The Agency indicated that it had commissioned the U.S. Department of Transportation's (DOT) John A. Volpe National Transportation Systems Center (Volpe) to conduct a preliminary review of the FMCSRs to identify regulations that may relate to the development, testing, and safe deployment of ADS. The Agency requested comments on this report in the RFC, including whether any of FMCSA's current safety regulations presented barriers to innovation and research related to ADS-equipped CMVs. Further, FMCSA requested comments on certain FMCSRs likely to be affected as ADS-equipped CMVs are increasingly integrated into our roadways, including regulations concerning hours of service and driver fatigue, the use of electronic devices, roadside inspection, and Commercial Driver's License requirements.

To further support FMCSA's effort to understand necessary changes to the FMCSRs, FMCSA requested information from companies and others engaged in the design, development, testing, and integration of ADS-equipped CMVs into their fleets. Specifically, the Agency requested information about: (1) The scenarios and environments in which ADS is being tested and will soon be integrated into CMVs operating on public roads or in interstate commerce; (2) the operational design domains (ODD) in which these systems are being operated, tested, and deployed; and (3) suggested measures to ensure the protection of any proprietary or confidential business information shared with the Agency on this topic.

The comment period ended on May 10, 2018. Interested parties can view the comments the Agency received at *www.regulations.gov* (docket number FMCSA–2018–0037).

In the Spring Regulatory and Deregulatory Agenda issued after the publication of the March 28 RFC notice, FMCSA announced the initiation of rulemaking concerning ADS-equipped CMVs beginning with an Advance Notice of Proposed Rulemaking (ANPRM), which is currently scheduled to be published in December 2018 (''Safe Integration of Automated Driving Systems-Equipped Commercial Motor Vehicles,'' 2126–AC17).

III. Meeting Participation

FMCSA hopes to supplement the information gathered from the RFC by targeting stakeholders from whom they have not previously received many comments, including academia, insurance groups, and technology providers and developers. The listening session will provide interested parties an opportunity to assist the Agency's future rulemaking efforts by sharing their views on the FMCSRs as they relate to the development and safe integration of ADS through oral presentations. FMCSA also hopes to use this listening session as a platform to share the Agency's ADS strategy with the public. The Agency will provide the public with all relevant details and the opportunity to register for this meeting at *https://fmcsaads.eventbrite.com/.* Information about this listening session can also be found at: *https://www.transportation.gov/AV.*

Oral comments from the public will be heard during the meeting. Members of the public may also submit written comments to public docket referenced at the beginning of this notice using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

[1] Publication No. DOT HS 812 442.

[2] Docket No. FMCSA–2018–0037 [March 26, 2018–May 10, 2018].

- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays.

Issued on: June 5, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–12499 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 83, No. 112
Monday, June 11, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 6, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 11, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. 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. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Office of the Assistant Secretary for Civil Rights

Title: 7 CFR part 15 subpart D—Data Collection Requirements.

OMB Control Number: 0503–0022.

Summary of Collection: Under 7 CFR 15d.4(5) The Office of Assistant Secretary for Civil Rights (OSCAR) shall require agencies to collect the race, ethnicity, and gender of applicants and program participants, who choose to provide such information on a voluntary basis. Currently, Section 14006 of the 2008 Farm Bill requires the Secretary of Agriculture to annually compile for each county and State in the United States program application and participation rate date regarding socially disadvantaged farmers or ranchers for each program of USDA that serves agricultural producers or landowners.

Need and Use of the Information: The requested information will help USDA determine if programs and services are reaching the needs of the general public, beneficiaries, recipients, partners, and other stakeholders and supports USDA's planning, outreach, and compliance efforts. The uniform collection of REG data allows USDA to administer programs from a proactive rather than a reactive position and enables the Department to assess the accomplishment of program delivery mandates and objectives. Failure to collect this information will have negative impact on USDA's outreach and compliance activities.

Description of Respondents: Individuals or households.

Number of Respondents: 1,190.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 39.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–12449 Filed 6–8–18; 8:45 am]

BILLING CODE 3410–9R–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on the following information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by August 10, 2018.

FOR FURTHER INFORMATION CONTACT: Michele Brooks, Team Lead, Regulatory Team, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. Fax: (202) 720–8435 or email *Michele.Brooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for revision.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele Brooks, Team Lead,

Regulations Team, Rural Development Innovation Center, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW, Washington, DC 20250–1522. Telephone: (202) 690–1078, Fax: (202) 720–8435 or email: *Michele.Brooks@wdc.usda.gov.*

Title: Advance of Loan Funds and Budgetary Control and Other Related Burdens.

OMB Control Number: 0572–0015.

Type of Request: Extension of currently approved collection.

Abstract: The Rural Utilities Service administers the electric loan and loan guarantee program authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*) In order to protect and ensure the Government's security interest in loans, and in exercise of due diligence, electric borrowers furnish information to RUS regarding the condition, financial or otherwise, related to expenditure of loan funds. This Information Collection is necessary to comply with applicable provisions of the RUS loan contract. RUS Borrowers submit requisitions to RUS for funds for project costs incurred. Insured loan funds will be advanced only for projects which are included in the RUS approved borrowers workplan or approved amendment and in an approved loan, as amended. The process of loan advances establishes the beginning of the audit trail of the use of loan funds which is required to subsequent RUS compliance audits.

The RUS Form 595 is used as a requisition for advances of funds. The form helps to assure that loan funds are advanced only for the budget purposes and amount approved by RUS. According to the applicable provisions of the RUS loan contract, borrowers must certify with each request for funds to be approved for advance, which such funds are for projects previously approved. When a prospective borrower requests and is granted a RUS loan, a loan contract is established between the Federal government, acting through the RUS Administrator, and the borrower. At the time this contract is entered into, the borrower must provide RUS with a list of projects for which loan funds will be spent, along with an itemized list of the estimated costs of these projects. Thus, the borrower receives a loan based upon estimated cost figures.

RUS Form 219, Inventory of Work Orders, is one of the documents the borrower submits to RUS to support actual expenditures and an advance of loan funds. The form also serves as a connecting link and provides an audit trail that originates with the advance of funds and terminates with evidence supporting the propriety of expenditures for construction or retirement projects.

Estimate of Burden: The Public reporting burden for this collection of information is estimated to average 1.56 hours per response.

Respondents: Not-for-profit institutions; Business or other for profit.

Estimated Number of Respondents: 600.

Estimated Number of Responses per Respondent: 15.5.

Estimated Number of Total Responses: 9,320.

Estimated Total Annual Burden on Respondents: 14,570 hours.

Copies of this information collection can be obtained from MaryPat Daskal, Regulations Team, Rural Development Innovation Center, U.S. Department of Agriculture, (202) 720–7853, Fax: (202) 720–8435 or email: *MaryPat.Daskal@wdc.usda.gov.* All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 29, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–12414 Filed 6–8–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by August 10, 2018.

FOR FURTHER INFORMATION CONTACT: Michele Brooks, Team Lead, Regulatory Team, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. FAX: (202) 720–8435. Email: *Michele.Brooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele Brooks, Team Lead, Regulatory Team, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078, FAX: (202) 720–8435. Email: *Michele.Brooks@wdc.usda.gov.*

Title: Substantially Underserved Trust Areas.

OMB Control Number: 0572–0147.

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

Abstract: The RUS provides loan, loan guarantee and grant programs for rural electric, water and waste, and telecommunications and broadband infrastructure. The SUTA initiative gives the Secretary of Agriculture certain discretionary authorities relating to financial assistance terms and conditions that can enhance the financing possibilities in areas that are underserved by certain RUS electric, water and waste, and telecommunications and broadband programs. The data covered by this collection of information are those materials necessary to allow the agency to determine applicant and community eligibility and an explanation and documentation of the high need for the benefits of the SUTA provisions. Program specific application materials, which funds are being applied for, are covered by the information collection package for the specific RUS program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 hours per response.

Estimated Number of Respondents: 1.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 30.

Copies of this information collection can be obtained from MaryPat Daskal, Regulatory Team, Rural Development Innovation Center, at (202) 720–7853, FAX: (202) 720–8435. Email: *MaryPat.Daskal@wdc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 29, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–12415 Filed 6–8–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–34–2018]

Foreign-Trade Zone (FTZ) 230—Greensboro, North Carolina; Notification of Proposed Production Activity; Patheon Softgels (Pharmaceutical Products); High Point, North Carolina

The Piedmont Triad Partnership, grantee of FTZ 230, submitted a notification of proposed production activity to the FTZ Board on behalf of Patheon Softgels (Patheon), located in High Point, North Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 31, 2018.

Patheon already has authority to produce certain prescription pharmaceutical products and soft gelatin capsules within Subzone 230C. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Patheon from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, Patheon would be able to choose the duty rates during customs entry procedures that apply to: Gelatin encapsulated ibuprofen capsules (duty-free). Patheon would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Ponceau R4 (food coloring—for use only in production for export); ibuprofen active pharmaceutical ingredients; medium chain triglycerides; and, polyethylene glycol (duty rate ranges from 8.8ct/kg to 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 23, 2018.

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

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: June 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12496 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–37–2018]

Foreign-Trade Zone 113—Ellis County, Texas; Application for Reorganization (Expansion of Service Area); Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Ellis County Trade Zone Corporation, grantee of Foreign-Trade Zone 113, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 4, 2018.

FTZ 113 was approved by the FTZ Board on December 21, 1984 (Board Order 283, 50 FR 300, January 3, 1985) and reorganized under the ASF on September 24, 2010 (Board Order 1708, 75 FR 61706, October 6, 2010). The zone currently has a service area that includes Ellis County, Texas.

The applicant is now requesting authority to expand the service area of the zone to include Navarro County, Texas, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The application indicates that the proposed expanded service area is adjacent to the Dallas/Fort Worth Customs and Border Protection Port of Entry.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is August 10, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 27, 2018.

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

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: June 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12497 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–33–2018]

Foreign-Trade Zone (FTZ) 12—McAllen, Texas; Notification of Proposed Production Activity; Black & Decker (U.S.), Inc. (Indoor and Outdoor Power Tools and Related Components); Mission, Texas

Black & Decker (U.S.), Inc. (Black & Decker) submitted a notification of proposed production activity to the FTZ Board for its facility in Mission, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 1, 2018.

The Black & Decker facility is located within FTZ 12—Site 4. The facility will be used for the manufacture/assembly of cordless indoor and outdoor power tools and of power tool components (batteries, plastic injection molded parts, cordless motors, and certain subassemblies), and for the packaging/kitting of power tools with their components. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Black & Decker from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Black & Decker would be able to choose the duty rates during customs entry procedures that apply to: Plastic injection molded components; DC motors exceeding 74.6 watts but <735 watts; DC motors exceeding 750 watts; core subassemblies; armature subassemblies; field assemblies; magnet ring subassemblies; lithium ion batteries; hammer drills; drill/drivers; circular saws; jigsaws; impact wrenches; impact drivers; grease guns; string trimmers; hedge trimmers; and, lawnmowers (duty rates range from free to 4%). Black & Decker would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Resins (polyethylene; thermoplastic elastomers (TPE); polypropylene; polystyrene; acrylonitrile butadiene styrene (ABS); polymers of styrene; polycarbonate/ABS—cycoloy blend; TPE styrene-based styrene ethylene butylene styrene block copolymer (SEBS); acetyl; epoxy powder; polycarbonate (PC); polybutylene terephthalate (PBT); xenoy blend—PC/PBT; polyethylene terephthalate (PET); polyester; saturated polyester; glass filled nylon; polyamide; thermoplastic elastomer—urethane based (TPU)); hoses with couplers; plastic labels; plastic blade sheaths; plastic cord clamps; rubber belts; rubber o-rings; rubber valve seals; rubber retaining ring bullets; metal screws; self-tapping steel bolts; metal threaded screws; steel nuts; steel wave washers; steel clamp washers; steel cotter pins; steel retaining rings; steel pins; rear door rods; steel detent springs; steel belt hooks; steel fuse straps; steel pipe plugs; steel power straps; allen wrenches; lawnmower blades; pump housings; fans; fan and insert assemblies; fan subassemblies; back wheel shafts; battery housing lids; battery rails; blade insulators; bottom battery wells; handle brackets; brackets; brake retaining plates; brake rings; mower start buttons; bail handle cams; cord holders; mower decks; rear doors; flaps; frames; front deck inserts; front and rear decks; height adjust handles; housings (base cover; assembly; side cover; handle cover; height adjustment; storage); rear volute inserts; knobs; bail catch levers; mounting plates; brake pads; plate covers; axle retention plates; machined plates; mulch plugs; linkage connection rods; safety bails; spacers; front and rear wheel assemblies; front axles; height adjust keys; link arm subassemblies; top battery wells; drill/drivers; hammer drills; circular saws; jigsaws; reciprocating saws; impact wrenches; impact drivers; 2-speed actuators; actuators; aux frames; aux handles; motor cases; battery charger handles; bumpers; field cases; handle clamps; rod area covers; fan baffles; forward/reverse bars; gear case clamps; gear case covers; grease tubes; guards; housing covers; knobs for saws; linkages; mounts; PCA board mounts; pistons; support plates; threaded plates; powdered metal bushings; retaining rings; sensor caps; shoe subassemblies; blade spacers; speed buttons; spindle lock plates; subassemblies (cap, housing, handle, pole top, pole, ratchet spool; front end drill, front end impact driver, guard); valve caps; valve outlets; outer clamp washers; yokes; purge valves; valve bodies; valve plungers; ball bearings; needle bearings; output crank and spindles; driven pulleys; gear cases; gearboxes with inserts; pinions; ring gears; DC motors—output less than 750W; DC motors—output >750W <75 kW; armature assemblies; rotor spacers; commutators; rotor core assemblies; field assemblies; flux extenders; laminations; magnet ring assemblies; ring gear mounts; rotor and motor adaptor assemblies; rotor spacers; rotor stacks; shafts; stator stacks; stator core assemblies; stator inserts; tang base assemblies; tang mounts; tang segments; chargers; magnets; lithium ion batteries; assembly housings; cell holders for batteries; front insert covers; cover housings; latches for batteries; lithium ion cells; flashlights; spotlights; motor starter switches; battery modules; electronic modules; light ring assemblies; magnet winding wire; insulated wire; electric insulators; and, plastic insulator fittings (duty rates range from free to 12.5%). The request indicates that certain types of PET resin are subject to antidumping/countervailing duty (AD/CVD) orders if imported from certain countries. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 23, 2018.

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

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

Dated: June 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12494 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–11–2018)

Foreign-Trade Zone (FTZ) 23—Buffalo, New York; Authorization of Proposed Production Activity; Panasonic Eco Solutions Solar New York America; Subzone 23E (Solar Panels/Modules); Buffalo, New York

On February 5, 2018, Panasonic Eco Solutions Solar New York America submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 23E, in Buffalo, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 6161, February 13, 2018). On June 5, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12495 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Final Results of Expedited Second Sunset Review of the Antidumping Duty Order

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

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the antidumping duty order on certain activated carbon from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Palmer, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9068.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2018, Commerce initiated the second sunset review of the antidumping duty order on certain activated carbon from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(c)(2).[1] The Department received a notice of intent to participate from Calgon Carbon Corporation, Norit Americas, Inc., and ADA Carbon Solutions LLC (collectively, the domestic interested parties) within the deadline specified in 19 CFR 351.218(d)(1)(i).[2] The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States.

We received a complete substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[3] We received no responses from respondent interested parties. As a result, the Department conducted an expedited sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The merchandise subject to the *Order* is certain activated carbon. For a complete description of the scope of this *Order,* see the accompanying Issues and Decision Memorandum.[4]

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margin likely to prevail if the *Order* was to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). Access to ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be access directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on certain activated carbon from China would likely lead to continuation or recurrence of dumping and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 228.11 percent.

Notification to Interested Parties

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

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: June 1, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework

[1] *See Initiation of Five-Year (Sunset) Review,* 83 FR 4641 (February 1, 2018); *see also Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China,* 72 FR 20988 (April 27, 2007) (*Order*).

[2] *See* Letter from domestic interested parties, re: ''Five-Year (''Sunset'') Review of the Antidumping Order on Certain Activated Carbon from the People's Republic of China—Domestic Interested Parties' Intent to Participate,'' dated February 14, 2018.

[3] *See* Letter from domestic interested parties, re: ''Five-Year (''Sunset'') Review of the Antidumping Order on Certain Activated Carbon from the People's Republic of China—Domestic Industry's Substantive Response,'' dated March 5, 2018.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Certain Activated Carbon from the People's Republic of China'' (Issues and Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Dumping Margin Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2018–12476 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–848]

Certain Stilbenic Optical Brightening Agents From Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that Teh Fong Ming International Co., Ltd. (TFM), the sole producer and/or exporter subject to this administrative review, has made sales of subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

DATES: Aplicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Michael A. Romani or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0198, and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on certain stilbenic optical brightening agents (OBAs) from Taiwan. The period of review (POR) is May 1, 2016, through April 30, 2017.

Scope of the Order

The merchandise subject to the *Order*[1] is OBAs and is currently classifiable under subheadings 3204.20.8000, 2933.69.6050, 2921.59.4000 and 2921.59.8090 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.[2]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties 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.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for TFM for the period May 1, 2016, through April 30, 2017.

Producer/exporter	Weighted-average dumping margin (percent)
Teh Fong Ming International Co., Ltd	1.31

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results.[3]

Public Comment

Pursuant to 19 CFR 351.309(c)(ii), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[5]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance. All documents must be filed electronically using ACCESS which is available to registered users at *http://access.trade.gov.* An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice.[6] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuance of the final results, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries covered by this review. If TFM's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[7] If TFM's weighted-average dumping margin is zero or *de minimis* in the final results of review,

[1] *See Certain Stilbenic Optical Brightening Agents from Taiwan: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 77 FR 27419 (May 10, 2012) (*Order*).

[2] A full description of the scope of the *Order* is contained in the Memorandum, ''Certain Stilbenic Optical Brightening Agents from Taiwan: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

[6] *See* 19 CFR 351.310(c).

[7] In these preliminary 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 Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*.[8]

For entries of subject merchandise during the POR produced by TFM for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of OBAs from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TFM will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers 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 recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 6.19 percent.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

[8] *See Final Modification for Reviews,* 77 FR at 8102.

[9] The all-others rate established in the *Order.*

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1).

Dated: June 4, 2018.

Gary Taverman,

Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

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Recommendation

[FR Doc. 2018–12478 Filed 6–8–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2924.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey. The period of review (POR) is May 1, 2016, to April 30, 2017. Commerce published the notice of initiation of this administrative review on July 6, 2017.[1] The preliminary results are listed below in the section titled ''Preliminary Results of Review.''

This review covers 14 companies: Borusan Istikbal Ticaret T.A.S. (Borusan Istikbal) and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan Mannesmann) (collectively, Borusan);[2] Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., and Toscelik Metal Ticaret A.S. (Toscelik Metal) (collectively, Toscelik);[3] Borusan Birlesik Boru Fabrikalari San ve Tic (Borusan Birlesik); Borusan Gemlik Boru Tesisleri A.S. (Borusan Gemlik); Borusan Ihracat Ithalat ve Dagitim A.S. (Borusan Ihracat); Borusan Ithicat ve Dagitim A.S. (Borusan Ithicat); Tubeco Pipe and Steel Corporation (Tubeco); Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan); and Yucel Boru ve Profil Endustrisi A.S. (Yucel), Yucelboru Ihracat Ithalat ve Pazarlama A.S.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 31292, 31297 (July 6, 2017) (*Initiation Notice*).

[2] In prior segments of this proceeding, we treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as a single entity. *See, e.g., Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2013–2014,* 80 FR 76674, 76674 n.2 (December 10, 2015) (*Welded Pipe and Tube from Turkey 2013–2014*). We preliminarily determine that there is no evidence on the record for altering our treatment of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S., as a single entity. The record does not support treating the following companies as part of the Borusan Mannesmann Boru Sanayi ve Ticaret A.S./Borusan Istikbal Ticaret T.A.S. entity: (1) Borusan Birlesik; (2) Borusan Gemlik; (3) Borusan Ihracat; (4) Borusan Ithicat; and (5) Tubeco. Accordingly, as discussed *infra,* each of these five companies will be assigned the rate applicable to companies not selected for individual examination in this review.

[3] In prior segments of this proceeding, we treated Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., and Toscelik Metal as a single entity. *See, e.g., Welded Pipe and Tube from Turkey 2013–2014.* We preliminarily determine that there is no evidence on the record for altering our treatment of Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., and Toscelik Metal as a single entity.

(Yucelboru), and Cayirova Boru Sanayi ve Ticaret A.S. (Cayirova).

On January 23, 2018, Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20, 2018, through January 22, 2018.[4] The revised deadline for the preliminary results of this review became February 5, 2018. On January 31, 2018, we extended the deadline for the preliminary results to May 14, 2018.[5] On May 7, 2018, we further extended the deadline for the preliminary results, until June 4, 2018.[6]

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[7]

Scope of the Order

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included in the Appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public *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 to all parties in Commerce's Central Records Unit, located at Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

On July 22, 2017, Cayirova, Yucel, and Yucelboru submitted a letter to Commerce certifying that they each individually had no sales, shipments, or entries of the subject merchandise to the United State during the POR.[8] On July 24, 2017, Erbosan submitted a letter to Commerce certifying that it had no sales, shipments, or entries of the subject merchandise to the United States during the POR.[9] Erbosan further certified that it did not know or have reason to know that any of its customers would subsequently export or sell Erbosan's merchandise to the United States during the POR. On August 7, 2017, Borusan Istikbal, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco submitted a letter to Commerce certifying that they each individually had no sales, shipments, or entries of the subject merchandise to the United States during the POR.[10] On April 25, 2018, consistent with our practice, we issued a ''No Shipment Inquiry'' to U.S. Customs and Border Protection (CBP) to confirm that there were no entries of welded pipe and tube from Turkey exported by Erbosan, Borusan Istikbal, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, Tubeco, Cayirova, Yucel, or Yucelboru during the POR.[11] With one exception, we received no information from CBP regarding the existence of entries of subject merchandise from these companies during the POR. The one exception was information concerning one of the companies (whose name is business proprietary) that indicated it had shipments to the United States during the POR. We intend to seek additional information from CBP concerning these alleged shipments, and solicit comments from interested parties concerning them.[12]

Based on the foregoing, we preliminarily determine that Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, Tubeco, Cayirova, Yucel, and Yucelboru each had no shipments during the POR. Also, consistent with our practice, we find that it is not appropriate to rescind the review with respect to these nine companies, but rather to complete the review with respect to them, and to issue appropriate instructions to CBP based on the final results of this review.[13] Thus, if we continue to find that Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, Tubeco, Cayirova, Yucel, and Yucelboru had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of subject merchandise produced by them, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[14]

Furthermore, as noted above, Borusan Istikbal also submitted a no-shipment certification on August 8, 2017. However, also as noted above, we continue to find Borusan Istikbal to be part of the single entity, Borusan, and we find no record evidence that warrants altering this treatment. Therefore, because we find that Borusan had shipments during this POR, we have not made a preliminary determination of no-shipments with respect to Borusan Istikbal.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the weighted-average dumping margins for

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[5] *See* Memorandum, ''Certain Circular Welded Carbon Steel Pipes and Tubes from Turkey: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review,'' dated January 31, 2017.

[6] *See* Memorandum, ''Certain Circular Welded Carbon Steel Pipes and Tubes from Turkey: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review,'' dated May 7, 2018.

[7] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2016–2017'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *See* Letter from Cayirova, Yucel, and Yucelboru, Re: Circular Welded Carbon Steel Pipes and Tubes from Turkey; Notification of No Shipments, dated July 22, 2017.

[9] *See* Letter from Erbosan, Re: No Shipment Certification of Erbosan Erciyas Boru Sanayi ve Ticaret A.S. in the 2016–2017 Administrative Review of the Antidumping Duty Order Involving Certain Welded Carbon Steel Standard Pipe from Turkey, dated July 24, 2017.

[10] *See* Letter from Borusan Istikbal, Borusan Birlesik, Borusan Gemlik, Borusan Iharcat, Borusan Ithicat, and Tubeco, Re: Circular Welded Carbon Steel Pipes and Tubes from Turkey, Case No. A–489–501: No Shipment Letter, dated August 7, 2017.

[11] *See* CBP message number 8115302, dated April 25, 2018.

[12] *See* Preliminary Decision Memorandum at 4.

[13] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[14] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

the period May 1, 2016 through April 30, 2017 are as follows:

Producer or exporter	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S./Borusan Istikbal Ticaret T.A.S	11.33
Toscelik Profil ve Sac Endustrisi A.S./Tosyali Dis Ticaret A.S./Toscelik Metal Ticaret A.S	0.00

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[15] Interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.[16] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the due date for filing case briefs.[17] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[18] Case and rebuttal briefs should be filed using ACCESS.[19]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice.[20] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. In order to be properly filed, all ACCESS submissions must be successfully electronically filed in their entirety by 5 p.m. Eastern Time.

Unless otherwise extended, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If either Borusan's or Toscelik's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

With respect to Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, Tubeco, Cayirova, Yucel, and Yucelboru, if we continue to find that these companies had no shipments of subject merchandise in the final results, we will instruct CBP to liquidate any existing entries of merchandise produced by these companies, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[21]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Toscelik will be zero, unless there is a change in Toscelik's dumping margin in the final results of this review; (2) the cash deposit rate for Borusan will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (3) for other manufacturers and exporters 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 that manufacturer or exporter participated; (4) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (5) the cash deposit rate for all other manufacturers or exporters will continue to be 14.74 percent, the all-others rate established in the LTFV investigation.[22] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

[15] *See* 19 CFR 351.224(b).

[16] *See* 19 CFR 351.309(c)(1)(ii).

[17] *See* 19 CFR 351.309(d).

[18] *See* 19 CFR 351.309(c)(2) and (d)(2).

[19] *See* 19 CFR 351.303.

[20] *See* 19 CFR 351.310(c).

[21] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[22] *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey,* 51 FR 17784 (May 15, 1986).

Dated: June 4, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Particular Market Situation
5. Preliminary Determination of No Shipments
6. Comparisons to Normal Value
7. Product Comparisons
8. Date of Sale
9. Export Price
10. Normal Value
11. Currency Conversion
12. Recommendation

[FR Doc. 2018–12480 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–991]

Chlorinated Isocyanurates From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2015

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

SUMMARY: The U.S. Department of Commerce (Commerce) has completed its administrative review of the countervailing duty (CVD) order on (chloro isos) from the People's Republic of China (China) for the January 1, 2015, through December 31, 2015, period of review (POR), and determines that countervailable subsidies are being provided to producers and exporters of chloro isos. The final net subsidy rates are listed below in ''Final Results of Administrative Review.''

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Christian Llinas or Omar Qureshi, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone 202.482.4877 or 202.482.5307, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 2014, Commerce published the CVD *Order* on chloro isos from China.[1] On December 4, 2017, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register**.[2] We invited interested parties to comment on the *Preliminary Results.* On January 16, 2018, we received case briefs from the petitioners,[3] the Government of China (GOC), and from the mandatory respondents, Heze Huayi [4] and Kangtai.[5] [6] On January 29, 2018, we received rebuttal briefs from the petitioners, the GOC, and from the mandatory respondents, Heze Huayi and Kangtai.[7]

Scope of the Order

The products covered by the order are chloro isos, which are derivatives are cyanuric acid, described as chlorinated s-triazine triones.[8] Chloro isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.50.4000, 3808.94.5000, and 3808.99.9500 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes; the written product description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the parties' briefs are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on case briefs, rebuttal briefs, and all supporting documentation, we made a change to Heze Huayi's countervailable subsidy rate to account for transpositional errors made in Heze Huayi's calculations. We made no changes from the *Preliminary Results.*

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[9] The Issues and Decision Memorandum contains a full description of the methodology underlying the Department's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we determine the following net subsidy rates for the 2015 administrative review:

Company	Subsidy rate (percent)
Hebei Jiheng Chemical Co., Ltd	25.19
Heze Huayi Chemical Co., Ltd ...	2.84
Juancheng Kangtai Chemical Co., Ltd	1.53

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), Commerce intends to issue assessment instructions to U.S.

[1] *See Chlorinated Isocyanurates from the People's Republic of China: Countervailing Duty Order,* 79 FR 67424 (November 13, 2014).

[2] *See Chlorinated Isocyanurates from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2015,* 82 FR 57209 (December 4, 2017) and accompanying Issues and Decision Memorandum (*Preliminary Results*).

[3] Bio-Lab, Inc., Clearon Corporation, and Occidental Chemical Corporation (collectively, ''the petitioners'').

[4] Heze Huayi Chemical Co., Ltd. (Heze Huayi).

[5] Juancheng Kangtai Chemical Co., Ltd. (Kangtai).

[6] *See* Petitioners' Letter, ''Case Brief of Bio-Lab, Inc., Clearon Corp. and Occidental Chemical Corporation,'' dated January 16, 2018; GOC's Letter, ''GOC Administrative Case Brief: Second Administrative Review of the Countervailing Duty Order on Chlorinated Isocyanurates from the People's Republic of China (C–570–991),'' dated January 16, 2018; and Heze Huayi and Kangtai's Letter, ''Chlorinated Isocyanurates from the People's Republic of China: Case Brief,'' dated January 16, 2018.

[7] *See* Petitioners' Letter, ''Rebuttal Brief of Bio-Lab, Inc., Clearon Corp. and Occidental Chemical Corporation.'' dated January 29, 2018; GOC's Letter, ''GOC Administrative Rebuttal Brief: Second Administrative Review of the Countervailing Duty Order on Chlorinated Isocyanurates from the People's Republic of China (C–570–991),'' dated January 29, 2018; Heze Huayi and Kangtai's Letter, ''Chlorinated Isocyanurates from the People's Republic of China: Rebuttal Brief,'' dated January 29, 2018.

[8] For a complete description of the Scope of the Order, *see Preliminary Results.*

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

Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review, to liquidate shipments of subject merchandise produced and/or exported by the companies listed above, entered, or withdrawn from warehouse, for consumption on or after January 1, 2015, through December 31, 2015, at the *ad valorem* rates listed above.

Cash Deposit Instructions

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of subject merchandise by Toyo Kohan Co., Ltd. (Toyo Kohan) and Nippon Steel & Sumitomo Metals Corporation (NSSMC) were made at less than normal value during the period of review (POR) May 1, 2016, through April 30, 2017. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Moses Song, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5041.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2017, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on certain nickel-plated, flat-rolled steel from Japan.[1] On May 22, 2017, Toyo Kohan requested that Commerce conduct an administrative review of its sales to the United States during the POR.[2] On May 30, 2017, the petitioner, Thomas Steel Strip Corporation (Thomas Steel or the petitioner), requested that Commerce conduct administrative reviews of Toyo Kohan and Nippon Steel & Sumitomo Metal Corporation (NSSMC).[3] On July 6, 2017, in response to these timely requests, and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of an administrative review of the antidumping duty order on certain nickel-plated, flat-rolled steel from Japan with respect to both Toyo Kohan and NSSMC.[4]

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the preliminary results of this review is June 4, 2018.[5]

Scope of the Order

The diffusion-annealed, nickel-plated flat-rolled steel products included in this order are flat-rolled, cold-reduced steel products, regardless of chemistry; whether or not in coils; either plated or coated with nickel or nickel-based alloys and subsequently annealed (*i.e.,* ''diffusion-annealed''); whether or not painted, varnished or coated with plastics or other metallic or nonmetallic substances; and less than or equal to 2.0 mm in nominal thickness. For purposes of this order, ''nickel-based alloys'' include all nickel alloys with other metals in which nickel accounts for at least 80 percent of the alloy by volume.

Imports of merchandise included in the scope of this order are classified primarily under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000, but may also be classified under HTSUS subheadings 7210.70.6090, 7212.40.1000, 7212.40.5000, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.90.0010, 7220.90.0015, 7225.99.0090, or 7226.99.0180. The foregoing HTSUS subheadings are provided only for convenience and customs purposes. The written description of the scope of this order is dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Act. For Toyo Kohan, export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the memorandum from

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 20315 (May 1, 2017).

[2] *See* Letter from Toyo Kohan to Commerce regarding ''Toyo Kohan's Request for Antidumping Administrative Review, Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products from Japan,'' dated May 22, 2017.

[3] *See* Letter from Thomas Steel to Commerce regarding ''Diffusion-Annealed Nickel-Plated Flat-Rolled Steel from Japan: Request for Third Administrative Review of Antidumping Order,'' dated May 30, 2017.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 31292, 31294 (July 6, 2017) (*Initiation Notice*).

[5] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

James Maeder, Associate Deputy Assistant Secretary for AD/CVD Operations, performing the duties of Deputy Assistant Secretary for AD/CVD Operations, to Gary Taverman, Deputy Assistant Secretary for AD/CVD Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan; 2016–2017'' (Preliminary Decision Memorandum), which is issued concurrent with and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). Access to ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main 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.* A list of topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Application of Adverse Facts Available

Pursuant to section 776(a) of the Act, we are preliminarily relying upon facts otherwise available to assign a weighted-average dumping margin to NSSMC in this review because NSSMC did not respond to our AD Questionnaire.[6] Therefore, we preliminarily find that necessary information is not on the record of this review, and that NSSMC withheld information requested by Commerce, failed to provide information by the specified deadlines, and significantly impeded the conduct of the review. Further, we preliminarily determine that NSSMC failed to cooperate by not acting to the best of its ability to comply with requests for information and, thus, we are preliminarily applying total AFA to NSSMC, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusion regarding the application of AFA, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that, for the period May 1, 2016, through April 30, 2017, the following weighted-average dumping margins exist for the respondents:

Producer or exporter	Weighted-average dumping margin (percent)
Toyo Kohan Co., Ltd	4.53
Nippon Steel & Sumitomo Metal Corporation	77.70

Disclosure and Public Comment

Commerce will disclose to parties to the proceeding the calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.[7] Interested parties may submit case briefs to Commerce in response to these preliminary results no later than 30 days after the publication of these preliminary results.[8] Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days from the deadline date for the submission of case briefs.[9]

Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS.[11] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time. Case and rebuttal briefs must be served individually on all interested parties.[12]

Within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments raised in the case and rebuttal briefs.[13] Unless Commerce specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs.[14] Hearing requests should be electronically submitted to Commerce *via* ACCESS.[15] Commerce's electronic records system, ACCESS, must successfully receive an electronically-filed document in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.[16] Parties will be notified of the time and location of the hearing.

Commerce intends to publish the final results of this administrative review, including the results of its analysis of issues addressed in any case or rebuttal brief, no later than 120 days after publication of the preliminary results, unless extended.[17]

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[18] If a respondent's weighted-average dumping margin is not zero or *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of review, then we will instruct CBP to

[6] *See* Letter from Commerce to NSSMC, regarding the antidumping duty questionnaire, dated July 18, 2017 (AD Questionnaire).

[7] *See* 19 CFR 351.224(b)

[8] *See* 19 CFR 351.309(c)(1)(ii).

[9] *See* 19 CFR 351.309(d)(1) and (2).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See generally* 19 CFR 351.303.

[12] *See* 19 CFR 351.303(f).

[13] *See* 19 CFR 351.310(c).

[14] *See* 19 CFR 351.310(d)(1).

[15] *See* generally, 19 CFR 351.303.

[16] *See* 19 CFR 351.310(c).

[17] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

[18] *See* 19 CFR 351.212(b)(1).

liquidate that respondent's entries without regards to antidumping duties in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [19] Further, if an importer-specific assessment rate is zero or *de minimis,* then we will instruct CBP to liquidate that importer's entries without regards to antidumping duties.[20] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by Toyo Kohan for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for intermediate company(ies) involved in the transaction.[21] The all-others rate is 45.42 percent.[22]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for companies subject to this review will be equal to the weighted-average dumping margin established in the final results of this administrative review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for merchandise exported by a producer or exporter not covered in this review but covered in a prior, completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value investigation but the producer is, the cash deposit rate will be the rate established a prior, completed segment of this proceeding for the most recent period for the producer of the subject merchandise; or (4) the cash deposit rate for all other producers or exporters will be the all-others rate of 45.42 percent established in the investigation.[23] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: June 4, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

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[19] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

[20] *See* 19 CFR 351.106(c)(2).

[21] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[22] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816, 30817 (May 29, 2014) (*Order*).

[23] *See Order,* 79 FR at 30817.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–816]

Certain Oil Country Tubular Goods From Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of the subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

DATES: Effective June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0665.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on certain oil country tubular goods (OCTG) from Turkey. The period of review (POR) is September 1, 2016, through August 31, 2017. The review covers six producers/exporters of the subject merchandise. We selected Çayirova Boru Sanayi ve Ticaret A.Ş. and Yücel Boru İthalat-İhracat ve Pazarlama A.Ş (collectively, Yücel) [1] for individual examination.

Scope of the Order

The merchandise covered by the order is certain OCTG. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10,

[1] We previously determined these companies to constitute a single entity. *See Certain Oil Country Tubular Goods from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances in Part,* 79 FR 41971, 41973 (July 18, 2014).

7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[2]

Preliminary Finding of No Shipments

The record evidence in this review indicates that Tosçelik Profil ve Sac Endüstrisi A.Ş. and Tosyali Dis Ticaret A.S. (collectively, Tosçelik)[3] had no exports, sales, or entries of subject merchandise to the United States during the POR. Accordingly, we preliminarily determine that Tosçelik had no shipments during the POR. For additional information on our preliminary finding of no shipments, *see* the Preliminary Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *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 to all parties in Commerce's Central Records Unit, located at Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period September 1, 2016, through August 31, 2017.

Producer/exporter	Weighted-average dumping margin (percent)
Çayirova Boru Sanayi ve Ticaret A.Ş. and Yücel Boru İthalat-İhracat ve Pazarlama A.Ş	1.59
Çayirova Boru San A.Ş	1.59
HG Tubulars Canada Ltd	1.59
Yücelboru İhracat, Ithalat	1.59

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[5]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[6] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

[2] *See* the Memorandum, ''Certain Oil Country Tubular Goods from Turkey: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,'' dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] We previously determined these companies to constitute a single entity. *See Certain Oil Country Tubular Goods from Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016*, 82 FR 42285 (September 7, 2017) (unchanged in *Certain Oil Country Tubular Goods from Turkey: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 83 FR 1240 (January 10, 2018)).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.303 (for general filing requirements).

[6] *See* 19 CFR 351.310(c).

Assessment Rates

Upon completion of the final results, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If Yücel's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If Yücel's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*.[7]

For entries of subject merchandise during the POR produced by Yücel for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies which were not selected for individual examination, Çayirova Boru San A.Ş., HG Tubulars Canada Ltd., and Yücelboru İhracat, Ithalat, we will instruct CBP to apply the rates listed above to all entries of subject merchandise produced and/or exported by these firms.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of OCTG from Turkey entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for companies subject to this review will be the rates established in the final results of the review; (2) for merchandise exported by producers 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 recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 35.86 percent,[8] the all-others rate established in the less-than-fair-value investigation, adjusted for the export-subsidy rate established in the companion countervailing duty investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: June 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

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[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews).*

[8] *See Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value,* 79 FR 53691, 53693 (September 10, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–064]

Stainless Steel Flanges From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that stainless steel flanges from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2017, through June 30, 2017. The final dumping margins of sales at LTFV are listed below in the ''Final Determination'' section of this notice.

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Ian Hamilton or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4798 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Background

This final determination is made in accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act). On March 28, 2018, Commerce published the preliminary affirmative determination of sales at LTFV in the investigation of stainless steel flanges from China.[1] We invited interested parties to comment on the *Preliminary Determination.* We received no comments from interested parties.

[1] *See Stainless Steel Flanges from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 13244 (March 28, 2018) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

Scope of the Investigation

The products covered by this investigation are stainless steel flanges from China. For a complete description of the scope of this investigation, *see* the Appendix to this notice.

Analysis of Comments Received

As noted above, we received no comments in response to the *Preliminary Determination.* For the purposes of the final determination, Commerce has made no changes to the *Preliminary Determination.*

Use of Adverse Facts Available

We continue to find that the mandatory respondent in this investigation, Shanxi Guanjiaying Flange Forging Group Co., Ltd (GJY), did not provide requested information, withheld requested information, significantly impeded this investigation, and did not cooperate to the best of its ability to comply with Commerce's request for information in failing to submit a complete and reliable sales reconciliation, as detailed in the *Preliminary Determination* and accompanying Preliminary Decision Memorandum.[2] Accordingly, we continue to determine it appropriate to apply facts otherwise available, with an adverse inference, in accordance with sections 776(a)–(b) of the Act.[3] As AFA, we have continued to apply the highest dumping margin contained in the Petition, 257.11 percent, as explained in the *Preliminary Determination* and accompanying Preliminary Decision Memorandum.[4]

In accordance with the *Preliminary Determination,* we continue to grant GJY a separate rate because evidence on the record supports an absence of *de jure* and *de facto* government control.[5] Hydro-Fluids Controls Limited (HFC), Songhai Flange Manufacturing Co., Ltd (Songhai), and Dongtai QB Stainless Steel Co., Ltd (Dongtai), were also selected as mandatory respondents, but withdrew from participation in this investigation and did not respond to requests for information.[6] Thus, we continue to find that HFC, Songhai, and Dongtai did not demonstrate that they are eligible for a separate rate and are part of the China-wide entity. We also continue to find that, in addition to the mandatory respondents that did not respond to our requests for information, Commerce did not receive timely responses to its Quantity and Value (Q&V) questionnaire from numerous Chinese exporters and/or producers of the merchandise under consideration that were named in the Petition and to whom Commerce issued Q&V questionnaires.[7] Because these companies, which comprise part of the China-wide entity, failed to submit the requested Q&V information, we determine that the China-wide entity did not cooperate to the best of its ability. Therefore, for this final determination, Commerce continues to find that the China-wide entity failed to provide necessary information, withheld information requested by Commerce, failed to provide information in a timely manner, and significantly impeded this proceeding by not submitting the requested information. As a result, Commerce continues to find that use of facts available, with an adverse inference, is warranted in determining the rate of the China-wide entity, pursuant to sections 776(a)(1), (a)(2)(A)–(C), and 776(b) of the Act.[8]

China-Wide Rate

In selecting the AFA rate for the China-wide entity, Commerce's practice is to select a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated. Specifically, it is Commerce's practice to select, as an AFA rate, the higher of: (a) the highest dumping margin alleged in the petition; or, (b) the highest calculated dumping margin of any respondent in the investigation. As AFA, Commerce has assigned to the China-wide entity the rate of 257.11 percent, which is the highest dumping margin alleged in the Petition.

Combination Rates

In the *Initiation Notice,* Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation.[9] Because Commerce continues to use facts otherwise available with an adverse inference in determining the rate for the only respondent that demonstrated eligibility for a separate rate in this investigation, GJY, Commerce did not calculate producer/exporter combination rates for that company.

Final Determination

The final weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margins (percent)
Shanxi Guanjiaying Flange Forging Group Co., Ltd	257.11
China-wide Entity	257.11

[2] *See Preliminary Determination,* 83 FR at 13244; *see also* Preliminary Decision Memorandum at 8–10.

[3] Preliminary Decision Memorandum at 10–15.

[4] *See Stainless Steel Flanges from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 42649 (September 11, 2017); *see also* Petitioners' Letter, ''Stainless Steel Flanges from the People's Republic of China and India: Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated August 16, 2017 (Petition); Preliminary Decision Memorandum at 13–15.

[5] *See* Policy Bulletin 05.1, Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries, dated April 5, 2005, available at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[6] *See* HFC's Letter, ''Certain Stainless Steel Flanges from the People's Republic of China: Withdrawal from Active Participation by Hydro-Fluid Controls Limited,'' dated October 12, 2017; Songhai's Letter, ''Certain Stainless Steel Flanges from the People's Republic of China: Withdrawal from Active Participation by Songhai Flange Manufacturing Co. Ltd.,'' dated October 13, 2017; Dongtai's Letter, ''Certain Stainless Steel Flanges from the People's Republic of China: Withdrawal from Active Participation by Dongtai QB Stainless Steel Co., Ltd,'' dated November 28, 2017.

[7] *See* Preliminary Decision Memorandum at 10; *see also* Petition; Memorandum, ''Quantity and Value Questionnaires Delivery Confirmation,'' dated September 20, 2017.

[8] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 4986, 4991–92 (January 31, 2003); unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 37116 (June 23, 2003).

[9] *See Stainless Steel Flanges from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 42649, 42653 (September 11, 2017) (*Initiation Notice*).

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce applied adverse facts available to the individually examined company participating in this investigation, in accordance with section 776 of the Act, and the applied adverse facts available rate is based solely on the Petition, there are no calculations to disclose.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of stainless steel flanges from China, as described in the Appendix to this notice, which were entered, or withdrawn from warehouse, for consumption on or after March 28, 2018, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Further, pursuant to section 735(c)(1)(B)(ii) of the Act, Commerce will also instruct CBP to collect a cash deposit as follows: (1) The rate for the exporters listed in the chart above will be the rate we have determined in this final determination; (2) for all Chinese exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the China-wide rate; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the rate applicable to the Chinese exporter/producer combination that supplied that non-Chinese exporter. These suspension-of-liquidation instructions will remain in effect until further notice. Because there has been no demonstration that an adjustment for domestic subsidies is warranted, Commerce has not made any such adjustment to the rate assigned to GJY or the China-wide entity. Additionally, Commerce is making no adjustments for export subsidies to the antidumping cash deposit rate in this investigation because we have made no findings in the companion countervailing duty investigation that any of the programs are export subsidies.[10]

[10] *See Countervailing Duty Investigation of Stainless Steel Flanges from the People's Republic of China: Final Affirmative Determination,* 83 FR 15790 (April 12, 2018); *see also, e.g., Circular Welded Carbon-Quality Steel Pipe from Pakistan: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Extension of Provisional Measures,* 81 FR 36867 (June 8, 2016) and accompanying Preliminary Decision Memorandum at 13.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of stainless steel flanges from China no later than 45 days after this final determination. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the merchandise under consideration entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: June 4, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The products covered by this investigation are certain forged stainless steel flanges, whether unfinished, semi-finished, or finished (certain forged stainless steel flanges). Certain forged stainless steel flanges are generally manufactured to, but not limited to, the material specification of ASTM/ASME A/SA182 or comparable domestic or foreign specifications. Certain forged stainless steel flanges are made in various grades such as, but not limited to, 304, 304L, 316, and 316L (or combinations thereof). The term ''stainless steel'' used in this scope refers to an alloy steel containing, by actual weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements.

Unfinished stainless steel flanges possess the approximate shape of finished stainless steel flanges and have not yet been machined to final specification after the initial forging or like operations. These machining processes may include, but are not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing. Semi-finished stainless steel flanges are unfinished stainless steel flanges that have undergone some machining processes.

The scope includes six general types of flanges. They are: (1) Weld neck, generally used in butt-weld line connection; (2) threaded, generally used for threaded line connections; (3) slip-on, generally used to slide over pipe; (4) lap joint, generally used with stub-ends/butt-weld line connections; (5) socket weld, generally used to fit pipe into a machine recession; and (6) blind, generally used to seal off a line. The sizes and descriptions of the flanges within the scope include all pressure classes of ASME B16.5 and range from one-half inch to twenty-four inches nominal pipe size. Specifically excluded from the scope of this investigation are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A351.

The country of origin for certain forged stainless steel flanges, whether unfinished, semi-finished, or finished is the country where the flange was forged. Subject merchandise includes stainless steel flanges as defined above that have been further processed in a third country. The processing includes, but is not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing, and/or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the stainless steel flanges.

Merchandise subject to the investigation is typically imported under headings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings

and ASTM specifications are provided for convenience and customs purposes, the written description of the scope is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–058, A–428–845, A–533–873, A–475–838, A–580–892, A–441–801]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (the ITC), Commerce is issuing antidumping duty orders on certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from the People's Republic of China (China), the Federal Republic of Germany (Germany), India, Italy, the Republic of Korea (Korea), and Switzerland. In addition, Commerce is amending its final determination of sales at less than fair value (LTFV) for China and Switzerland as a result of ministerial errors.

DATES: Applicable June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Stolz at (202) 482–4474 or Keith Haynes at (202) 482–5139 (China), Frances Veith at (202) 482–4295 (Germany), Susan Pulongbarit at (202) 482–4031 or Omar Qureshi at (202) 482–5307 (India), Carrie Bethea at (202) 482–1491 (Italy), Annathea Cook at (202) 482–0250 (Korea), and Laurel LaCivita at (202) 482–4243 (Switzerland), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(a), 735(d), and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), Commerce published its affirmative final determinations in the LTFV investigations of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland on April 16, 2018.[1] In addition, Commerce made affirmative determinations of critical circumstances with respect to China and Italy, in part, and with respect to Korea, pursuant to section 735(a)(3) of the Act, and 19 CFR 351.206.[2]

Commerce received numerous ministerial error allegations and comments in the various investigations. A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.[3]

On April 17, 2018, Goodluck India Limited (Goodluck) alleged that Commerce made a ministerial error in the *India Final*.[4] However, we find that the alleged error is methodological, rather than ministerial, in nature.[5]

On April 23, 2018, the petitioners[6] alleged that Commerce made certain ministerial errors in the *Germany Final* with respect to Benteler Steel/Tube GmbH (Benteler), Salzgitter Mannesmann Line Pipe GmbH (Salzgitter Line Pipe) and Salzgitter Mannesmann Precision GmbH (Salzgitter Precision).[7] On April 30, 2018, Benteler submitted rebuttal comments to the petitioners' allegation.[8] Neither Salzgitter Line Pipe nor Salzgitter Precision submitted rebuttal comments. However, we find that the alleged errors regarding our *Final Determination* with respect to Benteler's margin calculation and our treatment of Salzgitter Line Pipe, Salzgitter Precision, or any other Salzgitter company are methodological, rather than ministerial, in nature.[9]

On April 23, 2018, Benteler Rothrist AG (Benteler Rothrist) alleged that Commerce made certain ministerial errors in the *Switzerland Final.*[10] On April 30, 2018, the petitioners submitted rebuttal comments to Benteler Rothrist's allegation.[11] *See* the ''Amendment to Switzerland Final'' section below for further information.

On April 24, 2018, the petitioners alleged that Commerce made certain ministerial errors in the *China Final* with respect to Zhangjiagang Huacheng Import & Export Co., Ltd. (Huacheng).[12] On April 30, 2018, Huacheng submitted rebuttal comments to the petitioners' allegation.[13] *See* the ''Amendment to

[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China: Affirmative Final Determination of Sales at Less-Than-Fair Value and Final Determination of Critical Circumstances, in Part,* 83 FR 16322 (April 16, 2018) (*China Final*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the Federal Republic of Germany: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 16326 (April 16, 2018) (*Germany Final*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Final Affirmative Determination of Sales at Less than Fair Value,* 83 FR 16296 (April 16, 2018) (*India Final*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part,* 83 FR 16289 (April 16, 2018) (*Italy Final*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value, Final Affirmative Determination of Critical Circumstances,* 83 FR 16319 (April 16, 2018) (*Korea Final*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Switzerland: Final Determination of Sales at Less Than Fair Value,* 83 FR 16293 (April 16, 2018) (*Switzerland Final*).

[2] *See China Final,* 83 FR at 16322; *Italy Final,* 83 FR at 16290; and *Korea Final,* 83 FR at 16320.

[3] *See* section 735(e) of the Act and 19 CFR 351.224(f).

[4] *See* Goodluck's letter, ''Goodluck's Final Determination Ministerial Error Comments: Antidumping Duty Investigation on Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India (A–533–873),'' dated April 17, 2018 (Goodluck's Allegation).

[5] *See* Memorandum, ''Antidumping Duty Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Ministerial Error Allegation Memorandum,'' dated May 16, 2018.

[6] ArcelorMittal Tubular Products, Michigan Seamless Tube, LLC, Plymouth Tube Co. USA, PTC Alliance Corp., Webco Industries, Inc., and Zekelman Industries, Inc. (collectively, the petitioners).

[7] *See* the petitioners' letter, ''Cold-Drawn Mechanical Tubing from Germany—Petitioners' Ministerial Error Allegations Regarding BENTELER Steel/Tube GmbH,'' dated April 23, 2018 (Petitioners' Allegation regarding Benteler); the petitioners' letter, ''Cold-Drawn Mechanical Tubing from Germany—Petitioners' Ministerial Error Allegations Regarding Salzgitter Mannesmann Line Pipe GmbH and Salzgitter Mannesmann Precision GmbH,'' dated April 23, 2018 (Petitioners' Allegation regarding Salzgitter).

[8] *See* Benteler's letter, ''Antidumping Duty Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Germany: Reply to Ministerial Error Comments for the Final Determination,'' dated April 30, 2018 (Benteler's Rebuttal Comments).

[9] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the Federal Republic of Germany: Ministerial Error Allegation Memorandum,'' dated June 6, 2018.

[10] *See* Benteler Rothrist's letter, ''Antidumping Duty Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Switzerland: Ministerial Error Comments for the Final Determination,'' dated April 23, 2018 (Benteler Rothrist's Allegation).

[11] *See* the petitioners' letter, ''Cold-Drawn Mechanical Tubing from Switzerland—Petitioners' Response to Benteler Rothrist's Ministerial Error Allegation,'' dated April 30, 2018 (Petitioners' Rebuttal Comments to Benteler Rothrist).

[12] *See* the petitioners' letter, ''Cold-Drawn Mechanical Tubing from China—Petitioners' Ministerial Error Allegations,'' dated April 24, 2018 (Petitioners' China Allegation).

[13] *See* Huacheng's letter, ''Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from

China Final'' section below for further discussion.

On May 31, 2018, the ITC notified Commerce of its affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of LTFV imports of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland, and of its determination that critical circumstances do not exist with respect to imports of cold-drawn mechanical tubing from China, Italy, and Korea.[14]

Scope of the Orders

The product covered by these orders is cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland.[15] For a complete description of the scope of these orders, *see* the Appendix to this notice.

Amendment to China Final

Commerce reviewed the record and agrees that one of the two alleged errors referenced in the petitioners' allegation constitutes a ministerial error within the meaning of section 735(e) of the Act and 19 CFR 351.224(f).[16] Specifically, Commerce erroneously valued international freight for shipments of subject merchandise to a particular U.S. destination using inconsistent values.[17] Additionally, we find that the second alleged error regarding the surrogate international freight rate calculation for those U.S. destinations for which no rates were available is not an error in addition, subtraction, or other arithmetic function within the meaning of 19 CFR 351.224(f).[18] Pursuant to 19 CFR 351.224(e), Commerce is amending the *China Final* to correct the ministerial error described above by applying a single international freight surrogate value for shipments of subject merchandise to the U.S. destination in question. Based on our correction, Huacheng's estimated weighted-average dumping margin increases from 44.92 percent to 45.15 percent.[19] Because Huacheng's estimated weighted-average dumping margin is the sole basis for the estimated weighted-average dumping margin for the separate rate companies which were not individually examined, the correction noted above also increases the estimated weighted-average dumping margin for the non-examined, separate rate companies from 44.92 to 45.15 percent, as reflected in the rate chart below. In addition, consistent with the *China Final,* we have continued to adjust the antidumping duty cash deposit rates for Huacheng and the separate-rate companies by 0.02 percent to account for appropriate export subsidies determined in the companion countervailing duty investigation.[20]

Amendment to Switzerland Final

Commerce reviewed the record and agrees that one of the two alleged errors referenced in Benteler Rothrist's allegation constitutes a ministerial error within the meaning of section 735(e) of the Act and 19 CFR 351.224(f).[21] Specifically, Commerce inadvertently included certain prototype and developmental project sample sales it had found to be sold outside the ordinary course of trade in the margin calculation for Benteler Rothrist.[22] Additionally, we find that the alleged ministerial error regarding our application of adverse facts available (AFA) for certain of Benteler Rothrist comparison market sales is methodological, rather than ministerial, in nature.[23] Pursuant to 19 CFR 351.224(e), Commerce is amending the *Switzerland Final* to reflect the correction of the ministerial error described above. Based on our correction, Benteler Rothrist's estimated weighted-average dumping margin decreased from 12.50 percent to 7.66 percent.[24] Because the Switzerland ''all-others'' rate is based in part on Benteler Rothrist's estimated weighted-average dumping margin, the correction noted above also decreases the all-others rate determined in the *Switzerland Final* from 13.55 percent to 9.00 percent, as reflected in the rate chart below.[25]

Antidumping Duty Orders

In accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC has notified Commerce of its final determination that an industry in the United States is materially injured by reason of the LTFV imports of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland.[26] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing these antidumping duty orders. Because the ITC determined that imports of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland are materially injuring a U.S. industry, unliquidated entries of such merchandise from these countries, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland. Antidumping duties will be assessed on unliquidated entries of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland entered, or withdrawn from warehouse, for consumption on or after November 22, 2017, the date of publication of the preliminary determination,[27] but will not include

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the People's Republic of China; Reply to Petitioner's Ministerial Error Comments,'' dated April 30, 2018 (Huacheng's Rebuttal Comments).

[14] *See* letter from the ITC to the Honorable Gary Taverman, May 31, 2018 (Notification of ITC Final Determinations) (ITC Letter); *see also* ITC publication 4790 (May 2018), *Cold-Drawn Mechanical Tubing from China, Germany, India, Italy, Korea, and Switzerland, Investigation Nos. 731–TA–1362–1367 (Final).*

[15] At Appendix I of the *India Final* and the *Italy Final,* we inadvertently published an incorrect scope of the investigation. *See* Appendix 1 of this notice for a complete description of the scope of these orders.

[16] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China: Allegation of Ministerial Errors in the Final Determination,'' dated concurrently with, and hereby adopted by, this notice (China Amended Final Determination Memorandum).

[17] *Id.*

[18] *Id.*

[19] *See* China Amended Final Determination Memorandum.

[20] *See China Final,* 83 FR at 16324 (citing *Countervailing Duty Investigation of Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China: Final Affirmative Determination, and Final Affirmative Determination of Critical Circumstances, in Part,* 82 FR 58175 (December 11, 2017) and accompanying Issues and Decision Memorandum).

[21] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Switzerland: Ministerial Error Allegation Memorandum,'' dated June 6, 2018.

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *See* Memorandum, ''Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Switzerland: Calculation of the All-Others Rate in the Amended Final Determination,'' dated June 6, 2018.

[26] *See* ITC Letter.

[27] *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less-Than-Fair Value and Preliminary Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 82 FR 55574 (November 22, 2017) (*China Prelim*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the Federal Republic of Germany: Preliminary Affirmative Determination of Sales at Less Than Fair Value and*

Continued

entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to suspend liquidation on all relevant entries of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland, effective the date of publication of the ITC's final affirmative injury determinations. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.[28] The ''all others'' rate applies to all producers or exporters not specifically listed, as appropriate. For the purpose of determining cash deposit rates, the estimated weighted-average dumping margins for imports of subject merchandise from China and India have been adjusted, as appropriate, for export subsidies found in the final determinations of the companion countervailing duty investigations of this merchandise imported from China and India.[29]

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request Commerce to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland, Commerce extended the four-month period to six months in each proceeding.[30] In the underlying investigations, Commerce published the preliminary determinations on November 22, 2017. Therefore, the extended period, beginning on the date of publication of the preliminary determination, ended on May 20, 2018. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final affirmative injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice,[31] we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland entered, or withdrawn from warehouse, for consumption on or after May 21, 2018, until and through the day preceding the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of cold-drawn mechanical tubing from China, Italy, and Korea discussed above, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of cold-drawn mechanical tubing from China, Italy, and Korea, entered, or withdrawn from warehouse, for consumption on or after August 24, 2017 (*i.e.,* 90 days prior to the date of publication of the preliminary determinations), but before November 22, 2018 (*i.e.,* the date of publication of the preliminary determination for each of these investigations).

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

CHINA

Producer	Exporter	Weighted-average margin (percent)	Cash deposit rate (percent) [32]
Jiangsu Huacheng Industry Pipe Making Corporation, and Zhangjiagang Salem Fine Tubing Co., Ltd.	Zhangjiagang Huacheng Import & Export Co., Ltd [33]	45.15	45.13
Anji Pengda Steel Pipe Co., Ltd	Anji Pengda Steel Pipe Co., Ltd	45.15	45.13
Changshu Fushilai Steel Pipe Co., Ltd	Changshu Fushilai Steel Pipe Co., Ltd	45.15	45.13
Changshu Special Shaped Steel Tube Co., Ltd	Changshu Special Shaped Steel Tube Co., Ltd	45.15	45.13
Jiangsu Liwan Precision Tube Manufacturing Co., Ltd	Suzhou Foster International Co., Ltd	45.15	45.13
Zhangjiagang Precision Tube Manufacturing Co., Ltd. (Zhangjiangang Tube).	Suzhou Foster International Co., Ltd	45.15	45.13
Wuxi Dajin High-Precision Cold-Drawn Steel Tube Co., Ltd	Wuxi Huijin International Trade Co., Ltd	45.15	45.13
Zhangjiagang Shengdingyuan Pipe-Making Co., Ltd	Zhangjiagang Shengdingyuan Pipe-Making Co., Ltd	45.15	45.13
Zhejiang Minghe Steel Pipe Co., Ltd	Zhejiang Minghe Steel Pipe Co., Ltd	45.15	45.13
Zhejiang Dingxin Steel Tube Manufacturing Co., Ltd	Zhejiang Dingxin Steel Tube Manufacturing Co., Ltd	45.15	45.13

Postponement of Final Determination, 82 FR 55558 (November 22, 2017) (*Germany Prelim*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, in Part, Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 55567 (November 22, 2017) (*India Prelim*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 55561 (November 22, 2017) (*Italy Prelim*); *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 55541 (November 22, 2017) (*Korea Prelim*); and *Cold-Drawn Mechanical Tubing from Switzerland: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 55571 (November 22, 2017) (*Switzerland Prelim*).

[28] *See* section 736(a)(3) of the Act.

[29] *See China Final* and *India Final.*

[30] *See China Prelim, Germany Prelim, India Prelim, Italy Prelim, Korea Prelim,* and *Switzerland Prelim.*

[31] *See, e.g., Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016).

CHINA—Continued

Producer	Exporter	Weighted-average margin (percent)	Cash deposit rate (percent) [32]
China-Wide Entity [34]		* 186.89	186.89

* (Based on AFA).

GERMANY

Exporter or producer	Weighted-average margin (percent)
BENTELER Steel/Tube GmbH/BENTELER Distribution International GmbH [35]	3.11
Mubea Fahrwerksfedern GmbH	* 209.06
Salzgitter Mannesmann Line Pipe GmbH	* 209.06
All-Others	3.11

* (AFA).

INDIA

Exporter or producer	Weighted-average margin (percent)	Cash-deposit rate (percent)
Goodluck India Limited	* 33.80	33.70
Tube Products of India, Ltd. a unit of Tube Investments of India Limited (collectively, TPI)	8.26	5.87
All-Others	8.26	5.87

* (AFA).

ITALY

Exporter or producer	Weighted-average margin (percent)
Dalmine, S.p.A	* 68.95
Metalfer, S.p.A	* 68.95
All-Others	47.87

* (AFA).

KOREA

Exporter or producer	Weighted-average margin (percent)
Sang Shin Ind. Co., Ltd	* 48.00
Yulchon Co., Ltd	* 48.00
All-Others	30.67

* (AFA).

SWITZERLAND

Exporter or producer	Weighted-average margin (percent)
Benteler Rothrist AG	7.66
Mubea Prazisionsstahlrohr AG	30.48
All-Others	9.00

This notice constitutes the antidumping duty orders with respect to cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

[32] Commerce normally adjusts antidumping duty cash deposit rates to offset for certain subsidies found in companion countervailing duty proceedings. Accordingly, the rate charts for China and India, below, include an additional column to indicate the applicable cash deposit rates adjusted for certain subsidies in the companion countervailing duty investigations. As there were no companion countervailing duty investigations with respect to Germany, Italy, Korea, and Switzerland, the rate charts listed below with

Continued

These amended final determinations and antidumping duty orders are published in accordance with sections 735(e) and 736(a) of the Act and 19 CFR 351.224(e) and 351.211(b).

Dated: June 6, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products covered by these orders are cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) of circular cross-section, 304.8 mm or more in length, in actual outside diameters less than 331mm, and regardless of wall thickness, surface finish, end finish or industry specification. The subject cold-drawn mechanical tubing is a tubular product with a circular cross-sectional shape that has been cold-drawn or otherwise cold-finished after the initial tube formation in a manner that involves a change in the diameter or wall thickness of the tubing, or both. The subject cold-drawn mechanical tubing may be produced from either welded (*e.g.,* electric resistance welded, continuous welded, etc.) or seamless (*e.g.,* pierced, pilgered or extruded, etc.) carbon or alloy steel tubular products. It may also be heat treated after cold working. Such heat treatments may include, but are not limited to, annealing, normalizing, quenching and tempering, stress relieving or finish annealing. Typical cold-drawing methods for subject merchandise include, but are not limited to, drawing over mandrel, rod drawing, plug drawing, sink drawing and similar processes that involve reducing the outside diameter of the tubing with a die or similar device, whether or not controlling the inside diameter of the tubing with an internal support device such as a mandrel, rod, plug or similar device. Other cold-finishing operations that may be used to produce subject merchandise include cold-rolling and cold-sizing the tubing.

Subject cold-drawn mechanical tubing is typically certified to meet industry specifications for cold-drawn tubing including but not limited to:

(1) American Society for Testing and Materials (ASTM) or American Society of Mechanical Engineers (ASME) specifications ASTM A–512, ASTM A–513 Type 3 (ASME SA513 Type 3), ASTM A–513 Type 4 (ASME SA513 Type 4), ASTM A–513 Type 5 (ASME SA513 Type 5), ASTM A–513 Type 6 (ASME SA513 Type 6), ASTM A–519 (cold-finished);

(2) SAE International (Society of Automotive Engineers) specifications SAE J524, SAE J525, SAE J2833, SAE J2614, SAE J2467, SAE J2435, SAE J2613;

(3) Aerospace Material Specification (AMS) AMS T–6736 (AMS 6736), AMS 6371, AMS 5050, AMS 5075, AMS 5062, AMS 6360, AMS 6361, AMS 6362, AMS 6371, AMS 6372, AMS 6374, AMS 6381, AMS 6415;

(4) United States Military Standards (MIL) MIL–T–5066 and MIL–T–6736;

(5) foreign standards equivalent to one of the previously listed ASTM, ASME, SAE, AMS or MIL specifications including but not limited to:

(a) German Institute for Standardization (DIN) specifications DIN 2391–2, DIN 2393–2, DIN 2394–2);

(b) European Standards (EN) EN 10305–1, EN 10305–2, EN 10305–4, EN 10305–6 and European national variations on those standards (*e.g.,* British Standard (BS EN), Irish Standard (IS EN) and German Standard (DIN EN) variations, etc.);

(c) Japanese Industrial Standard (JIS) JIS G 3441 and JIS G 3445; and

(6) proprietary standards that are based on one of the above-listed standards.

The subject cold-drawn mechanical tubing may also be dual or multiple certified to more than one standard. Pipe that is multiple certified as cold-drawn mechanical tubing and to other specifications not covered by this scope, is also covered by the scope of these order when it meets the physical description set forth above.

Steel products included in the scope of these orders are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

For purposes of this scope, the place of cold-drawing determines the country of origin of the subject merchandise. Subject merchandise that is subject to minor working in a third country that occurs after drawing in one of the subject countries including, but not limited to, heat treatment, cutting to length, straightening, nondestruction testing, deburring or chamfering, remains within the scope of these orders.

All products that meet the written physical description are within the scope of these orders unless specifically excluded or covered by the scope of an existing order. Merchandise that meets the physical description of cold-drawn mechanical tubing above is within the scope of these orders even if it is also dual or multiple certified to an otherwise excluded specification listed below. The following products are outside of, and/or specifically excluded from, the scope of these orders:

(1) Cold-drawn stainless steel tubing, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(2) products certified to one or more of the ASTM, ASME or American Petroleum Institute (API) specifications listed below:

- ASTM A–53;
- ASTM A–106;
- ASTM A–179 (ASME SA 179);
- ASTM A–192 (ASME SA 192);
- ASTM A–209 (ASME SA 209);
- ASTM A–210 (ASME SA 210);
- ASTM A–213 (ASME SA 213);
- ASTM A–334 (ASME SA 334);
- ASTM A–423 (ASME SA 423);
- ASTM A–498;
- ASTM A–496 (ASME SA 496);
- ASTM A–199;
- ASTM A–500;
- ASTM A–556;
- ASTM A–565;
- API 5L; and
- API 5CT

except that any cold-drawn tubing product certified to one of the above excluded specifications will not be excluded from the scope if it is also dual- or multiple-certified to any other specification that otherwise would fall within the scope of these orders.

The products subject to these orders are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.31.3000, 7304.31.6050, 7304.51.1000, 7304.51.5005, 7304.51.5060, 7306.30.5015, 7306.30.5020, 7306.50.5030. Subject merchandise may also enter under numbers 7306.30.1000 and 7306.50.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of these orders are dispositive.

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respect to those countries include only a column for the weighted-average margin determined in those investigations.

[33] In the *China Prelim,* Commerce found that Zhangjiagang Huacheng Import & Export Co., Ltd., Jiangsu Huacheng Industry Pipe Making Corporation, and Zhangjiagang Salem Fine Tubing Co., Ltd. are a single entity and, because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this order; *see China Final.*

[34] Commerce notes that Hongyi Steel Pipe Co., Ltd. is a part of the China-wide entity.

[35] In the *Germany Prelim,* Commerce found that BENTELER Steel/Tube GmbH and BENTELER Distribution International GmbH are a single entity and, because there were no changes to the facts which supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this order; *see Germany Final.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG230

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands; Exempted Fishing Permit

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

ACTION: Notice of receipt of an application for an exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Puerto Rico's Department of Natural and Environmental Resources (DNER). If granted, the EFP would authorize persons aboard DNER research vessels and commercial fishing vessels contracted through DNER to collect selected reef fish species in waters of the U.S. Caribbean exclusive economic

zone (EEZ) off Puerto Rico without complying with certain seasonal and gear closures, and size and bag limits. Reef fish would be harvested by hook-and-line and bottom longline gear and monitored by underwater camera gear. The operations would take place in the U.S. Caribbean EEZ off both the west and east coasts of Puerto Rico. All reef fish, including undersized and seasonally prohibited reef fish species, would be retained, except for goliath grouper, Nassau grouper, and all species of parrotfish. The purpose of the EFP is to determine spatial and temporal variations in stock abundance of Caribbean reef fish resources off Puerto Rico.

DATES: Comments must be received no later than June 26, 2018.

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

- *Email: Sarah.Stephenson@noaa.gov.* Include in the subject line of the email comment the following document identifier: ''PR DNER_EFP 2018''.
- *Mail:* Sarah Stephenson, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

The EFP application and related documents are available for review upon written request to any of the above addresses.

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, 727–824–5305; email: *Sarah.Stephenson@noaa.gov.*

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The proposed collection for scientific research involves activities that would otherwise be prohibited by regulations at 50 CFR part 622, as they pertain to Caribbean reef fish managed by the Caribbean Fishery Management Council. This action involves activities covered by regulations implementing the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands. If granted, the EFP would exempt this research activity from certain Federal regulations at § 622.435 (Seasonal and area closures), § 622.436 (Size limits), and § 622.437 (Bag limits). The EFP would be effective from the date of issuance through March 31, 2021.

The applicant requests authorization to collect reef fish species in the U.S. Caribbean EEZ off the east and west coasts of Puerto Rico. Specimens would be collected by persons aboard DNER research vessels and commercial fishing vessels contracted through the DNER, including DNER staff and commercial fishermen. Each vessel's home port is located in Puerto Rico. This permit would exempt project participants, including DNER staff, that do not have a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands from regulations limiting the number of reef fish collected per person per day, or per vessel per day (50 CFR 622.437(b)). The EFP would also exempt the applicant from certain seasonal and area closure regulations at 50 CFR 622.435 and size limits regulations at 50 CFR 622.436, as identified and described below.

The project would continue the collection of information on reef fish abundance and distribution in waters off eastern and western Puerto Rico as part of the ongoing Southeast Area Monitoring and Assessment Program—Caribbean Reef Fish Monitoring Project. Research in EEZ waters of the U.S. Caribbean would consist of harvesting reef fish at approximately 20 stations in the EEZ off the west coast of Puerto Rico, west of 67°00′00″ W long., and at approximately 10 stations in the EEZ off the east coast of Puerto Rico, from the Fajardo coast east to Culebra Island and Vieques Island. The stations will be randomly located at three depth strata: 0–10, 11–20, and 21–50 fathoms. Stations and sampling dates would be randomly selected each year over the duration of the EFP but may be subject to change according to weather and sampling logistics. All fishing activities would occur between the hours of 5:30 a.m. and 5:30 p.m., local time.

Sampling would be conducted by (1) bottom longline fishing, (2) hook-and-line fishing, and (3) underwater camera deployment to identify and quantify reef fish species. Sampling at each site would consist of one longline, three hook-and-line, and one camera deployment in tandem. Species expected to be caught and landed during the proposed activities include all federally managed reef fish in the U.S. Caribbean EEZ. All reef fish, including undersized and seasonally prohibited species, would be retained except for goliath grouper, Nassau grouper, and all species of parrotfish.

The EFP would allow the following amounts of seasonally prohibited reef fish to be harvested each year for the duration of the EFP: A total of 100 lb (45 kg) of any combination of red, black, tiger, yellowfin, and yellowedge groupers during the February 1 through April 30 seasonal closure (50 CFR 622.435(a)(1)(i)); a total of 240 lb (108 kg) of red hind grouper during the December 1 through the last day of February seasonal closure (50 CFR 622.435(a)(1)(ii)); a total of 100 lb (45 kg) of any combination of vermilion, black, silk, and blackfin snappers during the October 1 through December 31 seasonal closure (50 CFR 622.435(a)(1)(iii)); and a total of 600 lb (272 kg) of any combination of lane and mutton snappers during the April 1 through June 30 seasonal closure (50 CFR 622.435(a)(1)(iv)). In addition, the EFP would allow for the annual harvest of a total of 500 lb (227 kg) of yellowtail snapper, including harvest of individuals that are smaller than the Federal minimum size limit of 12 inches (30.5 cm), total length (50 CFR 622.436(a)), for the duration of the EFP. Each year, when the number of fish authorized by the permit is collected, activities allowed under the permit must stop. Collection may begin again the following year.

This permit would authorize fishing activities during the December 1 through February 28 seasonal closure in the Tourmaline and Abrir La Sierra Bank red hind spawning aggregation areas (50 CFR 622.435(a)(2)(ii)(B)(2) and (3)), located west of Puerto Rico. The permit would also exempt the applicant from the year-round prohibition against using bottom longlines in Tourmaline and Abrir La Sierra Bank areas (50 CFR 622.435(b)(2)).

At each station, one 300-foot (91.4-m) bottom longline would be deployed, with anchor and surface buoys attached at each end to allow for gear retrieval and identification. Circle hooks would be attached to the longline every 72 inches (183 cm), for a total of 50 hooks, and the gear would soak for 30 minutes, after which it would be retrieved and any reef fish would be collected, except for parrotfish and Nassau and goliath groupers, which would be immediately returned to the water. The bottom longline would be set to minimize any impacts to bottom habitat by avoiding coral reefs and by fastening small buoys at intervals between hooks to ensure the line remains suspended above the bottom to avoid entanglement. For each bottom longline set, the following data would be recorded: Date; time of first and last hook deployment and recovery; station code and latitude and longitude; fishing time to the nearest minute; weather conditions; depth; total number of hooked fish per vessel; number, weight, length, reproductive condition, and species level identification of fish per hook; and substrate and/or habitat type. Visual inspection of reef fish gonads would occur when the samples are processed and they would then be

preserved for subsequent histological analysis.

The hook-and-line sampling would take place for 30 minutes at the same randomly-selected, stratified stations as the bottom longline, while anchored. At each station, hook-and-line gear would be fished using three lines, with each line having two circular hooks baited with squid. For each fishing trip, fishers will randomly space their hooks on the line and will retain all reef fish collected, except for parrotfish and Nassau and goliath groupers, which would be immediately returned to the water. For each hook-and-line set, the following data would be recorded: Date; time of EFP vessel trips (*i.e.,* time of departure and return to dock); station location (latitude and longitude); fishing time to the nearest 10 minutes; weather conditions; depth; total number of hooked fish per vessel; number, weight, length, reproductive condition, and identification of reef fish per hook-and-line; and stratified habitat type or substrate type. Each fish will be identified by hook-and-line position and by fisher. If the habitat or substrate type is unknown, it will be characterized whenever possible using drop cameras.

Also at each station, a camera array would be deployed near the bottom longline for 30 minutes. The use of high-resolution digital video allows for accurate and precise reef fish species identification, counts, and size measurements.

NMFS finds this application warrants further consideration based on a preliminary review. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to, a prohibition on conducting research within marine protected areas, marine sanctuaries, or special management zones, without additional authorization, and requiring compliance with best practices in the event of interactions with any protected species. NMFS may also require DNER complete and submit periodic catch report forms summarizing the amount of reef fish species harvested during the seasonal closures and within the exempted closed areas, as well as during the period of effectiveness of any issued EFP. Additionally, NMFS would require any sea turtles taken incidentally during the course of fishing or scientific research activities to be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water.

A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the affected state(s), the Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws.

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

Dated: June 5, 2018.

Jennifer M. Wallace,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG108

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Unexploded Ordnance Investigation Survey off the Coast of Virginia

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received a request from Virginia Electric and Power Company d/b/a Dominion Energy Virginia (Dominion) for authorization to take marine mammals incidental to unexploded ordnance (UXO) investigation surveys off the coast of Virginia as part of site characterization surveys in the area of the Research Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0497) (Lease Area) and coastal waters where a cable route corridor will be established. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than July 11, 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.Youngkin@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 *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable* 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: Dale Youngkin, 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 by visiting the internet at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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, or 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

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review. We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On March 7, 2018, NMFS received a request from Dominion for an IHA to take marine mammals incidental to high resolution geophysical (HRG) surveys off the coast of Virginia. The purpose of these surveys are to acquire data regarding the potential presence of UXO within the proposed construction and operational footprints of the Coastal Virginia Offshore Wind (CVOW) Project Area in the Lease Area and export cable route construction corridor (Survey Area). A revised application was received on April 26, 2018. NMFS deemed that request to be adequate and complete. Dominion's request is for take of nine marine mammal species by Level B harassment. Neither Dominion nor NMFS expects injury, serious injury or mortality to result from this activity and the activity is expected to last no more than one year, therefore, an IHA is appropriate.

Description of the Proposed Activity

Overview

Dominion proposes to conduct marine site characterization surveys including HRG surveys to search for UXO in the marine environment of the approximately 2,135-acre Lease Area located offshore of Virginia (see Figure 1–1 in the IHA application). Additionally, an export cable route will be established between the Lease Area and Virginia Beach, identified as the Export Cable Route Area (see Figure 1 in the IHA application). See the IHA application for further information. The survey area consists of two 1-kilometer (km) X 1-km turbine position locations, a 2 km by 300 meter (m) Inter-array cable route connecting the two turbine position locations, and a 43-km X 300 m Export Corridor Route. For the purpose of this IHA, the survey area is designated as the Lease Area and cable route corridors. Water depths across the Lease Area are estimated to range from approximately 8 to 40 m (26 to 131 feet (ft)) while the cable route corridors will extend to shallow water areas near landfall locations. Surveys would begin no earlier than August 1, 2018 and are anticipated to last for up to three months.

The purpose of the marine site characterization surveys are to acquire data regarding the potential presence of UXO within the proposed construction and operational footprints of the CVOW Project Area (*i.e.,* export cable construction corridor, inter-array cable area, and wind turbine positions) in accordance with the Bureau of Ocean Energy Management (BOEM) guidelines for archaeology surveys as well as geophysical activities. No removal of ordnance would be conducted as a part of the activities. Underwater sound resulting from Dominion's proposed HRG surveys for UXO have the potential to result in incidental take of marine mammals in the form of harassment.

Dates and Duration

Surveys will last for approximately three months and are anticipated to commence no earlier than August 1, 2018. This schedule is based on 24-hour operations and includes potential down time due to inclement weather. Based on 24-hour operations, the estimated duration of the HRG survey activities would be approximately 60 days for the export cable route corridor and approximately 15 days each for the inter-array cable route and wind turbine positions.

Specific Geographic Region

Dominion's survey activities will occur in the approximately 2,135-acre Research Lease Area located off the coast of Virginia (see Figure 1 in the IHA application). Additionally, a cable route corridor would be surveyed between the Lease Area and the coast of Virginia. The cable route corridor to be surveyed is anticipated to be 300 m wide and 43 km long. The wind turbine positions to be surveyed are 2 approximately 1 km X 1 km square areas connected by an inter-array cable route that is 300 m wide and 2 km in length.

Detailed Description of the Specified Activities

Dominion's proposed marine site characterization surveys include HRG survey activities. These activities are described below.

HRG Survey Activities

The HRG survey activities proposed by Dominion would include the following:

- Depth sounding (multibeam echosounder) to determine water depths and general bottom topography (currently estimated to range from approximately 8 to 40 m (26 to 131 ft) in depth);
- Magnetic intensity measurements for detecting local variations in regional magnetic field from geological strata and potential ferrous objects on and below the bottom;
- Seafloor imaging (sidescan sonar survey) for seabed sediment classification purposes, to identify acoustic targets resting on the bottom or that are partially buried;
- Shallow penetration sub-bottom profiler (pinger/chirp) to map the near surface stratigraphy (top 0 to 5 m (0 to 16 ft) of soils below seabed); and
- Medium penetration sub-bottom profiler (sparker) to map deeper subsurface stratigraphy as needed (soils down to 20 m (66 ft) below seabed).

Table 1 identifies the representative survey equipment that may be used in support of planned HRG survey activities. The make and model of the listed HRG equipment will vary depending on availability but will be finalized as part of the survey

preparations and contract negotiations with the survey contractor. The final selection of the survey equipment will be confirmed prior to the start of the HRG survey program. Any survey equipment selected would have characteristics similar to the systems described below, if different.

TABLE 1—SUMMARY OF HRG SURVEY EQUIPMENT PROPOSED FOR USE BY DOMINION

HRG system	Representative HRG survey equipment	Operating frequencies	RMS source level [1]	Peak source level [1]	Beamwidth (degree)	Pulse duration (millisec)
Subsea Positioning/USBL	Sonardyne Ranger 2 USBL	35–50kHz	188 dB_{rms}	200 dB_{Peak}	180	1.
Sidescan Sonar	Klein 300H Sidescan Sonar	445/900 kHz*	242 dBrms	226 dB_{Peak}	0.2	0.0025 to 0.4.
Pinger/Chirper	GeoPulse Sub-Bottom Profiler	1.5–19 kHz	208 dBrms	223.5 dB_{Peak}	55	0.1 to 1.
Sparker	Geo-Source 600/800	50 Hz–5 kHz	221/217 dB_{rms}	222/223 dB_{Peak}	110	0.8.
Multibeam Sonar	SeaBat 7125	200/400 kHz*	221 dB_{rms}	220 dB_{Peak}	2	2 to 6.
Medium Sub-Bottom Profiler	Innomar 100	85–115 kHz	243 dB_{rms}	250 dB_{Peak}	1	0.07 to 2.

[1] Source levels reported by manufacturer.
*Operating frequencies are above all relevant marine mammal hearing thresholds, so are not assessed in this IHA.

The HRG survey activities would be supported by up to two vessels. Assuming a maximum survey track line to fully cover the survey area, the assigned vessels will be sufficient in size to accomplish the survey goals in specific survey areas and will be capable of maintaining both the required course and survey speed of approximately 4.0 nautical miles per hour (mph) (knot (kn)) while transiting survey lines.

To minimize cost, the duration of survey activities, and the period of potential impact on marine species while surveying, Dominion has proposed that HRG survey operations would be conducted continuously 24 hours per day. Based on 24-hour operations, the estimated duration of the HRG survey activities would be approximately three months (including estimated weather down time) including 60 survey days in the export cable route and 15 survey days each in the inter-array cable route corridor and wind turbine positions.

The deployment of HRG survey equipment, including the equipment planned for use during Dominion's planned activity, produces sound in the marine environment that has the potential to result in harassment of marine mammals. Based on the frequency ranges and source levels of the potential equipment planned to be used in support of HRG survey activities (Table 1) the survey activities that have the potential to cause Level B harassment to marine mammals include the noise produced by the 800 kilojoule (kJ) Geo-Source sparker, the GeoPulse sub-bottom profiler (pinger), and the Innomar Medium 100 sub-bottom profiler. We note here that the operating frequencies for all but the Innomar Medium 100 sub-bottom profiler are in the best hearing range for all marine mammal species that may potentially occur in the project area. However, the Innomar Medium 100 sub-bottom profiler operating frequencies are outside of the best hearing range for low-frequency (LF) cetacean species (refer to *Marine Mammal* subsection below for more detail on marine mammal hearing groups). Level A harassment may occur at distances from the Innomar 100 sub-bottom profiler solely for high-frequency (HF) cetaceans (harbor porpoise), though it is very unlikely to occur due to the one degree beam width. For the LF and mid-frequency (MF) cetaceans, Level A harassment could only potentially occur so close to the HRG source such that Level A harassment is not anticipated, especially in consideration of the hearing ranges for LF cetaceans and with implementation of monitoring and mitigation measures (described in more detail in the ''Estimated Take'' and ''Proposed Mitigation'' sections below). 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 Activity

Sections 3 and 4 of Dominion's IHA application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected marine mammal species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*www.fisheries.noaa.gov/species-directory*).

Table 2 lists all species with expected potential for occurrence in the survey area and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2017). 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 is 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 some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. 2017 draft SARs (*e.g.,* Hayes *et al.,* 2018). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2017 draft SARs (Hayes *et al.,* 2018).

TABLE 2—MARINE MAMMALS WITH POTENTIAL OCCURRENCE IN THE SURVEY AREA

Common name	Stock	NMFS MMPA and ESA status; strategic (Y/N) [1]	Stock abundance (CV,N_{min}) [2]	PBR [3]	Occurrence and seasonality in the NW Atlantic OCS
Toothed whales (Odontoceti)					
Atlantic white-sided dolphin (*Lagenorhynchus acutus*).	W North Atlantic	-; N	48,819 (0.61; 30,403)	304	rare.
Atlantic spotted dolphin (*Stenella frontalis*)	W North Atlantic	-; N	44,715 (0.43; 31,610)	316	rare.
Bottlenose dolphin (*Tursiops truncatus*)	W North Atlantic, Southern Migratory Coastal.	-; Y	3,751 (0.60; 2,353)	23	Common year round.
Clymene dolphin (*Stenella clymene*)	W North Atlantic	-; N	Unknown (unk; unk; n/a)	Undet	rare.
Pantropical Spotted dolphin (*Stenella attenuata*).	W North Atlantic	-; N	3,333 (0.91; 1,733)	17	rare.
Risso's dolphin (*Grampus griseus*)	W North Atlantic	-; N	18,250 (0.46; 12,619)	126	rare.
Common dolphin (*Delphinus delphis*)	W North Atlantic	-; N	70,184 (0.28; 55,690)	557	Common year round.
Striped dolphin (*Stenella coeruleoalba*)	W North Atlantic	-; N	54,807 (0.3; 42,804)	428	rare.
Spinner Dolphin (*Stenella longirostris*)	W North Atlantic	-; N	Unknown (unk; unk; n/a)	Undet	rare.
Harbor porpoise (*Phocoena phocoena*)	Gulf of Maine/Bay of Fundy.	-; N	79,833 (0.32; 61,415)	706	Common year round.
Killer whale (*Orcinus orca*)	W North Atlantic	-; N	Unknown (unk; unk; n/a)	Undet	rare.
False killer whale (*Pseudorca crassidens*)	W North Atlantic	-; Y	442 (1.06; 212)	2.1	rare.
Long-finned pilot whale (*Globicephala melas*).	W North Atlantic	-; Y	5,636 (0.63; 3,464)	35	rare.
Short-finned pilot whale (*Globicephala macrorhynchus*).	W North Atlantic	-; Y	21,515 (0.37; 15,913)	159	rare.
Sperm whale (*Physeter macrocephalus*)	North Atlantic	E; Y	2,288 (0.28; 1,815)	3.6	Year round in continental shelf and slope waters, occur seasonally to forage.
Pygmy sperm whale [4] (*Kogia breviceps*)	W North Atlantic	-; N	3,785 (0.47; 2,598)	26	rare.
Dwarf sperm whale [4] (*Kogia sima*)	W North Atlantic	-; N	3,785 (0.47; 2,598)	26	rare.
Cuvier's beaked whale (*Ziphius cavirostris*)	W North Atlantic	-; N	6,532 (0.32; 5,021)	50	rare.
Blainville's beaked whale [5] (*Mesoplodon densirostris*).	W North Atlantic	-; N	7,092 (0.54; 4,632)	46	rare.
Gervais' beaked whale [5] (*Mesoplodon europaeus*).	W North Atlantic	-; N	7,092 (0.54; 4,632)	46	rare.
True's beaked whale [5] (*Mesoplodon mirus*)	W North Atlantic	-; N	7,092 (0.54; 4,632)	46	rare.
Sowerby's Beaked Whale [5] (*Mesoplodon bidens*).	W North Atlantic	-; N	7,092 (0.54; 4,632)	46	rare.
Melon-headed whale (*Peponocephala electra*).	W North Atlantic	-; N	Unknown (unk; unk; n/a)	Undet	rare.
Baleen whales (Mysticeti)					
Minke whale (*Balaenoptera acutorostrata*)	Canadian East Coast	-; N	2,591 (0.81; 1,425)	14	Year round in continental shelf and slope waters, occur seasonally to forage.
Blue whale (*Balaenoptera musculus*)	W North Atlantic	E; Y	Unknown (unk; 440)	0.9	Year round in continental shelf and slope waters, occur seasonally to forage.
Fin whale (*Balaenoptera physalus*)	W North Atlantic	E; Y	1,618 (0.33; 1,234)	2.5	Year round in continental shelf and slope waters, occur seasonally to forage.
Humpback whale (*Megaptera novaeangliae*)	Gulf of Maine	-; Y	335 (0.42; 239)	3.7	Common year round.
North Atlantic right whale (*Eubalaena glacialis*).	W North Atlantic	E; Y	458 (0; 455)	1.4	Year round in continental shelf and slope waters, occur seasonally to forage.
Sei whale (*Balaenoptera borealis*)	Nova Scotia	E; Y	357 (0.52; 236)	0.5	Year round in continental shelf and slope waters, occur seasonally to forage.
Earless seals (Phocidae)					
Gray seal [6] (*Halichoerus grypus*)	W North Atlantic	-; N	27,131 (0.10; 25,908)	1,554	Unlikely.
Harbor seal (*Phoca vitulina*)	W North Atlantic	-; N	75,834 (0.15; 66,884)	2,006	Common year round.
Hooded seal (*Cystophora cristata*)	W North Atlantic	-; N	Unknown (unk; unk)	Undet	rare.
Harp seal (*Phoca groenlandica*)	North Atlantic	-; N	Unknown (unk; unk)	Undet	rare.

[1] 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 (see footnote 3) 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] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks, abundance estimates are actual counts of animals and there is no associated CV. The most recent abundance survey that is reflected in the abundance estimate is presented; there may be more recent surveys that have not yet been incorporated into the estimate. All values presented here are from the 2017 Draft Atlantic SARs.

[3] Potential biological removal, 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 size (OSP).

[4] Abundance estimate includes both dwarf and pygmy sperm whales.

[5] Abundance estimate includes all species of *Mesoplodon* in the Atlantic.

[6] Abundance estimate applies to U.S. population only, actual abundance, including those occurring in Canada, is estimated at 505,000.

All species that could potentially occur in the proposed survey areas are included in Table 2. However, the temporal and/or spatial occurrence for all but 11 of the species listed in Table 2 is such that take of these species is not expected to occur, and they are not discussed further beyond the explanation provided here. Take of these species is not anticipated either because they have very low densities in the project area, are known to occur

further offshore or further north than the project area, or are considered very unlikely to occur in the project area during the proposed survey due to the species' seasonal occurrence in the area. The 11 species/stocks evaluated for incidental take include: North Atlantic right whale; humpback whale; fin whale; minke whale; Atlantic white-sided dolphin; common dolphin; bottlenose dolphin; Atlantic spotted dolphin; long-finned pilot whale; short-finned pilot whale; and harbor porpoise.

Five marine mammal species listed in Table 2 are listed under the ESA and are known to be present, at least seasonally, in waters of the mid-Atlantic (sperm whale, north Atlantic right whale, fin whale, blue whale, and sei whale). All of these species are highly migratory and do not spend extended periods of time in the localized survey area. The offshore waters of Virginia (including the survey area) are primarily used as a migration corridor for these species, particularly north Atlantic right whales, during seasonal movements north or south between feeding and breeding grounds (Knowlton *et al.,* 2002; Firestone *et al.,* 2008). While fin and north Atlantic right whales have the potential to occur within the survey area, sperm, blue, and sei whales are more pelagic and/or northern species and their presence within the survey area is unlikely (Waring *et al.,* 2007; 2010; 2012; 2013) and these species are therefore not considered further in this analysis. In addition, while stranding data exists for harbor and gray seals along the mid-Atlantic coast south of New Jersey, their preference for colder, northern waters during the survey period makes their presence in the survey area unlikely. Winter haulout sites for harbor seals have been identified within the Chesapeake Bay region. However, the seals are not present during the summer and fall months when the survey activities are planned (Waring *et al.,* 2016). In addition, coastal Virginia represents the southern extent of the habitat range for gray seals, with few stranding records reported and sightings only occur during winter months as far south as New Jersey (Waring *et al.,* 2016). Therefore pinniped species will not be discussed further in this analysis.

Below is a description of the species that are both common in the survey area and that have the highest likelihood of occurring, at least seasonally, in the survey area and are thus have potential to be taken by the proposed activities.

North Atlantic Right Whale

The North Atlantic right whale ranges from the calving grounds in the southeastern United States to feeding grounds in New England waters and into Canadian waters (Waring *et al.,* 2016). Surveys have demonstrated the existence of seven areas where North Atlantic right whales congregate seasonally, including Georges Bank, Cape Cod, and Massachusetts Bay (Waring *et al.,* 2016). In the late fall months (*e.g.* October), right whales generally disappear from the feeding grounds in the North Atlantic and move south to their breeding grounds. The proposed survey area is within the North Atlantic right whale migratory corridor. During the proposed survey (*i.e.,* March through August) right whales may be migrating through the proposed survey area and the surrounding waters.

The western North Atlantic population demonstrated overall growth of 2.8 percent per year between 1990 to 2010, despite a decline in 1993 and no growth between 1997 and 2000 (Pace *et al.,* 2017). However, since 2010 the population has been in decline, with a 99.99 percent probability of a decline of just under 1 percent per year (Pace *et al.,* 2017). Between 1990 and 2015, calving rates varied substantially, with low calving rates coinciding with all three periods of decline or no growth (Pace *et al.,* 2017). On average, North Atlantic right whale calving rates are estimated to be roughly half that of southern right whales (*Eubalaena australis*) (Pace *et al.* 2017), which are increasing in abundance (NMFS 2015).

The current abundance estimate for this stock is 458 individuals (Hayes *et al.,* 2018). Data indicates that the number of adult females fell from 200 in 2010 to 186 in 2015 while males fell from 283 to 272 in the same timeframe (Pace *et al.,* 2017). In addition, elevated North Atlantic right whale mortalities have occurred since June 7, 2017. A total of 18 confirmed dead stranded whales (12 in Canada; 6 in the United States), with an additional 5 live whale entanglements in Canada, have been documented to date. This event has been declared an Unusual Mortality Event (UME). More information is available online at: *http://www.nmfs.noaa.gov/pr/health/mmume/2017northatlanticrightwhaleume.html.*

The lease area is part of a biologically important migratory area for North Atlantic right whales; this important migratory area is comprised of the waters of the continental shelf offshore the east coast of the United States and extends from Florida through Massachusetts. Given the limited spatial extent of the proposed survey and the large spatial extent of the migratory area, we do not expect North Atlantic right whale migration to be negatively impacted by the proposed survey. There is no designated critical habitat for any ESA-listed marine mammals in the proposed survey area. NMFS' regulations at 50 CFR 224.105 designated the nearshore waters of the Mid-Atlantic Bight as the Mid-Atlantic U.S. Seasonal Management Area (SMA) for right whales in 2008. Mandatory vessel speed restrictions (less than 10 kn) are in place in that SMA from November 1 through April 30 to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds.

Humpback Whale

Humpback whales are found worldwide in all oceans. The humpback whale population within the North Atlantic has been estimated to include approximately 11,570 individuals (Waring *et al.,* 2016). Humpbacks occur off southern New England in all four seasons, with peak abundance in spring and summer. In winter, humpback whales from waters off New England, Canada, Greenland, Iceland, and Norway migrate to mate and calve primarily in the West Indies (including the Antilles, the Dominican Republic, the Virgin Islands and Puerto Rico), where spatial and genetic mixing among these groups occurs (Waring *et al.,* 2015). While migrating, humpback whales utilize the mid-Atlantic as a migration pathway between calving/mating grounds to the south and feeding grounds in the north (Waring *et al.* 2007).

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through North Carolina. This event has been declared a UME. Partial or full necropsy examinations have been conducted on approximately half of the 68 known cases. A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is not consistent across all of the whales examined so more research is needed. NOAA is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. Three previous UMEs involving humpback whales have occurred since 2000, in 2003, 2005, and 2006. More information is available at *www.nmfs.noaa.gov/pr/health/mmume/2017humpbackatlanticume.html.*

Fin Whale

Fin whales are common in waters of the U.S. Atlantic Exclusive Economic Zone (EEZ), principally from Cape Hatteras northward (Waring *et al.,* 2016). Fin whales are present north of 35-degree latitude in every season and are broadly distributed throughout the western North Atlantic for most of the year (Waring *et al.,* 2016). Fin whales are found in small groups of up to 5 individuals (Brueggeman *et al.,* 1987). The current abundance estimate for the western North Atlantic stock of fin whales is 1,618 individuals (Hayes *et al.,* 2017).

Minke Whale

Minke whales can be found in temperate, tropical, and high-latitude waters. The Canadian East Coast stock can be found in the area from the western half of the Davis Strait (45° W) to the Gulf of Mexico (Waring *et al.,* 2016). This species generally occupies waters less than 100 m deep on the continental shelf. There appears to be a strong seasonal component to minke whale distribution in which spring to fall are times of relatively widespread and common occurrence, and when the whales are most abundant in New England waters, while during winter the species appears to be largely absent (Waring *et al.,* 2016).

Atlantic White-Sided Dolphin

White-sided dolphins are found in temperate and sub-polar waters of the North Atlantic, primarily in continental shelf waters to the 100-m depth contour from central West Greenland to North Carolina (Waring *et al.,* 2016). There are three stock units: Gulf of Maine, Gulf of St. Lawrence, and Labrador Sea stocks (Palka *et al.,* 1997). The Gulf of Maine population of white-sided dolphins is most common in continental shelf waters from Hudson Canyon (approximately 39° N) to Georges Bank, and in the Gulf of Maine and lower Bay of Fundy. Sighting data indicate seasonal shifts in distribution (Northridge *et al.,* 1997). During January to May, low numbers of white-sided dolphins are found from Georges Bank to Jeffreys Ledge (off New Hampshire), with even lower numbers south of Georges Bank, as documented by a few strandings collected on beaches of Virginia to South Carolina. From June through September, large numbers of white-sided dolphins are found from Georges Bank to the lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern Gulf of Maine (Payne and Heinemann 1990). Sightings south of Georges Bank, particularly around Hudson Canyon, occur year round but at low densities. The current abundance estimate for this stock is 48,819 (Hayes *et al.,* 2017). The main threat to this species is interactions with fisheries.

Common Dolphin

The common dolphin is found worldwide in temperate to subtropical seas. In the North Atlantic, short-beaked common dolphins are commonly found over the continental shelf between the 100-m and 2000-m isobaths and over prominent underwater topography and east to the mid-Atlantic Ridge (Waring *et al.,* 2016). Only the western North Atlantic stock may be present in the Lease Area. The current abundance estimate for this stock is 70,184 animals (Hayes *et al.,* 2017). The main threat to this species is interactions with fisheries.

Bottlenose Dolphin

Bottlenose dolphins occur in oceans and peripheral seas at both tropical and temperate latitudes. The population of bottlenose dolphins in the North Atlantic consists of a complex mosaic of stocks (Waring *et al.,* 2016). There are two distinct morphotypes: Migratory coastal and offshore. The migratory coastal morphotype resides in waters typically less than 20 m (65.6 ft) deep, along the inner continental shelf, around islands, and is continuously distributed south of Long Island, NY into the Gulf of Mexico. This migratory coastal population is subdivided into seven stocks based largely upon spatial distribution (Waring *et al.,* 2016). Of these seven coastal stocks, the Western North Atlantic migratory coastal stock is common in the coastal continental shelf water off the North Carolina/Virginia border Waring *et al.,* 2016). There are northern and southern Western North Atlantic migratory coastal stocks, and we would anticipate the southern stock to be present in the survey area. These animals move into or reside in bays, estuaries, lower reaches of rivers, and coastal waters within the approximately 25 m depth isobath north of Cape Hatteras (Reeves *et al.,* 2002; Waring *et al.,* 2016). During winter, bottlenose dolphins are rarely observed north of the North Carolina/Virginia border (Waring *et al.,* 2016).

Generally, the offshore migratory morphotype is found exclusively seaward of 34 km (21 miles) and in waters deeper than 34 m (111.5 ft). The offshore population extends along the entire continental shelf break from Georges Bank to Florida during the spring and summer months, and has been observed in the Gulf of Maine during the late summer and fall. However, the range of the offshore morphotype south of Cape Hatteras has recently been found to overlap with that of the migratory coastal morphotype in water depths of 13 m (42.7 ft) (Waring *et al.,* 2016; Hayes *et al.,* 2017). The main threat to this species is human interaction due to interactions with commercial fisheries (Waring *et al.,* 2016). They have also been adversely affected by pollution, habitat alteration, boat collisions, human disturbance, and are subject to bioaccumulation of toxins.

Atlantic Spotted Dolphin

There are two species of spotted dolphin in the Atlantic Ocean, the Atlantic spotted dolphin, and the pantropical spotted dolphin (Perrin 1987). Where they co-occur, the two species can be difficult to differentiate. In addition, two forms of the Atlantic spotted dolphin exist with one that is large and heavily spotted and the other smaller in size with less spots (Waring *et al.,* 2016). The larger form is associated with continental shelf habitat while the smaller form is more pelagic, preferring offshore waters and waters around oceanic islands (Perrin, 2009; 1994). The Atlantic spotted dolphin prefers tropical to warm temperate waters along the continental shelf 10 to 200 m (33 to 650 ft) deep to slope waters greater than 500 m (1,640 ft).

Risso's Dolphin

Risso's dolphin is typically an offshore dolphin that is uncommon to see inshore (Reeves *et al.,* 2002). Risso's dolphin prefers temperate to tropical waters along the continental shelf edge and can range from Cape Hatteras to Georges Bank from spring through fall, and throughout the mid-Atlantic Bight out to oceanic waters during winter (Payne *et al.,* 1984). Risso's dolphins are usually seen in groups of 12 to 40, but loose aggregations of 100 to 200 or more are seen occasionally (Reeves *et al.,* 2002).

Long-Finned and Short-Finned Pilot Whales

The two species of pilot whales in the western Atlantic are difficult to differentiate. Therefore, both species are presented together, since much of the data is generalized for these species. Both species are generally found along the edge of the continental shelf at depths of 100 to 1,000 m (330 to 3,300 ft) in areas of high reliefs or submerged banks. In the western North Atlantic, long-finned pilot whales are pelagic, occurring in especially high densities in

winter and spring over the continental slope, then moving inshore and onto the shelf in summer and fall following squid and mackerel populations (Reeves *et al.,* 2002). Short-finned pilot whales prefer tropical, subtropical and warm temperate waters (Olsen, 2009). The short-finned pilot whale ranges from New Jersey south through Florida, the northern Gulf of Mexico, and the Caribbean (Warring *et al.,* 2011). Populations for both of these species overlap between North Carolina and New Jersey (Waring *et al.,* 2012; 2011)

Harbor Porpoise

In the Lease Area, only the Gulf of Maine/Bay of Fundy stock may be present. This stock is found in U.S. and Canadian Atlantic waters and is concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Waring *et al.,* 2016). They are seen from the coastline to deep waters (>1,800 m; Westgate *et al.* 1998), although the majority of the population is found over the continental shelf (Waring *et al.,* 2016). Average group size for this stock in the Bay of Fundy is approximately four individuals (Palka 2007). The current abundance estimate for this stock is 79,883 (Hayes *et al.,* 2017). The main threat to this species is interactions with fisheries, with documented take in the U.S. northeast sink gillnet, mid-Atlantic gillnet, and northeast bottom trawl fisheries and in the Canadian herring weir fisheries (Waring *et al.,* 2016).

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 decibels (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;

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).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Eleven marine mammal species (all cetacean species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the species that may be present, four are classified as low-frequency cetaceans (*i.e.,* all mysticete species), six are classified as mid-frequency cetaceans (*i.e.,* all delphinid species), and one is classified as a high-frequency cetacean (*i.e.,* harbor porpoise).

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'' section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section considers the content of this section, the ''Estimated Take'' 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.

Background on Sound

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air or water, and is generally characterized by several variables. Frequency describes the sound's pitch and is measured in Hz or kHz, while sound level describes the sound's intensity and is measured in dB. Sound level increases or decreases exponentially with each dB of change. The logarithmic nature of the scale means that each 10-dB increase is a 10-fold increase in acoustic power (and a 20-dB increase is then a 100-fold increase in power). A 10-fold increase in acoustic power does not mean that the sound is perceived as being 10 times louder, however. Sound levels are compared to a reference sound pressure (micro Pascal) to identify the medium. For air and water, these reference pressures are ''re: 20 micro Pascals (µPa)'' and ''re: 1 µPa,'' respectively. Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Rms is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick 1975). Rms accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels. This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units rather than by peak pressures.

When sound travels (propagates) from its source, its loudness decreases as the distance traveled by the sound increases. Thus, the loudness of a sound at its source is higher than the loudness of that same sound one km away. Acousticians often refer to the loudness of a sound at its source (typically referenced to one m from the source) as

the source level and the loudness of sound elsewhere as the received level (*i.e.,* typically the receiver). For example, a humpback whale 3 km from a device that has a source level of 230 dB may only be exposed to sound that is 160 dB loud, depending on how the sound travels through water (*e.g.,* spherical spreading (6 dB reduction with doubling of distance) was used in this example). As a result, it is important to understand the difference between source levels and received levels when discussing the loudness of sound in the ocean or its impacts on the marine environment.

As sound travels from a source, its propagation in water is influenced by various physical characteristics, including water temperature, depth, salinity, and surface and bottom properties that cause refraction, reflection, absorption, and scattering of sound waves. Oceans are not homogeneous and the contribution of each of these individual factors is extremely complex and interrelated. The physical characteristics that determine the sound's speed through the water will change with depth, season, geographic location, and with time of day (as a result, in actual active sonar operations, crews will measure oceanic conditions, such as sea water temperature and depth, to calibrate models that determine the path the sonar signal will take as it travels through the ocean and how strong the sound signal will be at a given range along a particular transmission path). As sound travels through the ocean, the intensity associated with the wavefront diminishes, or attenuates. This decrease in intensity is referred to as propagation loss, also commonly called transmission loss.

Acoustic Impacts

Geophysical (HRG) surveys may temporarily impact marine mammals in the area due to elevated in-water sound levels. Marine mammals are continually exposed to many sources of sound. Naturally occurring sounds such as lightning, rain, sub-sea earthquakes, and biological sounds (*e.g.,* snapping shrimp, whale songs) are widespread throughout the world's oceans. Marine mammals produce sounds in various contexts and use sound for various biological functions including, but not limited to: (1) Social interactions; (2) foraging; (3) orientation; and (4) predator detection. Interference with producing or receiving these sounds may result in adverse impacts. Audible distance, or received levels of sound depend on the nature of the sound source, ambient noise conditions, and the sensitivity of the receptor to the sound (Richardson *et al.,* 1995). Type and significance of marine mammal reactions to sound are likely dependent on a variety of factors including, but not limited to, (1) the behavioral state of the animal (*e.g.,* feeding, traveling, etc.); (2) frequency of the sound; (3) distance between the animal and the source; and (4) the level of the sound relative to ambient conditions (Southall *et al.,* 2007).

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range. For mid-frequency cetaceans, functional hearing estimates occur between approximately 150 Hz and 160 kHz with best hearing estimated to occur between approximately 10 to less than 100 kHz (Finneran *et al.,* 2005 and 2009, Natchtigall *et al.,* 2005 and 2008; Yuen *et al.,* 2005; Popov *et al.,* 2011; and Schlundt *et al.,* 2011).

Hearing Impairment

Marine mammals may experience temporary or permanent hearing impairment when exposed to loud sounds. Hearing impairment is classified by temporary threshold shift (TTS) and permanent threshold shift (PTS). PTS is considered auditory injury (Southall *et al.,* 2007) and occurs in a specific frequency range and amount. Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007). There are no empirical data for onset of PTS in any marine mammal; therefore, PTS-onset must be estimated from TTS-onset measurements and from the rate of TTS growth with increasing exposure levels above the level eliciting TTS-onset. PTS is presumed to be likely if the hearing threshold is reduced by ≥40 dB (that is, 40 dB of TTS).

Threshold Shift

Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran, 2015). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter, 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.,* tissue damage), whereas TTS represents primarily tissue fatigue and is reversible (Southall *et al.,* 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.,* Ward, 1997). Therefore, NMFS does not consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, and there is no PTS data for cetaceans, but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dB above (a 40-dB threshold shift approximates PTS onset; *e.g.,* Kryter *et al.,* 1966; Miller, 1974) that inducing mild TTS (a 6-dB threshold shift approximates TTS onset; *e.g.,* Southall *et al.,* 2007). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulse sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. Few data

on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals.

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. 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.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (Tursiops truncatus), beluga whale (Delphinapterus leucas), harbor porpoise, and Yangtze finless porpoise (Neophocoena asiaeorientalis)) and three species of pinnipeds (northern elephant seal, harbor seal, and California sea lion) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). TTS was not observed in trained spotted (Phoca largha) and ringed (Pusa hispida) seals exposed to impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.,* (2007), Finneran and Jenkins (2012), Finneran (2015), and NMFS (2016).

Animals in the survey area during the HRG surveys are unlikely to incur TTS hearing impairment due to the characteristics of the sound sources, which include fairly low source levels and generally very short pulses and duration of the sound. Even for high-frequency cetacean species (*e.g.,* harbor porpoises), which may have increased sensitivity to TTS (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b), individuals would have to make a very close approach and also remain very close to vessels operating these sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative sound exposure level (SEL) to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS) (Mooney *et al.,* 2009a; Finneran *et al.,* 2010). Moreover, most marine mammals would more likely avoid a loud sound source rather than swim in such close proximity as to result in TTS. Kremser *et al.,* (2005) noted that the probability of a cetacean swimming through the area of exposure when a sub-bottom profiler emits a pulse is small—because if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS and would likely exhibit avoidance behavior to the area near the transducer rather than swim through at such a close range. Further, the restricted beam shape of the sub-bottom profiler and other HRG survey equipment makes it unlikely that an animal would be exposed more than briefly during the passage of the vessel. Boebel *et al.,* (2005) concluded similarly for single and multibeam echosounders and, more recently, Lurton (2016) conducted a modeling exercise and concluded similarly that likely potential for acoustic injury from these types of systems is negligible but that behavioral response cannot be ruled out. Animals may avoid the area around the survey vessels, thereby reducing exposure. Any disturbance to marine mammals is likely to be in the form of temporary avoidance or alteration of opportunistic foraging behavior near the survey location. For similar reasons, and with implementation of mitigation measures, animals in the survey area during the HRG surveys are unlikely to incur PTS hearing impairment; however, a small number of PTS takes are evaluated for authorization as discussed in more detail in the Estimated Take section.

Masking

Masking is the obscuring of sounds of interest to an animal by other sounds, typically at similar frequencies. Marine mammals are highly dependent on sound, and their ability to recognize sound signals amid other sound is important in communication and detection of both predators and prey (Tyack 2000). Background ambient sound may interfere with or mask the ability of an animal to detect a sound signal even when that signal is above its absolute hearing threshold. Even in the absence of anthropogenic sound, the marine environment is often loud. Natural ambient sound includes contributions from wind, waves, precipitation, other animals, and (at frequencies above 30 kHz) thermal sound resulting from molecular agitation (Richardson *et al.,* 1995).

Background sound may also include anthropogenic sound, and masking of natural sounds can result when human activities produce high levels of background sound. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. Ambient sound is highly variable on continental shelves (Myrberg 1978; Desharnais *et al.,* 1999). This results in a high degree of variability in the range at which marine mammals can detect anthropogenic sounds.

Although masking is a phenomenon which may occur naturally, the introduction of loud anthropogenic sounds into the marine environment at frequencies important to marine mammals increases the severity and frequency of occurrence of masking. For example, if a baleen whale is exposed to continuous low-frequency sound from an industrial source, this would reduce the size of the area around that whale within which it can hear the calls of another whale. The components of background noise that are similar in frequency to the signal in question primarily determine the degree of masking of that signal. In general, little is known about the degree to which marine mammals rely upon detection of sounds from conspecifics, predators, prey, or other natural sources. In the absence of specific information about the importance of detecting these natural sounds, it is not possible to predict the impact of masking on marine mammals (Richardson *et al.,* 1995). In general, masking effects are expected to be less severe when sounds are transient than when they are continuous. Masking is typically of greater concern for those marine mammals that utilize low-frequency communications, such as baleen whales, because of how far low-frequency sounds propagate.

Marine mammal communications would not likely be masked appreciably by the proposed HRG equipment signals given the directionality of the signal and the brief period when an individual mammal is likely to be within its beam.

Non-Auditory Physical Effects (Stress)

Classic stress responses begin when an animal's central nervous system

perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg 2000; Seyle 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: Behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses.

In the case of many stressors, an animal's first and sometimes most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with ''stress.'' These responses have a relatively short duration and may or may not have significant long-term effect on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine systems; the system that has received the most study has been the hypothalamus-pituitary-adrenal system (also known as the HPA axis in mammals). Unlike stress responses associated with the autonomic nervous system, virtually all neuro-endocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg 1987; Rivier 1995), altered metabolism (Elasser *et al.,* 2000), reduced immune competence (Blecha 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic function, which impairs those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and its fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called ''distress'' (Seyle 1950) or ''allostatic loading'' (McEwen and Wingfield 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiments; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Information has also been collected on the physiological responses of marine mammals to exposure to anthropogenic sounds (Fair and Becker 2000; Romano *et al.,* 2002). For example, Rolland *et al.,* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales.

Studies of other marine animals and terrestrial animals would also lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to high frequency, mid-frequency and low-frequency sounds. For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (for example, elevated respiration and increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute, repetitive exposures to acoustic disturbance. Trimper *et al.,* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.,* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.,* (2004a, 2004b), for example, identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.,* goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and to communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, it seems reasonable to assume that reducing an animal's ability to gather information about its environment and to communicate with other members of its species would be stressful for animals that use hearing as their primary sensory mechanism. Therefore, we assume that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses because terrestrial animals exhibit those responses under similar conditions (NRC 2003). More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg 2000), we also assume that stress responses are likely to persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

In general, there are few data on the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007). There is no definitive evidence that any of these effects occur even for marine mammals in close proximity to an anthropogenic sound source. In addition, marine mammals that show behavioral avoidance of survey vessels and related sound sources are unlikely to incur non-auditory impairment or other physical

effects. NMFS does not expect that the generally short-term, intermittent, and transitory HRG activities would create conditions of long-term, continuous noise and chronic acoustic exposure leading to long-term physiological stress responses in marine mammals.

Behavioral Disturbance

Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.,* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud, pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, et al., one the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart 2007; NRC 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark 2000; Costa *et al.,* 2003; Ng and Leung 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a,b). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.;* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007b). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise

from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008) and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.,* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Marine mammals are likely to avoid the HRG survey activity, especially the naturally shy harbor porpoise, while some dolphin species might be attracted to them out of curiosity. However, because the sub-bottom profilers and other HRG survey equipment operate from a moving vessel, and the maximum radius to the Level B harassment threshold is relatively small, the area and time that this equipment would be affecting a given location is very small. Further, once an area has been surveyed, it is not likely that it will be surveyed again, thereby reducing the likelihood of repeated HRG-related impacts within the survey area.

We have also considered the potential for severe behavioral responses such as stranding and associated indirect injury or mortality from Dominion's use of HRG survey equipment, on the basis of a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system. An investigation of the event indicated that use of a high-frequency mapping system (12-kHz multibeam echosounder) was the most plausible and likely initial behavioral trigger of the event, while providing the caveat that there is no unequivocal and easily identifiable single cause (Southall *et al.,* 2013). The investigatory panel's conclusion was based on (1) very close temporal and spatial association and directed movement of the survey with the stranding event; (2) the unusual nature of such an event coupled with previously documented apparent behavioral sensitivity of the species to other sound types (Southall *et al.,* 2006; Brownell *et al.,* 2009); and (3) the fact that all other possible factors considered were determined to be unlikely causes. Specifically, regarding survey patterns prior to the event and in relation to bathymetry, the vessel transited in a north-south direction on the shelf break parallel to the shore, ensonifying large areas of deep-water habitat prior to operating intermittently in a concentrated area offshore from the stranding site; this may have trapped the animals between the sound source and the shore, thus driving them towards the lagoon system. The investigatory panel systematically excluded or deemed highly unlikely nearly all potential reasons for these animals leaving their typical pelagic habitat for an area extremely atypical for the species (*i.e.,* a shallow lagoon system). Notably, this was the first time that such a system has been associated with a stranding event. The panel also noted several site- and situation-specific secondary factors that may have contributed to the avoidance responses that led to the eventual entrapment and mortality of the whales. Specifically, shoreward-directed surface currents and elevated chlorophyll levels in the area preceding the event may have played a role (Southall *et al.,* 2013). The report also notes that prior use of a similar system in the general area may have sensitized the animals and also concluded that, for odontocete cetaceans that hear well in higher frequency ranges where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts. It is, however, important to note that the relatively lower output frequency, higher output power, and complex nature of the system implicated in this event, in context of the other factors noted here, likely produced a fairly unusual set of circumstances that indicate that such events would likely remain rare and are not necessarily relevant to use of lower-power, higher-frequency systems more commonly used for HRG survey applications. The risk of similar events recurring may be very low, given the extensive use of active acoustic systems used for scientific and navigational purposes worldwide on a daily basis and the lack of direct evidence of such responses previously reported.

Tolerance

Numerous studies have shown that underwater sounds from industrial activities are often readily detectable by marine mammals in the water at distances of many km. However, other studies have shown that marine

mammals at distances more than a few km away often show no apparent response to industrial activities of various types (Miller *et al.,* 2005). This is often true even in cases when the sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of that mammal group. Although various baleen whales, toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to underwater sound from sources such as airgun pulses or vessels under some conditions, at other times, mammals of all three types have shown no overt reactions (*e.g.,* Malme *et al.,* 1986; Richardson *et al.,* 1995; Madsen and Mohl 2000; Croll *et al.,* 2001; Jacobs and Terhune 2002; Madsen *et al.,* 2002; Miller *et al.,* 2005).

Vessel Strike

Ship strikes of marine mammals can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or a vessel's propeller could injure an animal just below the surface. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus 2001; Laist *et al.,* 2001; Vanderlaan and Taggart 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (*e.g.,* bottlenose dolphin) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus 2001; Laist *et al.,* 2001; Jensen and Silber 2003; Vanderlaan and Taggart 2007). In assessing records with known vessel speeds, Laist *et al.,* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 24.1 km/h (14.9 mph; 13 kn). Given the slow vessel speeds and predictable course necessary for data acquisition, ship strike is unlikely to occur during the geophysical surveys. Marine mammals would be able to easily avoid the survey vessel due to the slow vessel speed. Further, Dominion would implement measures (*e.g.,* protected species monitoring, vessel speed restrictions and separation distances; see *Proposed Mitigation Measures*) set forth in the BOEM lease to reduce the risk of a vessel strike to marine mammal species in the survey area.

Marine Mammal Habitat

There are no feeding areas, rookeries or mating grounds known to be biologically important to marine mammals within the proposed project area. We are not aware of any available literature on impacts to marine mammal prey from HRG survey equipment. However, as the HRG survey equipment introduces noise to the marine environment, there is the potential for it to result in avoidance of the area around the HRG survey activities on the part of marine mammal prey. Any avoidance of the area on the part of marine mammal prey would be expected to be short term and temporary. Because of the temporary nature of the disturbance, the availability of similar habitat and resources (*e.g.,* prey species) in the surrounding area, and the lack of important or unique marine mammal habitat, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. Impacts on marine mammal habitat from the proposed activities will be temporary, insignificant, and discountable.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' 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, 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, as use of the HRG equipment has the potential to result in disruption of behavioral patterns for individual marine mammals. NMFS has determined take by Level A harassment is not an expected outcome of the proposed activity as discussed in greater detail below. As described previously, no mortality or serious injury is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated for this project.

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 proposed take estimate.

Acoustic Thresholds

NMFS uses 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—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 sound source (*e.g.,* frequency, predictability, duty cycle); the environment (*e.g.,* bathymetry); and the receiving animals (hearing, motivation, experience, demography, behavioral context); therefore can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2011). NMFS uses a generalized acoustic threshold based on received level to estimate the onset of Level B (behavioral) harassment. NMFS predicts that marine mammals may be behaviorally harassed when exposed to underwater anthropogenic noise above received levels 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* seismic HRG equipment) or intermittent (*e.g.,* scientific sonar) sources. Dominion's proposed activity includes the use of impulsive sources. Therefore, the 160 dB re 1 µPa (rms) criteria is applicable for analysis of Level B harassment.

Level A harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on

Marine Mammal Hearing (NMFS 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). The Technical Guidance identifies the received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity for all underwater anthropogenic sound sources, reflects the best available science, and better predicts the potential for auditory injury than does NMFS' historical criteria.

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 Table 3 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: *www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.* As described above, Dominion's proposed activity includes the use of intermittent and impulsive sources

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT IN MARINE MAMMALS

Hearing group	PTS onset thresholds	
	Impulsive *	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 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.

Note: * 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 estimating the area ensonified above the acoustic thresholds.

The proposed survey would entail the use of HRG survey equipment. The distance to the isopleth corresponding to the threshold for Level B harassment was calculated for all HRG survey equipment with the potential to result in harassment of marine mammals (see Table 1). Of the HRG survey equipment planned for use that has the potential to result in harassment of marine mammals, acoustic modeling indicated the Innomar Medium 100 sub-bottom profiler would be expected to produce sound that would propagate the furthest in the water (Table 4); therefore, for the purposes of the take calculation, it was assumed this equipment would be active during the entirety of the survey. Thus the distance to the isopleth corresponding to the threshold for Level B harassment for the Innomar Medium 100 sub-bottom profiler (100 m; Table 4) was used as the basis of the Level B take calculation for all marine mammals.

TABLE 4—PREDICTED RADIAL DISTANCES (m) FROM HRG SOURCES TO ISOPLETHS CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

HRG system	HRG survey equipment	Modeled distance to threshold (160 dB re 1 μPa)
Pinger/Chirper	GeoPulse sub-bottom profiler	<5 m
Sparker	Geo-Source 800 sparker	<20 m
Medium penetration sub-bottom profiler	Innomar Medium 100 sub-bottom profiler	*<100 m

* We note here that the Innomar Medium 100 sub-bottom profiler operating frequencies (85–115 kHz) are beyond the best hearing capabilities of LF cetaceans (7–35 kHz), but as this sound source provides the largest Level B isopleth, this information was used to calculate the zone of influence and estimate take for all species.

Predicted distances to Level A harassment isopleths, which vary based on marine mammal functional hearing groups (Table 5), were also calculated by Dominion. The updated acoustic thresholds for impulsive sounds (such as HRG survey equipment) contained in the Technical Guidance (NMFS, 2016) were presented as dual metric acoustic thresholds using both SEL_{cum} and peak sound pressure level (SPL) metrics. As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.,* metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group. In recognition of the fact that calculating Level A harassment ensonified areas could be more technically challenging to predict due to the duration component and the use of weighting functions in the new SEL_{cum} thresholds, NMFS developed an optional User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence

to facilitate the estimation of take numbers. Dominion used the NMFS optional User Spreadsheet to calculate distances to Level A harassment isopleths (see Appendix A of the IHA application). Modeled distances to isopleths corresponding to Level A harassment thresholds for the proposed HRG equipment and marine mammal hearing groups are shown in Table 5.

TABLE 5—MODELED RADIAL DISTANCES (m) TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

Functional hearing group (Level A harassment thresholds)	PTS onset	Lateral distance (m)
GeoPulse Sub-Bottom Profiler		
Low frequency cetaceans	219 dB_{peak}/	—
	183 dB SEL_{cum}	<1
Mid frequency cetaceans	230 dB_{peak}/	—
	185 dB SEL_{cum}	—
High frequency cetaceans	202 dB_{peak}/	<1
	155 dB SEL_{cum}	16
Phocid Pinnipeds (Underwater)	218 dB_{peak}/	—
	185 dB SEL_{cum}	<1
Geo-Source 800 Sparker		
Low frequency cetaceans	219 dB_{peak}/	—
	183 dB SEL_{cum}	5
Mid frequency cetaceans	230 dB_{peak}/	—
	185 dB SEL_{cum}	<1
High frequency cetaceans	202 dB_{peak}/	<1
	155 dB SEL_{cum}	24
Phocid Pinnipeds (Underwater)	218 dB_{peak}/	—
	185 dB SEL_{cum}	3
Innomar Medium 100 Sub-Bottom Profiler		
Low frequency cetaceans	219 dB_{peak}/	<1
	183 dB SEL_{cum}	N/A
Mid frequency cetaceans	230 dB_{peak}/	<1
	185 dB SEL_{cum}	—
High frequency cetaceans	202 dB_{peak}/	<5
	155 dB SEL_{cum}	<50
Phocid Pinnipeds (Underwater)	218 dB_{peak}/	<1
	185 dB SEL_{cum}	N/A

Note: Peak SPL is unweighted (flat weighted), whereas the cumulative SEL criterion is M-weighted for the given marine mammal hearing group.
— indicates not expected to be measureable to regulatory threshold at any appreciable distance.
N/A indicates not applicable as the HRG sound source is outside the effective marine mammal hearing range.

In this case, due to the very small estimated distances to Level A harassment thresholds for all marine mammal functional hearing groups, based on both SEL_{cum} and peak SPL (Table 5), and in consideration of the proposed mitigation measures, including marine mammal exclusion zones to avoid Level A harassment (see the Proposed Mitigation section for more detail) NMFS has determined that the likelihood of Level A take of marine mammals occurring as a result of the proposed survey is so low as to be discountable. However, to be conservative, Dominion has requested small amounts of Level A incidental take for bottlenose, common, and Atlantic white-sided dophins to specifically allow survey activities to continue, understanding the proclivity of these species to approach vessels to bow and/or wake ride and closely investigate active survey gear. Calculated distances presented in Table 5 indicates Level A PTS onset occurring at distances less than one m of the sound source (if at all) for mid-frequency cetaceans such as delphinids, and the applicant has calculated take based on a 5 m zone as an even more conservative measure for Level A take. However, due to the small Level A isopleth and the fact that animals are not likely to remain within this small zone for long enough to incur PTS, NMFS is not proposing to authorize Level A take for these species/stocks.

We note that because of some of the assumptions included in the methods used, isopleths produced may be overestimates to some degree. The acoustic sources proposed for use in Dominion's survey do not radiate sound equally in all directions but were designed instead to focus acoustic energy directly toward the sea floor. Therefore, the acoustic energy produced by these sources is not received equally in all directions around the source but is instead concentrated along some narrower plane depending on the beamwidth of the source. For example, in the case of the Innomar Medium 100 sub-bottom profiler, the beamwidth is only one degree. However, the calculated distances to isopleths do not account for this directionality of the sound source and are therefore conservative. For mobile sources, such as the proposed survey, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed. In addition to the conservative estimation of calculated distances to isopleths associated with the Innomar Medium 100 sub-bottom profiler, calculated takes may be conservative due to the fact that this sound source operates at frequencies beyond the best hearing capabilities of

LF cetaceans, but calculated takes for all species were based on the isopleths associated with this sound source. As discussed above, the Innomar Medium 100 sub-bottom profiler operates at frequencies between 85 and 115 kHz and the best hearing range of LF cetaceans is between 7 and 35 kHz. Therefore, we would not expect that take of LF cetaceans would likely occur due to the use of this equipment because it operates beyond their hearing capabilities, but takes were estimated based on these isopleths due to the fact that the largest distances were associated with this equipment.

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.

The best available scientific information was considered in conducting marine mammal exposure estimates (the basis for estimating take). For cetacean species, densities calculated by Roberts *et al.* (2016) were used. The density data presented by Roberts *et al.* (2016) incorporates aerial and shipboard line-transect survey data from NMFS and from other organizations collected over the period 1992–2014. Roberts *et al.* (2016) modeled density from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controlled for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. In general, NMFS considers the models produced by Roberts *et al.* (2016) to be the best available source of data regarding cetacean density in the Atlantic Ocean. More information, including the model results and supplementary information for each model, is available online at: *seamap.env.duke.edu/models/Duke-EC-GOM-2015/.*

For the purposes of the take calculations, density data from Roberts *et al.* (2016) were mapped within the boundary of the survey area for each survey segment (*i.e.,* the Lease Area survey segment and the cable route area survey segment; See Figure 1 in the IHA application) using a geographic information system. Monthly density data for all cetacean species potentially taken by the proposed survey was available via Roberts *et al.* (2016). Monthly mean density within the survey area, as provided in Roberts *et al.* (2016), were averaged by season (*i.e.,* Summer (June, July, August), and Fall (September, October, November)) to provide seasonal density estimates. The highest average seasonal density as reported by Roberts *et al.* (2016), for each species, was used based on the planned survey dates of August through October.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to harassment thresholds are calculated, as described above. Those distances are then used to calculate the area(s) around the HRG survey equipment predicted to be ensonified to sound levels that exceed harassment thresholds. The area estimated to be ensonified to relevant thresholds in a single day of the survey is then calculated, based on areas predicted to be ensonified around the HRG survey equipment and estimated trackline distance traveled per day by the survey vessel. The estimated daily vessel track line distance was determined using the estimated average speed of the vessel (4 kn) multiplied by 24 (to account for the 24 hour operational period of the survey). Using the maximum distance to the regulatory threshold criteria (Tables 4 and 5) and estimated daily track line distance of approximately 177.8 km (110.5 mi), it was estimated that an area of 35.59 km^2 (13.74 mi^2) per day would be ensonified to the largest Level B harassment threshold, and 1.78 km^2 (0.69 mi^2) per day would be ensonifed to the Level A harassment threshold (largest threshold of 155 dB SEL_{cum} for HF cetaceans was used) (Table 6).

TABLE 6—ESTIMATED TRACK LINE DISTANCE PER DAY (km) AND AREA (km^2) ESTIMATED TO BE ENSONIFIED TO LEVEL B HARASSMENT THRESHOLD PER DAY

Estimated track line distance per day (km)	Estimated area ensonified to Level A harassment threshold per day (km^2)	Estimated area ensonified to Level B harassment threshold per day (km^2)
177.8	1.78	35.59

The number of marine mammals expected to be incidentally taken per day is then calculated by estimating the number of each species predicted to occur within the daily ensonified area, using estimated marine mammal densities as described above. In this case, estimated marine mammal density values varied between the turbine positions, inter-array cable route corridor survey areas, and export cable route corridors; therefore, the estimated number of each species taken per survey day was calculated separately for the these survey areas. Estimated numbers of each species taken per day are then multiplied by the number of survey days to generate an estimate of the total number of each species expected to be taken over the duration of the survey. In this case, as the estimated number of each species taken per day varied depending on survey area (turbine positions, inter-array cable route, and export cable route corridor), the number of each species taken per day in each respective survey area was multiplied by the number of survey days anticipated in each survey area (*i.e.,* 15 survey days each in the turbine position location and inter-array cable route, and 60 survey days in the export cable route corridor portion of the survey) to get a total number of takes per species in each respective survey area.

As described above, due to the very small estimated distances to Level A harassment thresholds (based on both SEL_{cum} and peak SPL; Table 5), and in consideration of the proposed mitigation measures, the likelihood of the proposed survey resulting in take in the form of Level A harassment is considered so unlikely as to be discountable. Proposed take numbers are shown in Table 7. As described above, the zone of influence (ZOI) were calculated based on the sound source with the largest isopleths to the regulatory thresholds (the Innomar

Medium 100 sub-bottom profiler) without consideration of the fact that this equipment operates beyond the best hearing capability of LF cetaceans, so calculated takes of these species are likely to be overestimates due to the fact that we would not necessarily expect LF cetaceans to be harassed by sound produced by this equipment.

TABLE 7—NUMBERS OF POTENTIAL INCIDENTAL TAKE OF MARINE MAMMALS CALCULATED AND PROPOSED FOR LEVEL B HARASSMENT AUTHORIZATION

Species	Turbine positions		Export cable route		Inter-array cable route		Totals	
	Max. seasonal density [a] (#/1,000 km^2)	Calculated takes	Max. seasonal density [a] (#/1,000 km^2)	Calculated takes	Max. seasonal density [a] (#/1,000 km^2)	Calculated takes	Adjusted take	% of population
North Atlantic right whale	0.00	0	0.00	0.00	0.00	0.00	[b] 0	0.00
Humpback whale	0.02	0.10	0.02	0.39	0.02	0.10	1	0.30
Fin whale	0.11	0.57	0.11	2.28	0.11	0.57	[b] 0	0.00
Minke whale	0.03	0.14	0.03	0.58	0.03	0.14	[c] 10	0.39
Bottlenose dolphin—N Coastal Migratory	13.99	74.69	13.99	298.77	13.99	74.69	[d e] 350	9.33
Bottlenose dolphin—Offshore	13.99	74.69	13.99	298.77	13.99	74.69	[d e] 350	9.33
Atlantic spotted dolphin	0.90	4.80	1.23	26.29	0.90	4.80	[c] 300	0.67
Common dolphin	2.50	13.35	2.50	53.40	2.50	13.35	[d] 400	0.57
Atlantic white-sided dolphin	0.39	2.08	0.39	8.30	0.39	2.08	[c] 200	0.41
Risso's dolphin	0.01	0.03	0.00	0.02	0.01	0.03	0	0.00
Short-finned/long-finned pilot whale	0.06	0.31	0.02	0.53	0.06	0.31	[e] 15	0.27
Harbor porpoise	0.27	1.45	0.23	4.91	0.27	1.45	8	0.01

[a] Density values from Duke University (Roberts *et al.,* 2016).
[b] Proposed mitigation (exclusion zone) will prevent take.
[c] Value increased to reflect typical group size.
[d] Calculated take has been modified to account for increases in actual sighting data to date (Ocean Wind LLC, 2017) based on similar project activities.
[e] Take adjusted to account for possible overlap of the Western North Atlantic southern migratory coastal and offshore stocks (assume a 50 percent of each stock).

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 relative cost and impact on operations.

Proposed Mitigation Measures

With NMFS' input during the application process, and as per the BOEM Lease, Dominion is proposing the following mitigation measures during the proposed marine site characterization surveys.

Marine Mammal Exclusion and Watch Zones

Marine mammal exclusion zones (EZ) will be established around the HRG survey equipment and monitored by protected species observers (PSO) during HRG surveys as follows:

- 50 m (164.0 ft) EZ for harbor porpoises, which is the extent of the largest calculated distance to the potential for onset of PTS (Level A harassment);
- 100 m (328.1 ft) EZ for ESA-listed large whales (*i.e.,* fin whales), which is the largest calculated distance to the potential for behavioral harassment (Level B behavioral harassment); and
- 500 m (1,640.4 ft) EZ for North Atlantic right whales.

In addition, PSOs will visually monitor to the extent of the Level B zone (100 m (328.1 ft)) for all other marine mammal species not listed above.

Visual Monitoring

Visual monitoring of the established exclusion and monitoring zones will be performed by qualified and NMFS-approved PSOs. It will be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate and enforce the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate. PSOs will be equipped with binoculars and have the ability to estimate distances to marine mammals located in proximity to the vessel and/or exclusion zone using range finders. Reticulated binoculars will also be available to PSOs for use as appropriate based on conditions and visibility to support the siting and monitoring of marine species. Digital single-lens reflex camera equipment will be used to record sightings and verify species identification. During surveys conducted at night, night-vision equipment and infrared technology will be available for PSO use.

Pre-Clearance of the Exclusion Zone

For all HRG survey activities, Dominion would implement a 30-minute pre-clearance period of the relevant EZs prior to the initiation of HRG survey equipment. During this period the EZs would be monitored by PSOs, using the appropriate visual technology for a 30-minute period. HRG

survey equipment would not be initiated if marine mammals are observed within or approaching the relevant EZs during this pre-clearance period. If a marine mammal were observed within or approaching the relevant EZ during the pre-clearance period, ramp-up would not begin until the animal(s) has been observed exiting the EZ or until an additional time period has elapsed with no further sighting of the animal (15 minutes for small delphinoid cetaceans and pinnipeds and 30 minutes for all other species). This pre-clearance requirement would include small delphinoids that approach the vessel (*e.g.,* bow ride). PSOs would also continue to monitor the zone for 30 minutes after survey equipment is shut down or survey activity has concluded.

Ramp-Up of Survey Equipment

Where technically feasible, a ramp-up procedure would be used for HRG survey equipment capable of adjusting energy levels at the start or re-start of HRG survey activities. The ramp-up procedure would be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment use at full energy. A ramp-up would begin with the power of the smallest acoustic equipment at its lowest practical power output appropriate for the survey. When technically feasible the power would then be gradually turned up and other acoustic sources added in way such that the source level would increase gradually.

Shutdown Procedures

If a marine mammal is observed within or approaching the relevant EZ (as described above) an immediate shutdown of the survey equipment is required. Subsequent restart of the survey equipment may only occur after the animal(s) has either been observed exiting the relevant EZ or until an additional time period has elapsed with no further sighting of the animal (15 minutes for delphinoid cetaceans and pinnipeds and 30 minutes for all other species). HRG survey equipment may be allowed to continue operating if small delphinids voluntarily approach the vessel (*e.g.,* to bow ride) when HRG survey equipment is operating.

If the HRG equipment shuts down for reasons other than mitigation (*i.e.,* mechanical or electronic failure) resulting in the cessation of the survey equipment for a period greater than 20 minutes, a 30 minute pre-clearance period (as described above) would precede the restart of the HRG survey equipment. If the pause is less than less than 20 minutes, the equipment may be restarted as soon as practicable at its full operational level only if visual surveys were continued diligently throughout the silent period and the EZs remained clear of marine mammals during that entire period. If visual surveys were not continued diligently during the pause of 20 minutes or less, a 30-minute pre-clearance period (as described above) would precede the re-start of the HRG survey equipment. Following a shutdown, HRG survey equipment may be restarted following pre-clearance of the zones as described above.

Vessel Strike Avoidance

Dominion will ensure that vessel operators and crew maintain a vigilant watch for cetaceans and pinnipeds by slowing down or stopping the vessel to avoid striking marine mammals. Survey vessel crew members responsible for navigation duties will receive site-specific training on marine mammal sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures will include, but are not limited to, the following, as required in the BOEM lease, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

- All vessel operators and crew will maintain vigilant watch for cetaceans and pinnipeds, and slow down or stop their vessel to avoid striking these protected species;
- All vessel operators will comply with 10 kn (18.5 km/hr) or less speed restrictions in any DMA. This applies to all vessels operating at any time of year. In addition (if applicable, as surveys are not anticipated to occur during this time of year), vessels over 19.8 m (65 ft) operating from November 1 through April 30 will operate at speeds of 10 kn or less;
- All vessel operators will reduce vessel speed to 10 kn (18.5 km/hr) or less when any large whale, any mother/calf pairs, pods, or large assemblages of non-delphinoid cetaceans are observed near (within 100 m (330 ft)) an underway vessel;
- All survey vessels will maintain a separation distance of 500 m (1640 ft) or greater from any sighted North Atlantic right whale;
- If underway, vessels must steer a course away from any sighted North Atlantic right whale at 10 kn (18.5 km/hr) or less until the 500 m (1640 ft) minimum separation distance has been established. If a North Atlantic right whale is sighted in a vessel's path, or within 500 m (1640 ft)) to an underway vessel, the underway vessel must reduce speed and shift the engine to neutral. Engines will not be engaged until the North Atlantic right whale has moved outside of the vessel's path and beyond 500 m. If stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m;
- All vessels will maintain a separation distance of 100 m (330 ft) or greater from any sighted non-delphinoid cetacean. If sighted, the vessel underway must reduce speed and shift the engine to neutral, and must not engage the engines until the non-delphinoid cetacean has moved outside of the vessel's path and beyond 100 m. If a survey vessel is stationary, the vessel will not engage engines until the non-delphinoid cetacean has moved out of the vessel's path and beyond 100 m;
- All vessels will maintain a separation distance of 100 m or greater from any sighted non-delphinoid cetacean. If sighted, the vessel underway must reduce speed and shift the engine to neutral, and must not engage the engines until the non-delphinoid cetacean has moved outside of the vessel's path and beyond 100 m. If a survey vessel is stationary, the vessel will not engage the engines until the non-delphinoid cetacean has moved out of the vessel's path and beyond 100 m.
- Any vessel underway remain parallel to a sighted delphinoid cetacean's course whenever possible, and avoid excessive speed or abrupt changes in direction. Any vessel underway reduces vessel speed to 10 kn (18.5 km/hr) or less when pods (including mother/calf pairs) or large assemblages of delphinoid cetaceans are observed. Vessels may not adjust course and speed until the delphinoid cetaceans have moved beyond 50 m and/or the abeam of the underway vessel;
- All vessels underway will not divert or alter course in order to approach any whale, delphinoid cetacean, or pinniped. Any vessel underway will avoid excessive speed or abrupt changes in direction to avoid injury to the sighted cetacean or pinniped; and
- All vessels will maintain a separation distance of 50 m (164 ft) or greater from any sighted pinniped.

Seasonal Operating Requirements

Between watch shifts, members of the monitoring team will consult NMFS' North Atlantic right whale reporting systems for the presence of North Atlantic right whales throughout survey operations. The proposed survey

activities will occur in the vicinity of the Right Whale Mid-Atlantic SMA located at the mouth of the Chesapeake Bay. However, the proposed survey start date in August, 2018 is outside of the seasonal mandatory speed restriction period for this SMA (November 1 through April 30). Members of the monitoring team will monitor the NMFS North Atlantic right whale reporting systems for the establishment of a Dynamic Management Area (DMA). If NMFS should establish a DMA in the survey area, within 24 hours of the establishment of the DMA Dominion will work with NMFS to shut down and/or alter the survey activities as needed to avoid right whales to the extent possible.

The proposed mitigation measures are designed to avoid the already low potential for injury in addition to some Level B harassment, and to minimize the potential for vessel strikes. There are no known marine mammal feeding areas, rookeries, or mating grounds in the survey area that would otherwise potentially warrant increased mitigation measures for marine mammals or their habitat (or both). The proposed survey would occur in an area that has been identified as a biologically important area for migration for North Atlantic right whales. However, given the small spatial extent of the survey area relative to the substantially larger spatial extent of the right whale migratory area, the survey is not expected to appreciably reduce migratory habitat nor to negatively impact the migration of North Atlantic right whales, thus additional mitigation to address the proposed survey's occurrence in North Atlantic right whale migratory habitat is not warranted. Further, we believe the proposed mitigation measures are practicable for the applicant to implement.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of 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

As described above, visual monitoring of the EZs and monitoring zone will be performed by qualified and NMFS-approved PSOs. Observer qualifications will include direct field experience on a marine mammal observation vessel and/or aerial surveys and completion of a PSO training program, as appropriate. As proposed by the applicant and required by BOEM, an observer team comprising a minimum of four NMFS-approved PSOs operating in shifts, will be employed by Dominion during the proposed surveys. PSOs will work in shifts such that no one monitor will work more than 4 consecutive hours without a 2 hour break or longer than 12 hours during any 24-hour period. During daylight hours the PSOs will rotate in shifts of one on and three off, while during nighttime operations PSOs will work in pairs. During ramp-up procedures, two PSOs will be required. Each PSO will monitor 360 degrees of the field of vision.

Also as described above, PSOs will be equipped with binoculars and have the ability to estimate distances to marine mammals located in proximity to the vessel and/or exclusion zone using range finders. Reticulated binoculars will also be available to PSOs for use as appropriate based on conditions and visibility to support the siting and monitoring of marine species. Digital single-lens reflex camera equipment will be used to record sightings and verify species identification. During night operations, night-vision equipment, and infrared technology will be used to increase the ability to detect marine mammals. Position data will be recorded using hand-held or vessel global positioning system (GPS) units for each sighting. Observations will take place from the highest available vantage point on the survey vessel. General 360-degree scanning will occur during the monitoring periods, and target scanning by the PSO will occur when alerted of a marine mammal presence.

Data on all PSO observations will be recorded based on standard PSO collection requirements. This will include dates and locations of survey operations; time of observation, location and weather; details of the sightings (*e.g.,* species, age classification (if known), numbers, behavior); and details of any observed ''taking'' (behavioral disturbances). The data sheet will be provided to NMFS for review and approval prior to the start of survey activities. In addition, prior to initiation of survey work, all crew members will undergo environmental training, a component of which will focus on the procedures for sighting and protection of marine mammals. A briefing will also be conducted between the survey supervisors and crews, the PSOs, and Dominion. The purpose of the briefing will be to establish responsibilities of each party, define the chains of command, discuss communication procedures, provide an overview of monitoring purposes, and review operational procedures.

Proposed Reporting Measures

Dominion will provide the following reports as necessary during survey activities:

- The Applicant will contact NMFS within 24 hours of the commencement

of survey activities and again within 24 hours of the completion of the activity.

• *Notification of Injured or Dead Marine Mammals*—In the unanticipated event that the specified HRG activities lead to an injury of a marine mammal (Level A harassment) or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), Dominion would immediately cease the specified activities and report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator. The report would include the following information:

• Time, date, and location (latitude/longitude) of the incident;

• Name and type of vessel involved;

• Vessel's speed during and leading up to the incident;

• Description of the incident;

• Status of all sound source use in the 24 hours preceding the incident;

• Water depth;

• Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

• Description of all marine mammal observations in the 24 hours preceding the incident;

• Species identification or description of the animal(s) involved;

• Fate of the animal(s); and

• Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the event. NMFS would work with Dominion to minimize reoccurrence of such an event in the future. Dominion would not resume activities until notified by NMFS.

In the event that Dominion discovers an injured or dead marine mammal and 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), Dominion would immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources and the NMFS Greater Atlantic Stranding Coordinator. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with Dominion to determine if modifications in the activities are appropriate.

In the event that Dominion discovers an injured or dead marine mammal and 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), Dominion would report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, and the NMFS Greater Atlantic Regional Stranding Coordinator, within 24 hours of the discovery. Dominion would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Dominion may continue its operations under such a case.

Within 90 days after completion of survey activities, a final technical report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, estimates the number of marine mammals estimated to have been taken during survey activities, and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

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. 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's 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, our analysis applies to all the species listed in Tables 8 and 9, given that NMFS expects the anticipated effects of the proposed survey to be similar in nature.

NMFS does not anticipate that serious injury or mortality would occur as a result of Dominion's proposed survey, even in the absence of proposed mitigation. Thus the proposed authorization does not authorize any serious injury or mortality. As discussed in the *Potential Effects* section, non-auditory physical effects and vessel strike are not expected to occur.

We expect that most potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity were occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007).

Potential impacts to marine mammal habitat were discussed previously in this document (see *Potential Effects of the Specified Activity on Marine Mammals and their Habitat*). Marine mammal habitat may be impacted by elevated sound levels, but these impacts would be temporary. In addition to being temporary and short in overall duration, the acoustic footprint of the proposed survey is small relative to the overall distribution of the animals in the area and their use of the area. Feeding behavior is not likely to be significantly impacted, as no areas of biological significance for marine mammal feeding are known to exist in the survey area. Prey species are mobile and are broadly distributed throughout the project area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance, the availability of similar habitat and resources in the surrounding area, and the lack of important or unique marine mammal feeding habitat, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. In addition, there are no rookeries or mating or calving areas known to be biologically important to marine mammals within the proposed project area. The proposed survey area is within a biologically important migratory area for North Atlantic right whales (effective March-April and November-December)

that extends from Massachusetts to Florida (LaBrecque, *et al.,* 2015). Off the coast of Virginia, this biologically important migratory area extends from the coast to the just beyond the shelf break. Due to the fact that that the proposed survey is temporary and short in overall duration, and the fact that the spatial acoustic footprint of the proposed survey is very small relative to the spatial extent of the available migratory habitat in the area, North Atlantic right whale migration is not expected to be impacted by the proposed survey.

The proposed mitigation measures are expected to reduce the number and/or severity of takes by (1) giving animals the opportunity to move away from the sound source before HRG survey equipment reaches full energy; (2) preventing animals from being exposed to sound levels that may otherwise result in injury. Additional vessel strike avoidance requirements will further mitigate potential impacts to marine mammals during vessel transit to and within the survey area.

NMFS concludes that exposures to marine mammal species and stocks due to Dominion's proposed survey would result in only short-term (temporary and short in duration) effects to individuals exposed. Marine mammals may temporarily avoid the immediate area, but are not expected to permanently abandon the area. Major shifts in habitat use, distribution, or foraging success are not expected. NMFS does not anticipate the proposed take estimates to impact annual rates of recruitment or survival.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or authorized;
- The anticipated impacts of the proposed activity on marine mammals would limited to temporary behavioral changes due to avoidance of the area around the survey vessel;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity;
- The proposed project area does not contain areas of significance for feeding, mating or calving;
- Effects on species that serve as prey species for marine mammals from the proposed survey are not expected;
- The proposed mitigation measures, including visual and acoustic monitoring and shutdowns, are expected to minimize potential impacts to marine mammals.

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 proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal 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, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The numbers of marine mammals that we propose for authorization to be taken, for all species and stocks, would be considered small relative to the relevant stocks or populations (less than 10 percent of bottlenose dolphin stocks, and less than 1 percent of each of the other species and stocks). See Tables 7 and 8. Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact 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

Section 7(a)(2) of the Endangered Species Act of 1973 (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 NMFS Office of Protected Resources is proposing mitigation to avoid the incidental take of the species of marine mammals which are likely to be present and are listed under the ESA: The North Atlantic right and fin whales. Therefore, consultation under section 7 of the ESA is not required.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Dominion for conducting UXO surveys offshore Virginia and along the export cable routes from the date of issuance for a period of one year, 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 IHA is valid for a period of one year from the date of issuance.

2. This IHA is valid only for UXO survey activities utilizing HRG survey equipment, as specified in the IHA application, in the Atlantic Ocean.

3. General Conditions

(a) A copy of this IHA must be in the possession of Dominion Energy Virginia (Dominion), the vessel operator and other relevant personnel, the lead PSO, and any other relevant designees of Dominion operating under the authority of this IHA.

(b) The species authorized for taking are listed in Table 8. The taking is limited to the species and numbers listed in Tables 8 and 9. Any taking of species not listed in Tables 8 and 9, or exceeding the authorized amounts listed, is prohibited and may result in the modification, suspension, or revocation of this IHA.

(c) The taking by injury, serious injury or death of any species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(d) Dominion shall ensure that the vessel operator and other relevant vessel personnel are briefed on all responsibilities, communication procedures, marine mammal monitoring protocols, operational procedures, and IHA requirements prior to the start of survey activity, and when relevant new personnel join the survey operations.

4. Mitigation Requirements—the holder of this Authorization is required

to implement the following mitigation measures:

(a) Dominion shall use at least four (4) NMFS-approved protected species observers (PSOs) during HRG surveys. The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for approval prior to commencement of the survey.

(b) Visual monitoring must begin no less than 30 minutes prior to initiation of survey equipment and must continue until 30 minutes after use of survey equipment ceases.

(c) Exclusion Zones and Watch Zone—PSOs shall establish and monitor marine mammal Exclusion Zones and Watch Zones. PSOs shall monitor a marine mammal Watch Zone that shall encompass an area 500 m from the survey equipment to encompass the exclusion zone for North Atlantic right whales. PSOs shall document and record the behavior of all marine mammals observed within the Watch Zone. The Exclusion Zones are as follows:

(i) A 50 m Exclusion Zone for harbor porpoises;

(ii) a 100 m Exclusion Zone for large ESA-listed whales, except North Atlantic right whales (*i.e.,* fin whales); and

(iii) a 500 m Exclusion Zone for North Atlantic right whales.

(d) Shutdown requirements—If a marine mammal is observed within, entering, or approaching the relevant Exclusion Zones as described under 4(c) while geophysical survey equipment is operational, the geophysical survey equipment must be immediately shut down.

(i) Any PSO on duty has the authority to call for shutdown of survey equipment. When there is certainty regarding the need for mitigation action on the basis of visual detection, the relevant PSO(s) must call for such action immediately.

(ii) If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within 100 m of the survey equipment, shutdown must occur.

(iii) When a shutdown is called for by a PSO, the shutdown must occur and any dispute resolved only following shutdown.

(iv) Upon implementation of a shutdown, survey equipment may be reactivated when all marine mammals have been confirmed by visual observation to have exited the relevant Exclusion Zone or an additional time period has elapsed with no further sighting of the animal that triggered the shutdown (15 minutes for small delphinoid cetaceans and pinnipeds and 30 minutes for all other species).

(v) If geophysical equipment shuts down for reasons other than mitigation (*i.e.,* mechanical or electronic failure) resulting in the cessation of the survey equipment for a period of less than 20 minutes, the equipment may be restarted as soon as practicable if visual surveys were continued diligently throughout the silent period and the relevant Exclusion Zones are confirmed by PSOs to have remained clear of marine mammals during the entire 20 minute period. If visual surveys were not continued diligently during the pause of 20 minutes or less, a 30 minute pre-clearance period shall precede the restart of the geophysical survey equipment as described in 4(e). If the period of shutdown for reasons other than mitigation is greater than 20 minutes, a pre-clearance period shall precede the restart of the geophysical survey equipment as described in 4(e).

(e) Pre-clearance observation—30 minutes of pre-clearance observation shall be conducted prior to initiation of geophysical survey equipment. geophysical survey equipment shall not be initiated if marine mammals are observed within or approaching the relevant Exclusion Zones as described under 4(d) during the pre-clearance period. If a marine mammal is observed within or approaching the relevant Exclusion Zone during the pre-clearance period, geophysical survey equipment shall not be initiated until the animal(s) is confirmed by visual observation to have exited the relevant Exclusion Zone or until an additional time period has elapsed with no further sighting of the animal (15 minutes for small delphinoid cetaceans and pinnipeds and 30 minutes for all other species).

(f) Ramp-up—when technically feasible, survey equipment shall be ramped up at the start or re-start of survey activities. Ramp-up will begin with the power of the smallest acoustic equipment at its lowest practical power output appropriate for the survey. When technically feasible the power will then be gradually turned up and other acoustic sources added in way such that the source level would increase gradually.

(g) Vessel Strike Avoidance—Vessel operator and crew must maintain a vigilant watch for all marine mammals and slow down or stop the vessel or alter course, as appropriate, to avoid striking any marine mammal, unless such action represents a human safety concern. Survey vessel crew members responsible for navigation duties shall receive site-specific training on marine mammal sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures shall include the following, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

(i) The vessel operator and crew shall maintain vigilant watch for cetaceans and pinnipeds, and slow down or stop the vessel to avoid striking marine mammals;

(ii) The vessel operator will reduce vessel speed to 10 kn (18.5 km/hr) or less when any large whale, any mother/calf pairs, whale or dolphin pods, or larger assemblages of non-delphinoid cetaceans are observed near (within 100 m (330 ft)) an underway vessel;

(iii) The survey vessel will maintain a separation distance of 500 m (1640 ft) or greater from any sighted North Atlantic right whale;

(iv) If underway, the vessel must steer a course away from any sighted North Atlantic right whale at 10 kn (18.5 km/hr) or less until the 500 m (1640 ft) minimum separation distance has been established. If a North Atlantic right whale is sighted in a vessel's path, or within 100 m (330 ft) to an underway vessel, the underway vessel must reduce speed and shift the engine to neutral. Engines will not be engaged until the North Atlantic right whale has moved outside of the vessel's path and beyond 100 m. If stationary, the vessel must not engage engines until the North Atlantic right whale has moved beyond 100 m;

(v) The vessel will maintain a separation distance of 100 m (330 ft) or greater from any sighted non-delphinoid cetacean. If sighted, the vessel underway must reduce speed and shift the engine to neutral, and must not engage the engines until the non-delphinoid cetacean has moved outside of the vessel's path and beyond 100 m. If a survey vessel is stationary, the vessel will not engage engines until the non-delphinoid cetacean has moved out of the vessel's path and beyond 100 m;

(vi) The vessel will maintain a separation distance of 50 m (164 ft) or greater from any sighted delphinoid cetacean. Any vessel underway remain parallel to a sighted delphinoid cetacean's course whenever possible, and avoid excessive speed or abrupt changes in direction. Any vessel underway reduces vessel speed to 10 kn (18.5 km/hr) or less when pods (including mother/calf pairs) or large assemblages of delphinoid cetaceans are

observed. Vessels may not adjust course and speed until the delphinoid cetaceans have moved beyond 50 m and/or the abeam of the underway vessel;

(vii) All vessels underway will not divert or alter course in order to approach any whale, delphinoid cetacean, or pinniped. Any vessel underway will avoid excessive speed or abrupt changes in direction to avoid injury to the sighted cetacean or pinniped; and

(viii) All vessels will maintain a separation distance of 50 m (164 ft) or greater from any sighted pinniped.

(ix) The vessel operator will comply with 10 kn (18.5 km/hr) or less speed restrictions in any Seasonal Management Area per NMFS guidance.

(x) If NMFS should establish a Dynamic Management Area (DMA) in the area of the survey, within 24 hours of the establishment of the DMA, DWW shall contact the NMFS Office of Protected Resources to determine whether survey location and/or activities should be altered to avoid North Atlantic right whales.

5. Monitoring Requirements—The Holder of this Authorization is required to conduct marine mammal visual monitoring during geophysical survey activity. Monitoring shall be conducted in accordance with the following requirements:

(a) A minimum of four NMFS-approved PSOs, operating in shifts, shall be employed by Dominion during geophysical surveys.

(b) Observations shall take place from the highest available vantage point on the survey vessel. General 360-degree scanning shall occur during the monitoring periods, and target scanning by PSOs will occur when alerted of a marine mammal presence.

(c) PSOs shall be equipped with binoculars and have the ability to estimate distances to marine mammals located in proximity to the vessel and/or Exclusion Zones using range finders. Reticulated binoculars will also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine species. Digital single-lens reflex camera equipment will be used to record sightings and verify species identification.

(d) During night surveys, night-vision equipment and infrared technology shall be used. Specifications for night-vision and infrared equipment shall be provided to NMFS for review and acceptance prior to start of surveys.

(e) PSOs operators shall work in shifts such that no one monitor will work more than 4 consecutive hours without a 2 hour break or longer than 12 hours during any 24-hour period. During daylight hours the PSOs shall rotate in shifts of 1 on and 3 off. During ramp-up procedures and nighttime operations PSOs shall work in pairs.

(f) Position data shall be recorded using hand-held or vessel global positioning system (GPS) units for each sighting.

(g) A briefing shall be conducted between survey supervisors and crews, PSOs, and Dominion to establish responsibilities of each party, define chains of command, discuss communication procedures, provide an overview of monitoring purposes, and review operational procedures.

(h) PSO Qualifications shall include direct field experience on a marine mammal observation vessel and/or aerial surveys.

(i) Data on all PSO observations shall be recorded based on standard PSO collection requirements. PSOs must use standardized data forms, whether hard copy or electronic. The following information shall be reported:

(i) PSO names and affiliations

(ii) Dates of departures and returns to port with port name

(iii) Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort

(iv) Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts

(v) Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change

(vi) Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon

(vii) Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions)

(viii) Survey activity information, such as acoustic source power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.,* pre-ramp-up survey, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.)

(ix) If a marine mammal is sighted, the following information should be recorded:

(A) Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);

(B) PSO who sighted the animal;

(C) Time of sighting;

(D) Vessel location at time of sighting;

(E) Water depth;

(F) Direction of vessel's travel (compass direction);

(G) Direction of animal's travel relative to the vessel;

(H) Pace of the animal;

(I) Estimated distance to the animal and its heading relative to vessel at initial sighting;

(J) Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;

(K) Estimated number of animals (high/low/best) ;

(L) Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);

(M) Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

(N) Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

(O) Animal's closest point of approach and/or closest distance from the center point of the acoustic source;

(P) Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, data acquisition, other); and

(Q) Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

6. Reporting—a technical report shall be provided to NMFS within 90 days after completion of survey activities that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, estimates the number of marine mammals that may have been taken during survey activities, describes the effectiveness of the various mitigation techniques and provides an interpretation of the results and effectiveness of all monitoring tasks. Any recommendations made by NMFS shall be addressed in the final report prior to acceptance by NMFS.

(a) Reporting injured or dead marine mammals:

(i) In the event that the specified activity clearly causes the take of a marine mammal in a manner not

prohibited by this IHA (if issued), such as serious injury or mortality, Dominion shall immediately cease the specified activities and immediately report the incident to NMFS. The report must include the following information:

(A) Time, date, and location (latitude/longitude) of the incident;

(B) Vessel's speed during and leading up to the incident;

(C) Description of the incident;

(D) Status of all sound source use in the 24 hours preceding the incident;

(E) Water depth;

(F) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(G) Description of all marine mammal observations in the 24 hours preceding the incident;

(H) Species identification or description of the animal(s) involved;

(I) Fate of the animal(s); and

(J) Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Dominion to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Dominion may not resume their activities until notified by NMFS.

(ii) In the event that Dominion 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 (*e.g.,* in less than a moderate state of decomposition), Dominion shall immediately report the incident to NMFS. The report must include the same information identified in condition 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Dominion to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iii) In the event that Dominion 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 specified activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Dominion shall report the incident to NMFS within 24 hours of the discovery. Dominion shall provide photographs or video footage or other documentation of the sighting to NMFS.

7. 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.

Request for Public Comments

We request comment on our analyses, the draft authorization, and any other aspect of this Notice of Proposed IHA for the proposed marine site characterization surveys. 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 one-year renewal 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 renewal would allow 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; and

(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: June 6, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–12471 Filed 6–8–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Monday, July 9, 2018, Time 8:00 a.m.–11:00 a.m. Members of the public wishing to attend the meeting will be required to show a government photo ID upon entering West Point in order to gain access to the meeting location. All members of the public are subject to security screening.

ADDRESSES: The meeting will be held in the Haig Room, Jefferson Hall, West Point, New York 10996.

FOR FURTHER INFORMATION CONTACT: Mrs. Deadra K. Ghostlaw, the Designated Federal Officer for the committee, in writing at: Secretary of the General Staff, ATTN: Deadra K. Ghostlaw, 646 Swift Road, West Point, NY 10996; by email at: *deadra.ghostlaw@usma.edu* or *BoV@usma.edu;* or by telephone at (845) 938–4200.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The USMA BoV provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2018 Summer Meeting of the USMA BoV. Members of the Board will be provided updates on Academy issues. Agenda: Introduction; Board Business; Superintendent Introduction: Mission, Vision, and Priorities; Strategic Imperative 1—Develop Leaders of Character: Developing Leaders of Character, Update on changes to CCDP (Cadet Character Development Plan), Annual Assessment; Strategic Imperative 2—Foster Relevance and Preeminence: Build Diverse and

Effective Teams, Class of 2022 Profile, SHARP (Sexual Harassment Assault Response and Prevention) Program, Intellectual Capital and Outreach, Stewardship, USMA 2035, Culture of Excellence, Highlights from Academic Year 2018.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mrs. Ghostlaw, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting, and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the committee meeting will be held in a Federal Government facility on a military post, security screening is required. A government photo ID is required to enter post. In order to enter the installation, members of the public must first go to the Visitor Control Center in the Visitor Center and go through a background check before being allowed access to the installation. Members of the public then need to park in Buffalo Soldier Field parking lot and ride the Central Post Area (CPA) shuttle bus to the meeting location. Please note that all vehicles and persons entering the installation are subject to search and/or an identification check. Any person or vehicle refusing to be searched will be denied access to the installation. Members of the public should allow at least an hour for security checks and the shuttle ride. The United States Military Academy, Jefferson Hall, is fully handicap accessible. Wheelchair access is available at the south entrance of the building. For additional information about public access procedures, contact Mrs. Ghostlaw, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting. However, the committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–12501 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, 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 Uniform Formulary Beneficiary Advisory Panel will take place.

DATES: Open to the Public Thursday, July 12, 2018, from 9:00 a.m. to 12:00 p.m.

ADDRESSES: The address of the open meeting is the Naval Heritage Center Theater, 701 Pennsylvania Avenue NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Col Paul J. Hoerner, U.S. Air Force, 703–681–2890 (Voice), None (Facsimile), *dha.ncr.health-it.mbx.baprequests@mail.mil* (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101. Website: *http://www.health.mil/About-MHS/Other-MHS-Organizations/Beneficiary-Advisory-Panel.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of Meeting: The Panel will review and comment on recommendations made to the Director of the Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Purpose of the Meeting: The Department of Defense is publishing this notice to announce a Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel) will take place.

Agenda

1. Sign-In
2. Welcome and Opening Remarks
3. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item)
   a. Gastrointestinal-2 Miscellaneous Agents—Opioid-Induced Constipation Subclass
   b. Growth Stimulating Agents
   c. Pancreatic Enzyme Replacement Therapy Agents
4. Newly Approved Drugs Review
5. Pertinent Utilization Management Issues 6. Panel Discussions and Vote

Meeting Accessibility: Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 Code of Federal Regulations (CFR) 102–3.140 through

102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

Written Statements: Written Statements: Pursuant to 41 CFR 102–3.140, the public or interested organizations may submit written statements to the membership of the Panel about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO).The DFO's contact information can be obtained previously in this announcement. Written comments or statements must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Panel for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to all the committee members.

Dated: June 6, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–12445 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the National Intelligence University Board of Visitors (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The Board's charter and contact information for the Board's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/.*

The Board provides the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Intelligence (USD(I)) and the Director, Defense Intelligence Agency, independent advice and recommendations on matters related to the mission, policy, accreditation, faculty, students, facilities, curricula, educational methods, research, and administration of the National Intelligence University.

The Board is composed of no more than 12 members who have extensive professional experience in the fields of national intelligence, national defense, and academia. The following ex-officio positions shall also serve on the Board: The Under Secretary for Intelligence and Analysis, U.S. Department of Homeland Security; the Assistant Director of National Intelligence for Human Capital and Chief Human Capital Officer for the Intelligence Community, DoD Office of the Director of National Intelligence, and; the Deputy Executive Director of management and Learning, Central Intelligence Agency and Chief Learning Officer, Central Intelligence Agency University. All members of the Board are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board -related travel and per diem, Board members serve without compensation.

The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: June 5, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–12439 Filed 6–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) announces the availability of the inventions listed below, assigned to the United States Government, as represented by the Secretary of the Navy, for domestic and foreign licensing by the Department of the Navy.

ADDRESSES: Requests for copies of the patent applications cited should be directed to Naval Surface Warfare Center, Crane Div., Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div., Code OOL, Bldg. 2, 300 Highway 361, Crane, IN 47522–5001, Email *Christopher.Monsey@navy.mil,* 812–854–2777.

SUPPLEMENTARY INFORMATION: The following patent application is available for licensing: Patent Application No. 14/953,315 (Navy Case No. 200226): Optimized Subsonic Projectiles and Related Methods.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: June 5, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–12522 Filed 6–8–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1276–008; ER10–1287–007; ER10–1292–007; ER10–1303–007; ER10–1319–009; ER10–1353–009.

Applicants: Consumers Energy Company, CMS Energy Resource Management Company, Grayling Generating Station Limited Partnership, Genesee Power Station Limited Partnership, CMS Generation Michigan Power, LLC, Dearborn Industrial Generation, L.L.C.

Description: Notice of Non-Material Change-In-Status of Consumer Energy Company, et. al.

Filed Date: 5/31/18.

Accession Number: 20180531–5437.

Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1731–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–06–01_Filing of MISO TOs for Cost Recovery of Operating and Maintenance Exp to be effective 8/1/2018.

Filed Date: 6/1/18.
Accession Number: 20180601–5228.
Comments Due: 5 p.m. ET 6/22/18.
Docket Numbers: ER18–1732–000.
Applicants: PacifiCorp, Portland General Electric Company, Bonneville Power Administration.
Description: § 205(d) Rate Filing: BPA/PGE/PAC South of Allston Path Agmt ? Rev 1 to be effective 6/1/2018.
Filed Date: 6/1/18.
Accession Number: 20180601–5238.
Comments Due: 5 p.m. ET 6/22/18.
Docket Numbers: ER18–1733–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: UAMPS Const Agmt for Heber 2nd POD to be effective 8/1/2018.
Filed Date: 6/1/18.
Accession Number: 20180601–5282.
Comments Due: 5 p.m. ET 6/22/18.
Docket Numbers: ER18–1734–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 20180531 First Amended Holy Cross PPA to be effective 4/3/2018.
Filed Date: 6/4/18.
Accession Number: 20180604–5000.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER18–1735–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: Revisions to WDT SGIA for Ministerial Revisions to be effective 6/5/2018.
Filed Date: 6/4/18.
Accession Number: 20180604–5002.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER18–1737–000.
Applicants: Northern Indiana Public Service Company.
Description: § 205(d) Rate Filing: Reactive Power Rate Filing of Northern Indiana Public Service Company LLC to be effective 8/1/2018.
Filed Date: 6/4/18.
Accession Number: 20180604–5112.
Comments Due: 5 p.m. ET 6/25/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES18–33–000.
Applicants: Southwest Power Pool, Inc.
Description: Amendment to April 27, 2018 Application under Section 204 of the Federal Power Act for Authorization to Issue Securities, et al. of Southwest Power Pool, Inc.
Filed Date: 6/1/18.
Accession Number: 20180601–5227.
Comments Due: 5 p.m. ET 6/22/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 4, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12436 Filed 6–8–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–071; ER10–2317–061; ER13–1351–043.
Applicants: J.P. Morgan Ventures Energy Corporation, BE CA LLC, Florida Power Development LLC.
Description: Notice of Non-Material Change in Status of the J.P. Morgan Sellers.
Filed Date: 6/4/18.
Accession Number: 20180604–5202.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER10–2739–021; ER10–1631–013; ER10–1854–013 ER10–1892–008; ER10–2678–014; ER10–2729–008 ER10–2744–014; ER11–3320–013; ER13–2316–011 ER14–1219–008; ER14–19–012; ER16–1652–009 ER16–1732–007; ER16–2405–007; ER16–2406–007 ER17–1946–006; ER17–989–006; ER17–990–006 ER17–991–006; ER17–992–006; ER17–993–006 ER18–95–003.
Applicants: LS Power Marketing, LLC, Armstrong Power, LLC, Aurora Generation, LLC, Bath County Energy, LLC, Buchanan Energy Services Company, LLC, Chambersburg Energy, LLC, Columbia Energy LLC, Doswell Limited Partnership, Gans Energy, LLC, Helix Ironwood, LLC, Hunlock Energy, LLC, LifeEnergy, LLC, LSP University Park, LLC, Riverside Generating Company, L.L.C., Rockford Power, LLC, Rockford Power II, LLC, Seneca Generation, LLC, Springdale Energy, LLC, Troy Energy, LLC, University Park Energy, LLC, West Deptford Energy, LLC, Buchanan Generation, LLC.
Description: Notification of Change in Status of the LS PJM MBR Sellers.
Filed Date: 6/4/18.
Accession Number: 20180604–5203.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER11–3050–003.
Applicants: FirstEnergy Corp.
Description: Notice of change in status of FirstEnergy Companies.
Filed Date: 6/4/18.
Accession Number: 20180604–5187.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER12–162–019 ; ER13–1266–016; ER11–2044–024; ER15–2211–013.
Applicants: Bishop Hill Energy II LLC, CalEnergy, LLC, MidAmerican Energy Company, MidAmerican Energy Services, LLC.
Description: Supplement to December 21, 2017 Central Region Triennial Market Power Analysis and Notice of Change in Status under Market-Based Rate Authority of Bishop Hill Energy II LLC, et al.
Filed Date: 6/4/18.
Accession Number: 20180604–5201.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER17–1392–001.
Applicants: El Cabo Wind LLC.
Description: Notice of Change in Status of El Cabo Wind LLC.
Filed Date: 6/4/18.
Accession Number: 20180604–5191.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER18–1565–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to correct metadata in ER18–1565–000 re: Cancellation of SA No. 3764 to be effective 6/4/2018.
Filed Date: 5/22/18.
Accession Number: 20180522–5230.
Comments Due: 5 p.m. ET 6/12/18.
Docket Numbers: ER18–1738–000
Applicants: Bath County Energy, LLC.
Description: Compliance filing: Notice of Succession for Reactive Service Rate Schedule to be effective 5/3/2018.
Filed Date: 6/4/18.
Accession Number: 20180604–5134.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER18–1739–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–06–04_Filing by MISO TOs to revise Attachment O and ADIT Work Papers to be effective 1/1/2019.
Filed Date: 6/4/18.
Accession Number: 20180604–5153,
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: ER18–1740–000.

Applicants: Portland General Electric Company.

Description: § 205(d) Rate Filing: BPA/PGE/PAC South of Allston Path Agreement to be effective 6/4/2018.

Filed Date: 6/4/18.

Accession Number: 20180604–5178.

Comments Due: 5 p.m. ET 6/25/18.

Docket Numbers: ER18–1741–000.

Applicants: Portland General Electric Company.

Description: Notice of Cancellation of Rate Schedule No. 15 of Portland General Electric Company.

Filed Date: 6/4/18.

Accession Number: 20180604–5195.

Comments Due: 5 p.m. ET 6/25/18.

Docket Numbers: ER18–1742–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1166R31 Oklahoma Municipal Power Authority NITSA and NOA to be effective 6/1/2018.

Filed Date: 6/5/18.

Accession Number: 20180605–5039.

Comments Due: 5 p.m. ET 6/26/18.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH18–9–000.

Applicants: LS Power Development, LLC.

Description: LS Power Development, LLC submits FERC 65–B Non-Material Change in Fact of Waiver Notification.

Filed Date: 6/4/18.

Accession Number: 20180604–5185.

Comments Due: 5 p.m. ET 6/25/18.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF18–1459–000.

Applicants: Duke Energy Renewables Commercial, LLC.

Description: Form 556 of Duke Energy Renewables Commercial, LLC [Montgomery County PSHQ].

Filed Date: 5/31/18.

Accession Number: 20180531–5444.

Comments Due: None-Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12463 Filed 6–8–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–6–001]

Notice of Filing: FirstEnergy Service Company

Take notice that on June 4, 2018, FirstEnergy Service Company submitted a Notice of Non-Material Change in Circumstances pursuant to the order issued by the Federal Energy Regulatory Commission (Commission), in the above captioned proceeding, on February 2, 2018.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 25, 2018.

Dated: June 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12465 Filed 6–8–18; 8:45 am]

BILLING CODE 6717–01–P

[1] *FirstEnergy Service Company,* 162 FERC ¶ 61,087 (2018).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–97–000.

Applicants: NextEra Energy Transmission Southwest, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of NextEra Energy Transmission Southwest, LLC.

Filed Date: 6/5/18.

Accession Number: 20180605–5094.

Comments Due: 5 p.m. ET 6/26/18.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–95–000.

Applicants: Langdon Renewables, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Langdon Renewables, LLC.

Filed Date: 6/5/18.

Accession Number: 20180605–5083.

Comments Due: 5 p.m. ET 6/26/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1173–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2018–06–05_Deficiency response for Locational Filing to be effective 5/30/2018.

Filed Date: 6/5/18.

Accession Number: 20180605–5129.

Comments Due: 5 p.m. ET 6/26/18.

Docket Numbers: ER18–1743–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NYISO 205 filing of tariff revisions to Alternate LCR to be effective 8/5/2018.

Filed Date: 6/5/18.

Accession Number: 20180605–5041.
Comments Due: 5 p.m. ET 6/26/18.
Docket Numbers: ER18–1744–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: Tri-State Trans Ownership, O&M to be effective 8/5/2018.
Filed Date: 6/5/18.
Accession Number: 20180605–5067.
Comments Due: 5 p.m. ET 6/26/18.
Docket Numbers: ER18–1745–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Second Revised ISA SA No. 4063; Queue No. Y2–078/AB2–014/AD1–059 to be effective 5/7/2018.
Filed Date: 6/5/18.
Accession Number: 20180605–5097.
Comments Due: 5 p.m. ET 6/26/18.
Docket Numbers: ER18–1746–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Second Revised ISA SA No. 3903; Queue No. AC1–021 to be effective 5/7/2018.
Filed Date: 6/5/18.
Accession Number: 20180605–5121.
Comments Due: 5 p.m. ET 6/26/18.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR18–7–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition for Approval of Amendments to the Bylaws of the North American Electric Reliability Corporation.
Filed Date: 6/4/18.
Accession Number: 20180604–5136.
Comments Due: 5 p.m. ET 6/25/18.
Docket Numbers: RR18–8–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition of the North American Electric Reliability Corporation for Approval of Amendments to the Midwest Reliability Organization Bylaws.
Filed Date: 6/4/18.
Accession Number: 20180604–5137.
Comments Due: 5 p.m. ET 6/25/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12464 Filed 6–8–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Management Committee Meeting

June 12, 2018, 10:00 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2018-06-12.*

NYISO Electric System Planning Working Group and Transmission Planning Advisory Meeting

June 14, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-06-14.*

NYISO Business Issues Committee Meeting

June 20, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2018-06-20.*

NYISO Operating Committee Meeting

June 21, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2018-06-21.*

NYISO Electric System Planning Working Group and Transmission Planning Advisory Meeting

June 22, 2018, 11:00 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-06-22.*

NYISO Special Management Committee Meeting

June 26, 2018, 10:00 a.m.–12:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2018-06-26.*

NYISO Electric System Planning Working Group Meeting

June 28, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-06-28.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Independent System Operator, Inc., Docket No. ER17–2327.

For more information, contact James Eason, Office of Energy Market

Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: June 5, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12467 Filed 6–8–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2006–0361; FRL–9978–99–OLEM]

Proposed Information Collection Request; Comment Request; Trade Secrets Claims Under the Emergency Planning and Community Right-to-Know Information (EPCRA Section 322)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Trade Secrets Claims under the Emergency Planning and Community Right-to-Know Information'' (EPA ICR No. 1428.11, OMB Control No. 2050–0078) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 10, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2006–0361 referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Sicy Jacob, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–8019; email address: *jacob.sicy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This information collection request pertains to trade secrecy claims submitted under Section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to State and local authorities, and EPA, the presence of extremely hazardous substances (Section 302), inventory of hazardous chemicals (Sections 311 and 312) and manufacture, process and use of toxic chemicals (Section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a claim of trade secrecy for that chemical identity. The provisions in Section 322 establish the requirements and procedures that facilities must follow to request trade secrecy treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the ''sufficiency'' of trade secrecy claims. The regulations are codified in 40 CFR part 350.

Trade secrecy protection is provided for specific chemical identities contained in reports submitted under each of the following: (1) Section 303 (d)(2)—Facility notification of changes that have or are about to occur, (2) Section 303 (d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information to develop or implement emergency plans, (3) Section 311—Material Safety Data Sheets (MSDSs) submitted by facilities, or list of those chemicals submitted in place of the MSDSs, (4) Section 312—Emergency and hazardous chemical inventory forms (Tier I or Tier II), and (5) Section 313 Toxic chemical release inventory form.

Form Number: EPA Form No. 8700–30.

Respondents/affected entities: Entities potentially affected by this action are manufacturers or non-manufacturers subject to reporting under Sections 303, 311/312 or 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Respondent's obligation to respond: Mandatory if the respondents wish to claim the chemical identity for any of the chemicals as trade secret in any of the reports required to be submitted under EPCRA.

Estimated number of respondents: 305 (total). This number may be revised prior to submitting the ICR package to OMB based on the claims received as the compliance date for Section 313 report is July 1, 2018 for 2017 reporting year.

Frequency of response: Trade secret claim packages must be submitted to EPA at the same time the reports under Sections 303, 311, 312, and 313 are submitted.

Total estimated burden: 2,898 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $169,373 (per year). No capital and operation and maintenance costs are associated with any requirements in this ICR.

Changes in Estimates: There is a decrease of 311 hours in the total estimated respondent burden compared with the ICR currently approved by

OMB. The actual number of claims submitted under Section 312 is slightly lower than the estimate provided in the previous ICR. The burden hours and costs may be revised based on the actual trade secret claim submissions received for Section 313 reports. The compliance deadline for section 313 report is July 1, 2018. EPA will revise the burden and costs prior to submitting the package to OMB.

Dated: May 24, 2018.

Becki Clark,

Deputy Director, Office of Emergency Management.

[FR Doc. 2018–12505 Filed 6–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9979–08-Region 6]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance—Class I Hazardous Waste Injection; U. S. Ecology Texas (USET) Robstown, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a final decision on a UIC no migration petition reissuance.

SUMMARY: Notice is hereby given that a reissuance of an exemption to the Land Disposal Restrictions, under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act, has been granted to USET for two Class I hazardous waste injection wells located at their Robstown, Texas facility. The company has adequately demonstrated to the satisfaction of the EPA by the petition reissuance application and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by USET of the specific restricted hazardous wastes identified in this exemption reissuance, into Class I hazardous waste injection wells WDW–278 and WDW–279 until December 31, 2030, unless the EPA moves to terminate this exemption or other petition condition limitations are reached. Additional conditions included in this final decision may be reviewed by contacting the EPA Region 6 Ground Water/UIC Section. A public notice was issued March 29, 2018, and the public comment period closed on May 15, 2018, and no comments were received. This decision constitutes final Agency action and there is no Administrative appeal. This decision may be reviewed/appealed in compliance with the Administrative Procedure Act.

DATES: This action is effective as of May 18, 2018.

ADDRESSES: Copies of the petition reissuance and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Division, Safe Drinking Water Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–8324.

Dated: May 18, 2018.

James R. Brown,

Associate Director, Safe Drinking Water Branch.

[FR Doc. 2018–12508 Filed 6–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0210; FRL–9978–40]

Problem Formulations for the Risk Evaluations To Be Conducted Under the Toxic Substances Control Act, and General Guiding Principles To Apply Systematic Review in TSCA Risk Evaluations; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is publishing and taking comments on the problem formulation documents for the first 10 chemical substances undergoing risk evaluation under the Toxic Substances Control Act (TSCA). Comments received will inform the development of draft risk evaluation documents for these 10 chemical substances. The 10 problem formulation documents announced in this document refine the scope documents published in June 2017 and are an additional interim step, prior to publication of the draft risk evaluations. EPA is also publishing and taking comments on a document entitled: ''*Application of Systematic Review in TSCA Risk Evaluations,*'' which sets out general principles to guide EPA's application of systematic review for TSCA risk evaluations. The Office of Pollution Prevention and Toxics (OPPT) generally intends to apply systematic review principles in the development of risk evaluations under TSCA. The systematic review document includes a structured process of identifying, evaluating and integrating evidence for both the hazard and exposure assessments developed during the TSCA risk evaluation process. This document may be revised periodically. EPA welcomes public input on the document.

DATES: Comments on the problem formulations must be received on or before July 26, 2018.

EPA specifically requests comments on the *Application of Systematic Review in TSCA Risk Evaluations* document for 45 days *after date of publication in the* **Federal Register**. In addition, because this document is a living document which may be revised periodically. EPA welcomes public input on this document at any time.

ADDRESSES: Submit your comments, identified by the appropriate docket identification (ID) numbers as provided in Unit IV., 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. When submitting comments, please be as specific as possible, and please include any supporting data or other information.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information on the Problem Formulation documents contact: Christina Motilall, Risk Assessment Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1287; email address: *motilall.christina@epa.gov.*

For technical information on Application of Systematic Review in TSCA Risk Evaluations contact: Iris Camacho, Risk Assessment Division, Office of Pollution Prevention and

Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1229; email address: *TSCA-systematicreview@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be potentially affected by this action if you manufacture (defined under TSCA to include import), process, distribute in commerce, use or dispose of any of the 10 chemical substances identified in this document for risk evaluation, or any future existing chemical substances undergoing risk evaluation under TSCA. This action may be of particular interest to entities that are regulated under TSCA (*e.g.,* entities identified under North American Industrial Classification System (NAICS) codes 325 and 324110, among others). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities and corresponding NAICS codes for entities that may be interested in or affected by this action.

II. What is the Agency's authority for this action?

As amended in June 2016, TSCA requires that EPA prioritize and evaluate existing chemical substances and manage identified risks (15 U.S.C. 2605). TSCA section 6(b) specifies the requirements for risk evaluation.

III. Background

A. The First 10 Chemical Substances for Risk Evaluations Under TSCA

On December 19, 2016 (81 FR 91927) (FRL–9956–47), EPA released its designation of the first 10 chemical substances for risk evaluations under TSCA. EPA's designation of the first 10 chemical substances constituted the initiation of the risk evaluation process for each of these chemical substances, pursuant to the requirements of TSCA section 6(b)(4).

On June 22, 2017, EPA released scope documents for the first 10 chemical substances (see 82 FR 31592, July 7, 2017) (FRL–9963–57). Each scope document includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA expects to consider in the risk evaluation.

EPA has prepared a Response to Comments document addressing overarching comments received on the scope documents, which is available in the docket (see docket ID number EPA–HQ–OPPT–2017–0736). Chemical substance-specific comments on the scope documents are addressed in the respective problem formulation documents.

B. Systematic Review

In the development of TSCA risk evaluations, the Agency generally intends to apply systematic review principles. EPA described systematic review in the preamble of the final rule *Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act* (82 FR 33726, July 20, 2017), and in the preamble of the proposed rule (82 FR 7562, January 19, 2017) (FRL–9957–75). EPA intends to apply systematic review to pre-specify the criteria, methods/approaches for data collection, data evaluation and data integration to meet the TSCA science standards. TSCA requires EPA to make scientific decisions in a manner consistent with the best available science and base decisions on the weight of the scientific evidence.

Supplemental documents to the scope documents of the first 10 chemical substances, published in June 2017 (*e.g., Strategy for Conducting Literature Searches for Asbestos: Supplemental Document to the TSCA Scope Document,* CASRN: 1332–21–4) already document the initial methods for identifying, compiling and screening publicly available information. These data collections and screening activities are described in the *Strategy for Conducting Literature Searches* document and the *Bibliography* document supporting each of the TSCA scope documents for the first ten chemical substances.

IV. What action is the Agency taking?

A. Problem Formulation Documents

To refine the scope documents, EPA is publishing and taking public comment on problem formulation documents for the first 10 chemical substances. As indicated in the scope documents, time constraints resulted in scope documents that were not as refined or specific as future scope documents are anticipated to be. The 10 problem formulation documents announced in this document are an additional interim step, prior to publication of the draft risk evaluations, that refine the scope documents. These refinements may apply to the conditions of use, hazards, exposures, and the potentially exposed or susceptible subpopulations EPA expects to consider in the risk evaluation. EPA has incorporated scope document comments specific to each chemical substance into the respective problem formulation document. While EPA does not intend to revise these problem formulation documents, comments and information provided will inform the development of the draft risk evaluation documents.

The following table identifies the docket ID numbers and EPA contact for each of the 10 problem formulations that EPA is taking comments on.

Chemical No.	Docket ID No.	Agency contact
Asbestos	EPA–HQ–OPPT–2016–0736	Robert Courtnage, *courtnage.robert@epa.gov,* 202–566–1081.
1-Bromopropane	EPA–HQ–OPPT–2016–0741	Ana Corado, *corado.ana@epa.gov,* 202–564–0140.
1,4-Dioxane	EPA–HQ–OPPT–2016–0723	Cindy Wheeler, *wheeler.cindy@epa.gov,* 202–566–0484.
Carbon Tetrachloride	EPA–HQ–OPPT–2016–0733	Stephanie Jarmul, *jarmul.stephanie@epa.gov,* 202–564–6130.
Cyclic Aliphatic Bromide Cluster (HBCD)	EPA–HQ–OPPT–2016–0735	Sue Slotnick, *slotnick.sue@epa.gov,* 202–566–1973.
Methylene Chloride	EPA–HQ–OPPT–2016–0742	Ana Corado, *corado.ana@epa.gov,* 202–564–0140.
N-Methylpyrrolidone (NMP)	EPA–HQ–OPPT–2016–0743	Ana Corado, *corado.ana@epa.gov,* 202–564–0140.
Pigment Violet 29 (Anthra[2,1,9-def:6,5,10-d′e′f′] diisoquinoline-1,3,8,10(2H,9H)-tetrone).	EPA–HQ–OPPT–2016–0725	Hannah Braun, *braun.hannah@epa.gov,* 202–564–5614.
Tetrachloroethylene (also known as perchloroethylene).	EPA–HQ–OPPT–2016–0732	Tyler Lloyd, *lloyd.tyler@epa.gov,* 202–564–4016.
Trichloroethylene (TCE)	EPA–HQ–OPPT–2016–0737	Toni Krasnic, *krasnic.toni@epa.gov,* 202–564–0984.

EPA invites the public to provide additional comment and information that would be useful in conducting the risk evaluation for each of the 10 chemical substances.

B. The Application of Systematic Review in TSCA Risk Evaluations

The *Application of Systematic Review in TSCA Risk Evaluations* document is a supplemental publication which sets out general principles to guide EPA's application of systematic review in the risk evaluation process for the first 10 chemical substances that EPA initiated on December 19, 2016, as well as future assessments. It also provides the intended strategy for assessing the quality of information that the Agency plans to use for the TSCA risk evaluations.

The Agency intends to implement a structured process of identifying, evaluating and integrating evidence for both the hazard and exposure assessments developed during the TSCA risk evaluation process. As needed, EPA will develop new approaches and methods to address specific assessment needs for the relatively large and diverse chemical space under TSCA. Hence, the Agency will document the progress of implementing systematic review in the draft risk evaluations and through revisions of this document and publication of supplemental documents. The systematic review document provides the *general expectations* for evidence integration. Further additional information will be published with the publication of the draft TSCA risk evaluations.

Ultimately, the goal is to establish a pragmatic systematic review process that generates high quality, fit-for-purpose risk evaluations that rely on the best available science and the weight of the scientific evidence within the context of TSCA.

This document is a living document which may be revised periodically. EPA welcomes public input on this document at any time.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: May 31, 2018.

Charlotte Bertrand,

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

[FR Doc. 2018–12520 Filed 6–8–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Communications Security, Reliability, and Interoperability Council (CSRIC) VI will hold its fifth meeting.

DATES: June 29, 2018.

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

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, Designated Federal Officer, (202) 418–1096 (voice) or *jeffery.goldthorp@fcc.gov* (email); or Suzon Cameron, Deputy Designated Federal Officer, (202) 418–1916 (voice) or *suzon.cameron@fcc.gov* (email).

SUPPLEMENTARY INFORMATION: The meeting will be held on June 29, 2018, from 1:00 p.m. to 5:00 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street SW, Washington, DC 20554.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the FCC regarding best practices and actions the FCC can take to help ensure the security, reliability, and interoperability of communications systems. On March 19, 2017, the FCC, pursuant to the Federal Advisory Committee Act, renewed the charter for the CSRIC for a period of two years through March 18, 2019. The meeting on June 29, 2018, will be the fifth meeting of the CSRIC under the current charter. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at *http://www.fcc.gov/live.* The public may submit written comments before the meeting to Jeffery Goldthorp, CSRIC Designated Federal Officer, by email to *jeffery.goldthorp@fcc.gov* or U.S. Postal Service Mail to Jeffery Goldthorp, Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Room 7–A325, Washington, DC 20554.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2018–12490 Filed 6–8–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1113]

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

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

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

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid

Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before July 11, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

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

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1113.
Title: Election Whether to Participate in the Wireless Emergency Alert System.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,253 respondents; 5,012 responses.

Estimated Time per Response: 0.5—12 hours.

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

Obligation To Respond: Mandatory and Voluntary Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 154(j), 154(o), 218, 219, 230, 256, 302(a), 303(f), 303(g), 303(r), 403, 621(b)(3), and 621(d). Total Annual Burden: 28,820 hours. Total Annual Cost: No Cost. Privacy Act Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: The Commission will submit this information collection as a revision to the Office of Management and Budget after this 60-day comment period in order to obtain the three year clearance from them.

The information collection requirements of this collection include the following information from Commercial Mobile Service (CMS) providers: (1) Enhanced notice to consumers at time of sale (Enhanced Notice at Time of Sale); (2) marginally different disclosure as to degree of participation in wireless alerts (''in whole'' or ''in part'') (Notice of Election); (3) notice to current subscribers of non-participation in WEA (Notice to Current Subscribers); and (4) a new collection to include voluntary information collection for a database that the Commission plans to create (Database Collection).

The Commission created WEA (previously known as the Commercial Mobile Service Alert System, or CMAS) as required by Congress in the Warning Alert and Response Network (WARN) Act and to satisfy the Commission's mandate to promote the safety of life and property through the use of wire and radio communication. All these information collections involve the Wireless Emergency Alert (WEA) system, a mechanism under which CMS providers may elect to transmit emergency alerts to the public.

Notice of Election

On August 7, 2008, the Commission released the Third Report and Order in PS Docket No. 07- 287 (CMS Third Report and Order), FCC 08–184. The CMS Third Report and Order implemented provisions of the WARN Act, including a requirement that within 30 days of release of the CMS Third Report and Order, each CMS provider must file an election with the Commission indicating whether or not it intends to transmit emergency alerts as part of WEA. The Commission began accepting WEA election filings on or before September 8, 2008. The Bureau has sought several extensions of this information collection. OMB granted the latest on July 14, 2017. On January 30, 2018, the Commission adopted a WEA Second Report and Order and Second Order on Reconsideration in PS Docket Nos. 15–91 and 15–94, FCC 18–4 (WEA Second R&O). In this order, the Commission defines ''in whole'' or ''in part'' WEA participation, specifies the difference between these elections, and requires CMS providers to update their election status accordingly.

Enhanced Notice at Time of Sale

Section 10.240 of the Commission's rules already requires that CMS Providers participating in WEA ''in part'' provide notice to consumers that WEA may not be available on all devices or within the entire service area, as well as details about the availability of WEA service. As part of the WEA Second R&O, the Commission adopted enhanced disclosure requirements, requiring CMS Providers participating in WEA ''in part'' to disclose the extent to which enhanced geo-targeting is available on their network and devices at the point of sale and the benefits of enhanced geo-targeting at the point of sale. We believe these disclosures will allow consumers to make more informed choices about their ability to receive WEA Alert Messages that are relevant to them.

Notice to Current Subscribers

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall provide clear and conspicuous notice, which takes into account the needs of persons with disabilities, to existing subscribers of its non-election or partial election to provide Alert messages by means of an announcement amending the existing subscriber's service agreement.

A CMS provider that elects not to transmit WEA Alert Messages, in part or in whole, shall use the notification language set forth in § 10.240 (c) or (d) respectively, except that the last line of the notice shall reference FCC Rule 47 CFR 10.250, rather than FCC Rule 47 CFR 10.240.

In the case of prepaid customers, if a mailing address is available, the CMS provider shall provide the required notification via U.S. mail. If no mailing address is available, the CMS provider shall use any reasonable method at its disposal to alert the customer to a change in the terms and conditions of service and directing the subscriber to voice-based notification or to a website providing the required notification.

Database Collection

The Commission also seeks to collect new information in connection with its creation of a WEA database to improve information transparency for emergency managers and the public regarding the extent to which WEA is available in their area. The Commission will request this information from CMS providers on a voluntary basis, including geographic area served and devices that are programmed, at point of sale, to transmit WEAs. We note that many participating CMS providers already provide information of this nature in their docketed filings. As discussed below, this database will remove a major roadblock to emergency managers' ability to conduct tests of the alerting system and enable individuals and emergency managers to identify the alert coverage area.

Since ensuring consumer notice and collection information on the extent of CMS providers' participation is statutorily mandated, the Commission requests approval of this collection by OMB so that the Commission may continue to meet its statutory obligation under the WARN Act. The database information collection is voluntary, but also requires OMB approval.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–12489 Filed 6–8–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

[NOTICE 2018–11]

Filing Dates for the Pennsylvania Special Election in the 15th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Pennsylvania has scheduled a special general election on November 6, 2018, to fill the U.S. House of Representatives seat in the 15th Congressional District vacated by Representative Charles Dent.

Committees required to file reports in connection with the Special General Election on November 6, 2018, shall file a 12-day Pre-General Report, and a 30-day Post-General Report.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 1050 First Street NE, Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the Pennsylvania Special General Election shall file a 12-day Pre-General Report on October 25, 2018; and a Post-General Report on December 6, 2018. (See chart below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See chart below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a quarterly basis in 2018 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Pennsylvania Special General Election by the close of books for the applicable report(s). (See chart below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Pennsylvania Special General Election will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Pennsylvania Special General Election may be found on the FEC website at *https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/.*

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of $18,200 during the special election reporting periods. (See chart below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

CALENDAR OF REPORTING DATES FOR PENNSYLVANIA SPECIAL GENERAL ELECTION

Report	Close of books [1]	Reg./cert. and overnight mailing deadline	Filing deadline
Committees Involved in the Special General (11/06/18) Must File			
Pre-General	10/17/18	10/22/18	10/25/18
Post-General	11/26/18	12/06/18	12/06/18
Year-End	12/31/18	01/31/19	01/31/19

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

On behalf of the Commission.

Dated: May 24, 2018.

Caroline C. Hunter,

Chair, Federal Election Commission.

[FR Doc. 2018–12487 Filed 6–8–18; 8:45 am]

BILLING CODE 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.: 012356–001.

Title: Matson/Mell Space Charter Agreement (Pacific Islands).

Parties: Matson Navigation Company, Inc. and Mariana Express Lines Pte. Ltd.

Filing Party: David J. Tubman, Assistant General Counsel; Matson; 555 12th Street; Oakland, CA 94607.

Synopsis: The amendment updates the Agreement to reflect reciprocal space charter authority, and makes other administrative changes to the Agreement.

Agreement No.: 201250.

Title: Marine Terminal Services Agreement between Port of Houston Authority and Zim Integrated Shipping Services Ltd.

Parties: Port of Houston Authority and Zim Integrated Shipping Services Ltd.

Filing Party: Chasless Yancy; Port of Houston Authority; 111 East Loop North; Houston, TC 77029.

Synopsis: The Agreement sets forth certain discounted rates and charges applicable to Zim's container vessels calling at PHA's Barbours Cut and Bayport Container Terminals in the Port of Houston. The MTSA will commence upon filing with the Federal Maritime Commission, and the term of the MTSA is for 10 years following such filing, with an option to jointly agree upon a five-year extension.

Dated: June 5, 2018.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–12425 Filed 6–8–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 2:30 p.m. on Thursday, June 14, 2018.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets NW, Washington, DC 20551.

STATUS: Open.

On the day of the meeting, you will be able to view the meeting via webcast from a link available on the Board's public website. *You do not need to register to view the webcast of the meeting.* A link to the meeting documentation will also be available approximately 20 minutes before the start of the meeting. Both links may be accessed from the Board's public website at *www.federalreserve.gov.*

If you plan to attend the open meeting in person, we ask that you notify us in advance and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may register online. You may pre-register until close of business on Wednesday, June 13, 2018. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202–263–4869.

Privacy Act Notice: The information you provide will be used to assist us in prescreening you to ensure the security of the Board's premises and personnel. In order to do this, we may disclose your information consistent with the routine uses listed in the Privacy Act Notice for BGFRS–32, including to appropriate federal, state, local, or foreign agencies where disclosure is reasonably necessary to determine whether you pose a security risk or where the security or confidentiality of your information has been compromised. We are authorized to collect your information by 12 U.S.C. 243 and 248, and Executive Order 9397. In accordance with Executive Order 9397, we collect your SSN so that we can keep accurate records, because other people may have the same name and birth date. In addition, we use your SSN when we make requests for information about you from law enforcement and other regulatory agency databases. Furnishing the information requested is voluntary; however, your failure to provide any of the information requested may result in disapproval of your request for access to the Board's premises. You may be subject to a fine or imprisonment under 18 U.S.C. 1001 for any false statements you make in your request to enter the Board's premises.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. Final rule to establish single-counterparty credit limits for large U.S. bank holding companies and foreign banking organizations and related regulatory reporting proposal.

Notes: 1. The staff memos to the Board will be made available to attendees on the day of the meeting in paper and the background material will be made available on a compact disc (CD). If you require a paper copy of the entire document, please call Penelope Beattie on 202–452–3982. The documentation will not be available to the public until about 20 minutes before the start of the meeting.

2. This meeting will be recorded for the benefit of those unable to attend. The webcast recording and a transcript of the meeting will be available after the meeting on the Board's public website *http://www.federalreserve.gov/aboutthefed/boardmeetings/* or if you prefer, a CD recording of the meeting will be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may access the Board's public website at *www.federalreserve.gov* for an electronic announcement. (The website also includes procedural and other information about the open meeting.)

Dated: June 7, 2018

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–12620 Filed 6–7–18; 4:15 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0163; Docket 2018–0003; Sequence No. 3]

Submission for OMB Review; Small Business Size Rerepresentation

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

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 for approval of a previously approved information collection requirement regarding small business size rerepresentation.

DATES: Submit comments on or before: July 11, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA 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 9000–0163. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0163, Small Business Size Rerepresentation''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0163, Small Business Size Rerepresentation'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0163, Small Business Size Rerepresentation.

Instructions: Please submit comments only and cite ''Information Collection 9000–0163, Small Business Size Rerepresentation,'' 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: Ms. Janet Fry, Procurement Analyst, Office of Government-wide Policy, contact via telephone 703–605–3167 or email *janet.fry@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation (FAR) 19.301 and the FAR clause at 52.219–28, Post-Award Small Business Program Rerepresentation, implement the Small Business Administration's (SBA's) regulation at 13 CFR 121.404(g), requiring that a concern that initially represented itself as small at the time of its initial offer must recertify its status as a small business under the following circumstances:

- Within thirty days of an approved contract novation;
- Within thirty days in the case of a merger or acquisition, where contract novation is not required; or
- Within 120 days prior to the end of the fifth year of a contract, and no more than 120 days prior to the exercise of any option thereafter.

The implementation of SBA's regulation in FAR 19.301 and the FAR clause at 52.219–28 require that contractors rerepresent size status by updating their representations at the prime contract level in the Representations and Certifications section of the System for Award Management (SAM) and notifying the contracting officer that it has made the required update.

The purpose of implementing small business rerepresentations in the FAR is to ensure that small business size status is accurately represented and reported over the life of long-term contracts. The FAR also provides for provisions designed to ensure more accurate reporting of size status for contracts that are novated, or performed by small businesses that have merged with or been acquired by another business. This information is used by the SBA, Congress, Federal agencies and the general public for various reasons such as determining if agencies are meeting statutory goals, set-aside determinations, and market research.

B. Annual Reporting Burden

An upward adjustment is being made to the estimated annual reporting burden since the last notice regarding an extension for this clearance published on May 4, 2015 in the **Federal Register** at 80 FR 25293. Based on fiscal year 2017 rerepresentation modification data from the Federal Procurement Data System (FPDS), the number of annual respondents has increased from 1,700 to 2,200.

Respondents: 2,200.
Responses per Respondent: 1.
Total Number of Responses: 2,200.
Hours per Response: 0.5.
Total Burden Hours: 1,100.

C. Public Comments

A notice published in the **Federal Register** at 83 FR 11202, on March 14, 2018. No comments were received. Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, 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; 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, telephone 202–501–4755.

Please cite OMB Control No. 9000–0163, Small Business Size Rerepresentation, in all correspondence.

Dated: June 6, 2018.

William Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–12493 Filed 6–8–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC) Meeting

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

ACTION: Notice of closed meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC).

DATES: The meeting will be held on July 12, 2018, 1:00 p.m. to 3:00 p.m., EDT (CLOSED).

ADDRESSES: Teleconference.

FOR FURTHER INFORMATION CONTACT: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway, NE, Mailstop F–63, Atlanta, GA 30341, Telephone (770) 488–1430, Email address: *NCIPCBSC@cdc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Purpose: The Board of Scientific Counselors makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury and violence prevention. The Board also provides advice on the appropriate balance of intramural and extramural research, and guidance on the needs, structure, progress and performance of intramural programs. The Board also provides guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of secondary peer review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as they relate to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director relating to applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals.

Matters To Be Considered: The agenda will include discussions on secondary peer review of extramural research grant and cooperative agreement applications received in response to three (3) Notice of Funding Opportunities (NOFO): RFA–CE–18–003, *Research on Improving Pediatric mTBI (Mild Traumatic Brain Injury) Outcomes Through Clinician Training, Decision Support, and Discharge Instructions;* RFA–CE–18–002, *Evaluation of Policies for the Primary Prevention of Multiple Forms of Violence;* and RFA–CE–18–004, *Research to Evaluate Medication Management of Opioids and Benzodiazepines to Reduce Older Adult Falls.* Agenda items are subject to change as priorities dictate.

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

Elaine Baker,

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

[FR Doc. 2018–12417 Filed 6–8–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10394]

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

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *July 11, 2018.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection;

Title of Information Collection: Application to be Qualified Entity to Receive Medicare Data for Performance Measurement; *Use:* The Patient Protection and Affordable Care Act (ACA) was enacted on March 23, 2010 (Pub. L. 111–148). ACA amends section 1874 of the Social Security Act by adding a new subsection (e) to make standardized extracts of Medicare claims data under Parts A, B, and D available to qualified entities to evaluate the performance of providers of services and suppliers. This is the application needed to determine an organization's eligibility as a qualified entity. To implement the requirements outlined in the legislation, CMS established the Qualified Entity Certification Program (QECP) to evaluate an organization's eligibility across three areas: Organizational and governance capabilities, addition of claims data from other sources (as required in the statute), and data privacy and security. This collection covers the application through which organizations provide information to CMS to determine whether they will be approved as a qualified entity. *Form Number:* CMS–10394 (OMB control number: 0938–1144); *Frequency:* Reporting-Yearly; *Affected Public:* Private Sector (State, Local, or Tribal Governments, Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 30; *Total Annual Responses:* 10; *Total Annual Hours:* 5,000. (For policy questions regarding this collection contact Kari Gaare at 410–786–8612.)

Dated: June 5, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–12437 Filed 6–8–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: The Evaluation of Child Welfare Information Gateway.

OMB No.: New Collection.

(*Note: Some of the data collection activities proposed for the Evaluation of Child Welfare Information Gateway were previously approved via Fast Track OMB Clearance. We are seeking regular OMB approval so that future evaluation findings may be publicly disseminated in reports, journals and at conferences to better inform the child welfare field.*)

Description: The Children's Bureau (CB), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing new or expanded data collection activities as part of its *Evaluation of Child Welfare Information Gateway.*

Child Welfare Information Gateway (CWIG) is a service of the Children's Bureau, a component within the Administration for Children and Families, and is dedicated to the mission of connecting professionals and concerned citizens to information on programs, research, legislation, and statistics regarding the safety, permanency, and well-being of children and families. The Evaluation of Child Welfare Information Gateway was initiated in response to Executive Order 12862 issued on September 11, 1993. The Order calls for putting customers first and striving for a customer-driven government that matches or exceeds the best service available in the private sector. To that end, CWIG's evaluation is designed to better understand the kind and quality of information services that customers want, as well as customers' level of satisfaction with existing services.

A new Market Research Sub-Study is also being proposed as part of this submission to complement information obtained from the larger Evaluation of Child Welfare Information Gateway. The sub-study component seeks to learn more about how child welfare professionals and students planning to enter the child welfare workforce access and consume work-related information. This national study will focus on understanding child welfare professionals' and students' characteristics, use of technology, and preferences for obtaining information that they use in their work. The goal of the sub-study is to provide child welfare technical assistance providers and other organizations with a better understanding of their target audiences so they can design more effective products, services, and dissemination strategies to reach these populations.

Data collection activities proposed for the Evaluation of Child Welfare Information Gateway include: ten online targeted surveys designed to evaluate CWIG's special initiative websites and other targeted website sections; ten online event surveys administered after CWIG-sponsored webinars, presentations, or other events; five focus groups (each with approximately 10 participants) with users and non-users of CWIG's special initiative websites and other CWIG products and services; and, a general customer survey delivered via multiple modes (*e.g.,* website, email, live chat, print, and phone). The sampling plan for the CWIG general customer survey is designed to reach the various types of customers using Child Welfare Information Gateway services such as professionals, students, and customers looking for assistance with a personal situation while reducing burden for respondents by only asking relevant questions for their backgrounds.

The market research sub-study seeks to deliver surveys and conduct focus groups to gauge online information habits and preferences. The proposed market research sub-study will consist of a national online survey of child welfare professionals and students, which will be administered through four different instruments tailored for four different populations. Ten focus groups (each with 8 to 10 participants) will be used to learn more about different audiences' habits and preferences related to child welfare information access and consumption.

Respondents: The Evaluation of Child Welfare Information Gateway will target all types of possible CWIG users including: State and local governments, the territories, service providers, Tribes and tribal organizations, grantees, researchers, and the general public seeking information and resources from Child Welfare Information Gateway via the website, mail, telephone, Live Chat, and email. The Market Research Sub-Study will target child welfare professionals in state, county, tribal, and private agencies; Court Improvement Program coordinators and directors; judges and attorneys involved in child welfare-related work; and students in Bachelor's and Master's degree programs in social work that receive Title IV–E or IV–B stipends.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Child Welfare Information Gateway's Targeted Survey	2,660	1	0.084	223.44
Child Welfare Information Gateway's Event Survey	900	1	0.05	45
Child Welfare Information Gateway's Focus Group Guide	50	1	1	50
Child Welfare Information Gateway's General Customer Survey: *Questions for Professionals*	960	1	0.084	80.64
Child Welfare Information Gateway's General Customer Survey: *Questions for Students*	480	1	0.05	24
Child Welfare Information Gateway's General Customer Survey: *Questions for Personal Customers*	960	1	0.05	48
Market Research Sub-Study: Online Information Habits and Preferences Survey (*for child welfare professionals in state, county, and private agencies*)	1,800	1	0.5	900
Market Research Sub-Study: Online Information Habits and Preferences Survey (*for child welfare professionals working with tribes*)	800	1	0.5	400
Market Research Sub-Study: Online Information Habits and Preferences Survey (*for legal professionals working in child welfare*)	1,400	1	0.5	700
Market Research Sub-Study: Online Information Habits and Preferences Survey (*for students planning to enter the child welfare workforce*)	810	1	0.5	405
Market Research Sub-Study: Focus Groups on Information Habits and Preferences	100	1	1.5	150

Estimated Total Annual Burden Hours: 3,026.08 hours.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–12468 Filed 6–8–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0155]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Veterinary Feed Directive

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 11, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0363. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Veterinary Food Directive

OMB Control Number 0910–0363—Extension

Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 354) establishes a regulatory category for certain new animal drugs called veterinary feed directive (VFD) drugs. The VFD regulation is set forth at § 558.6 (21 CFR 558.6). VFD drugs are new animal drugs intended for use in or on animal feed which are limited to use under the professional supervision of a licensed veterinarian in the course of the veterinarian's professional practice (§ 558.6(b)(6)). An animal feed containing a VFD drug or a combination VFD drug may be fed to animals only by or upon a lawful VFD issued by a licensed veterinarian (§ 558.6(a)(1)).

Veterinarians issue three copies of the VFD: One for their own records, one for their client, and one to the client's VFD feed distributor (§§ 558.6(a)(4) and 558.6(b)(8)–(9)). The VFD includes information about the number and species of animals to receive feed containing one or more of the VFD drugs (§ 558.6(b)(3)), along with other information required under § 558.6. All distributors of medicated feed containing VFD drugs must notify FDA

of their intent to distribute such feed and must maintain records of the receipt and distribution of all medicated feeds containing VFD drugs.

The VFD regulation ensures the protection of public health while enabling animal producers to obtain and use needed drugs as efficiently and cost effectively as possible. The VFD regulation is tailored to the unique circumstances relating to the distribution and use of animal feeds containing a VFD drug.

We use the information collected to assess compliance with the VFD regulation. The required recordkeeping and third party disclosures provide assurance that the medicated feeds will be safe and effective for their labeled conditions of use and that edible products from treated animals will be free of unsafe drug residues.

We are retaining the estimates used in FDA's analysis of the information collection provisions in the final rule entitled ''Veterinary Feed Directive,'' published in the **Federal Register** of June 3, 2015 (80 FR 31708 at 31728), and approved by OMB.

A. Reporting Requirements

Description of Respondents: VFD Feed Distributors and VFD Drug Sponsors.

A distributor of animal feed containing a VFD drug must notify FDA prior to the first time it distributes the VFD feed (§ 558.6(c)(5)). This notification is required one time per distributor and must include the information set forth in § 558.6(c)(5). In addition, a distributor must notify FDA within 30 days of any change in ownership, business name, or business address (§ 558.6(c)(6)). Additional reporting burdens for current VFD drug sponsors are approved under OMB control numbers 0910–0032 (New Animal Drug Applications) and 0910–0669 (Abbreviated New Animal Drug Applications).

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
558.6(c)(5) requires a distributor to notify FDA prior to the first time it distributes a VFD feed.	300	1	300	0.125 (7 minutes)	37.5
558.6(c)(6) requires a distributor to notify FDA within 30 days of any change in ownership, business name, or business address.	20	1	20	0.125 (7 minutes)	2.5
Total	.....	.....	.....	.....	40

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

B. Recordkeeping Requirements

Description of Respondents: VFD Feed Distributors, Food Animal Veterinarians, and Clients (Food Animal Producers).

As stated previously, veterinarians issue three copies of the VFD: One for their own records, one for their client, and one to the client's VFD feed distributor. All involved parties (veterinarian, distributor, and client) must retain a copy of the VFD for 2 years (§ 558.6(a)(4)). In addition, VFD feed distributors must also keep receipt and distribution records of VFD feeds they manufacture and make them available for inspection by FDA for 2 years (§ 558.6(c)(3)). If a distributor manufactures the VFD feed, the distributor must also keep VFD manufacturing records for 1 year in accordance with 21 CFR part 225 and such records must be made available for inspection and copying by FDA upon request (§ 558.6(c)(4)). These record requirements are currently approved under OMB control number 0910–0152, ''Current Good Manufacturing Practice Regulations for Medicated Feed.'' Distributors may distribute VFD feeds to another distributor only if the originating distributor first obtains a written acknowledgement letter. Such letters, like VFDs, are also subject to a 2-year record retention requirement (§ 558.6(c)(8)).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section/activity	Number of recordkeepers	Number of responses per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
558.6(a)(4); required recordkeeping by veterinarians and producers.	13,050	114.9	1,500,000	0.0167 (1 minute)	25,050
558.6(a)(4), (c)(3), (c)(4), and (c)(8); required recordkeeping by distributors.	1,376	545.1	750,000	0.0167 (1 minute)	12,525
Total	.....	.....	.....	.....	37,575

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

C. Third-Party Disclosure Requirements

Description of Respondents: VFD Drug Sponsors, Food Animal Veterinarians, VFD Feed Distributors, and Clients.

FDA regulation requires that veterinarians include the information specified at § 558.6(b)(3) through (5) on the VFD. Additional requirements relating to the VFD are specified at § 558.6(b)(7) through (9). A distributor may only distribute a VFD feed to another distributor for further distribution if the originating distributor (consignor) first obtains a written acknowledgement letter from the receiving distributor (consignee) before the feed is shipped (§ 558.6(c)(8)).

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section/activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
558.6(b)(3)–(b)(5) and (b)(7)–(b)(9); required disclosures when a veterinarian issues a VFD.	3,050	246	750,000	0.125 (7 minutes)	93,750
558.6(c)(8); required disclosure (acknowledgement letter) from one distributor to another.	1,000	5	5,000	0.125 (7 minutes)	625
Total	.....	.....	.....	.....	94,375

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The VFD regulation also contains several labeling provisions that are exempt from OMB review and approval under the PRA because they are a ''public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)) and therefore do not constitute a ''collection of information'' under the PRA (44 U.S.C. 3501, *et seq.*). All labeling and advertising for VFD drugs, combination VFD drugs, and feeds containing VFD drugs or combination VFD drugs must prominently and conspicuously display the following cautionary statement: ''Caution: Federal law restricts medicated feed containing this veterinary feed directive (VFD) drug to use by or on the order of a licensed veterinarian'' (§ 558.6(a)(6)). In addition, the veterinarian must ensure that the following statement is included on the VFD (§ 558.6(b)(3)(xiii)): ''Use of feed containing this veterinary feed directive (VFD) drug in a manner other than as directed on the labeling (extralabel use) is not permitted.''

The veterinarian may restrict VFD authorization to only include the VFD drug(s) cited on the VFD or such authorization may be expanded to allow the use of the cited VFD drug(s) along with one or more over-the-counter animal drugs in an approved, conditionally approved, or indexed combination VFD drug (§ 558.6(b)(6)). The veterinarian must affirm his or her intent regarding combination VFD drugs by including one of the following statements on the VFD:

1. ''This VFD only authorizes the use of the VFD drug(s) cited in this order and is not intended to authorize the use of such drug(s) in combination with any other animal drugs'' (§ 558.6(b)(6)(i)).

2. ''This VFD authorizes the use of the VFD drug(s) cited in this order in the following FDA-approved, conditionally approved, or indexed combination(s) in medicated feed that contains the VFD drug(s) as a component.'' (List specific approved, conditionally approved, or indexed combination medicated feeds following this statement.) (§ 558.6(b)(6)(ii)).

3. ''This VFD authorizes the use of the VFD drug(s) cited in this order in any FDA-approved, conditionally approved, or indexed combination(s) in medicated feed that contains the VFD drug(s) as a component'' (§ 558.6(b)(6)(iii)).

These labeling statements are not subject to review by OMB because, as stated previously, they are a ''public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)) and therefore do not constitute a ''collection of information'' under the PRA (44 U.S.C. 3501, *et seq.*).

The one-time burdens included in FDA's analysis of the June 3, 2015, final rule (80 FR 31708 at 31729 to 31732) are not included in the estimate provided in this notice. FDA's estimate of the annual recurring burden for this information collection has not changed since the last OMB approval.

Dated: June 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12448 Filed 6–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1768]

Advisory Committee; Pharmacy Compounding Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Pharmacy Compounding Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Pharmacy Compounding Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until April 25, 2020.

DATES: Authority for the Pharmacy Compounding Advisory Committee will expire on April 25, 2020, unless the Commissioner formally determines that renewal is in the public interest.

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

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

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

The Committee shall provide advice on scientific, technical, and medical issues concerning drug compounding under sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353a and 353b), and, as required, any other product for which FDA has regulatory responsibility, and make appropriate recommendations to the Commissioner.

The Committee shall consist of a core of 12 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of

pharmaceutical compounding, pharmaceutical manufacturing, pharmacy, medicine, and related specialties. These members will include representatives from the National Association of Boards of Pharmacy, the United States Pharmacopeia, pharmacists with current experience and expertise in compounding, physicians with background and knowledge in compounding, and patient and public health advocacy organizations. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this Committee serve as Special Government Employees. The core of voting members may include one or more technically qualified members, selected by the Commissioner or designee, who are identified with consumer interests and are recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one or more non-voting members who are identified with industry interests.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/PharmacyCompoundingAdvisoryCommittee/ucm381305.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

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

Dated: June 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12440 Filed 6–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1725]

Advisory Committee; Peripheral and Central Nervous System Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Peripheral and Central Nervous System Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Peripheral and Central Nervous System Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until June 4, 2020.

DATES: Authority for the Peripheral and Central Nervous System Drugs Advisory Committee will expire on June 4, 2020, unless the Commissioner formally determines that renewal is in the public interest.

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

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

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

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of neurologic diseases.

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

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

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

Dated: June 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12443 Filed 6–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–P–0327]

Determination That MUTAMYCIN (Mitomycin) Injectable, 5 Milligrams/Vial and 20 Milligrams/Vial, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that MUTAMYCIN (mitomycin) injectable, 5 milligrams (mg)/vial and 20 mg/vial, was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation

and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *Stacy.Kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, is the subject of NDA 050450, held by Bristol Laboratories Inc., and initially approved on May 28, 1974. MUTAMYCIN has been shown to be useful in the therapy of disseminated adenocarcinoma of the stomach or pancreas in proven combinations with other approved chemotherapeutic agents and as palliative treatment when other modalities have failed. MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

Fresenius Kabi USA, LLC submitted a citizen petition dated January 22, 2018 (Docket No. FDA–2018–P–0327), under 21 CFR 10.30, requesting that the Agency determine whether MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that this product was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list MUTAMYCIN (mitomycin) injectable, 5 mg/vial and 20 mg/vial, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' identifies among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: June 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12441 Filed 6–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1728]

Advisory Committee; Drug Safety and Risk Management Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Drug Safety and Risk Management Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Drug Safety and Risk Management Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until May 31, 2020.

DATES: Authority for the Drug Safety and Risk Management Advisory Committee will expire on May 31, 2018, unless the Commissioner formally determines that renewal is in the public interest.

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

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

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

The Committee reviews and evaluates information on risk management, risk communication, and quantitative evaluation of spontaneous reports for drugs for human use and for any other product for which FDA has regulatory responsibility. The Committee also advises the Commissioner regarding the scientific and medical evaluation of all

information gathered by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances, and recommends actions to be taken by the Department of Health and Human Services with regard to the marketing, investigation, and control of such drugs or other substances.

The Committee shall consist of a core of 11 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of risk communication, risk management, drug safety, medical, behavioral, and biological sciences as they apply to risk management, and drug abuse. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests.

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

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

Dated: June 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–12442 Filed 6–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Council on Graduate Medical Education

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of Advisory Council meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces a public meeting of the Council on Graduate Medical Education (COGME). This notice is being published less than 15 days prior to the meeting date due to unforeseen administrative delays.

DATES: Wednesday, June 20, 2018, from 8:30 a.m. to 5:00 p.m. ET, and Thursday, June 21, 2018, from 8:30 a.m. to 2:00 p.m. ET.

ADDRESSES: This meeting is an in person meeting and will offer virtual access through teleconference and webinar. The address for the meeting is 5600 Fishers Lane, Rockville, Maryland 20857.

- The conference call-in number is 1–800–619–2521; passcode: 9271697.
- The webinar link is *https://hrsa.connectsolutions.com/cogme.*

FOR FURTHER INFORMATION CONTACT: Kennita R. Carter, MD, Designated Federal Official, Division of Medicine and Dentistry, Bureau of Health Workforce, HRSA, Address: 5600 Fishers Lane, 15N–116, Rockville, Maryland 20857; (2) call 301–945–3505; or (3) send an email to *KCarter@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

Background: COGME provides advice and recommendations to the Secretary of HHS and to Congress on a range of issues, including: The nature and financing of medical education training; the development of performance measures and longitudinal evaluation methods of medical education programs; foreign medical school graduates; and the supply and distribution of the physician workforce in the United States, including any projected shortages or excesses. COGME submits reports to the Secretary of HHS; the Senate Committee on Health, Education, Labor, and Pensions; and the House of Representatives Committee on Energy and Commerce.

Agenda: During the meeting, the COGME members will discuss the strategic directions of the Council and issues related to physician workforce development and graduate medical education, leading to selection a topic for its 24th Report to Congress. An agenda will be available on the COGME website *https://www.hrsa.gov/advisorycommittees/bhpradvisory/COGME/* prior to the meeting. Please note that agenda items are subject to change as priorities dictate.

Public Participation: Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to provide written statements or make oral comments to the COGME should be sent to Dr. Kennita R. Carter.

Since this meeting is held in a Federal government building, attendees must go through a security check to enter the building. Non-U.S. Citizen attendees must notify HRSA of their planned attendance at least 10 workdays prior to the meeting in order to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry. Individuals who plan to participate and require special assistance, such as sign language interpretation or other reasonable accommodations, should notify Dr. Kennita Carter, using the address and phone number above at least 10 business days prior to the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–12512 Filed 6–8–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information (RFI): Input on Report From Council of Councils on Assessing the Safety of Relocating At-Risk Chimpanzees

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) is informing the research community and other interested parties that it received from the NIH Council of Councils the report of its Working Group on Assessing the Safety of Relocating At-Risk Chimpanzees, and the agency will consider recommendations contained in the report (see *https://dpcpsi.nih.gov/sites/*

default/files/CoC_May_2018_WG_Report_508.pdf). The NIH invites public comment in response to this Request for Information (RFI).

DATES: This Request for Information is open for public comment for a period of 60 days. Comments must be submitted by August 10, 2018 to ensure consideration.

ADDRESSES: Comments must be submitted electronically using the web-based form available at *https://grants.nih.gov/grants/rfi/rfi.cfm?ID=72.*

FOR FURTHER INFORMATION CONTACT: Please direct all inquiries to the Division of Program Coordination, Planning, and Strategic Initiatives at *dpcpsi@od.nih.gov.*

SUPPLEMENTARY INFORMATION:

Background: In 2015, the NIH decided that all NIH-owned chimpanzees residing outside of the federal chimpanzee sanctuary system were eligible for retirement and relocation to the sanctuary. This decision was based on several converging efforts:

- A 2011 report by the Institute of Medicine (IOM) that stated the use of chimpanzees in research has become ''largely unnecessary'' and recommended approaches to minimize their use in federally funded research.
- A 2013 report from an earlier NIH Council of Councils working group that made recommendations to the NIH on implementing the IOM principles and guidelines and placement of NIH-owned or -supported chimpanzees.
- A 2015 announcement by the U.S. Fish and Wildlife Service, designating all captive chimpanzees as endangered, thereby conferring specific protections under the Endangered Species Act.
- Observations by the NIH of a significantly reduced demand for chimpanzees for research.

A priority for the NIH, relocation of the chimpanzees to the sanctuary proceeds according to a retirement plan prepared by the NIH. The retirement plan, as well as the November 2015 NIH announcement, state that chimpanzees will be retired to the sanctuary once space becomes available and on a timescale that considers the health, welfare, and social grouping of individual chimpanzees. However, many of these chimpanzees have age-related ailments that can increase their risk of severe adverse events during the transfer and relocation process.

On January 26, 2018, the NIH Council of Councils established a Working Group on Assessing the Safety of Relocating At-Risk Chimpanzees to provide advice and recommendations to the Council on factors to be considered by attending veterinarian staff when deciding whether to relocate NIH-owned or -supported at-risk chimpanzees to the federal sanctuary system. On May 18, 2018, the working group submitted the report to the NIH Council of Councils, which subsequently approved the report and transmitted it to the NIH for consideration.

Information Requested: The NIH is seeking input on the recommendations (see *https://dpcpsi.nih.gov/sites/default/files/CoC_May_2018_WG_Report_508.pdf*) from the biomedical research community, including foundations, scientific societies, government and regulatory agencies, industry, NIH grantee institutions, and from other members of the public. Responders are free to address any or all recommendations.

How to Submit a Response: All comments must be submitted electronically to *https://grants.nih.gov/grants/rfi/rfi.cfm?ID=72.* Comments must pertain to the category for which feedback is requested, conform to the word limit indicated, and be submitted by the specified due date. You will see an electronic confirmation acknowledging receipt of your response but will not receive individualized feedback on any suggestions.

Response to this RFI is voluntary. No basis for claims against the U.S. Government shall arise as a result of a response to this RFI or from the Government's use of such information. Please note that the Government will not pay for response preparation or for the use of any information contained in the response. The NIH may make all responses available, including name of the responder, without notifying the respondent. In addition, the NIH may prepare and make available a summary of all input received which is responsive to this RFI.

Dated: June 4, 2018.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2018–12458 Filed 6–8–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities: Homeland Security Acquisition Regulation (HSAR) Various Forms

AGENCY: Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; Extension of a Currently Approved Collection, 1600–0002.

SUMMARY: The DHS Office of the Chief Procurement Officer will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of the information collected is to ensure proper closing of physically complete contracts. The information will be used by DHS contracting officers to ensure compliance with terms and conditions of DHS contracts and to complete reports required by other Federal agencies such as the General Services Administration (GSA) and the Department of Labor (DOL). If this information is not collected, DHS could inadvertently violate statutory or regulatory requirements and DHS's interests concerning inventions and contractors' claims would not be protected. DHS previously published this ICR in the **Federal Register** on Tuesday, March 6, 2018 for a 60-day public comment period. Six unrelated comments were received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 11, 2018. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This information collection is associated with the forms listed below and is necessary to implement applicable parts of the HSAR (48 CFR Chapter 30). There are four forms under this collection of information request that are used by offerors, contractors, and the general public to comply with requirements in contracts awarded by DHS. The information collected is used by contracting officers to ensure compliance with terms and conditions of DHS contracts.

The forms are as follows:

1. DHS Form 0700–01, Cumulative Claim and Reconciliation Statement (see (HSAR) 48 CFR 3004.804–507(a)(3)

2. DHS Form 0700–02, Contractor's Assignment of Refund, Rebates, Credits and Other Amounts (see (HSAR) 48 CFR 3004.804–570(a)(2)
3. DHS Form 0700–03, Contractor's Release (see (HSAR) 48 CFR 3004.804–570(a)(1)
4. DHS Form 0700–04, Employee Claim for Wage Restitution (see (HSAR) 48 CFR 3022.406–9

These forms will be prepared by individuals, contractors or contract employees during contract administration. The information collected includes the following:

• DHS Forms 0700–01, 0700–02 and 0700–03: Prepared by individuals, contractors or contract employees prior to contract closure to determine whether there are excess funds that are available for deobligation versus remaining (payable) funds on contracts; assignment or transfer of rights, title, and interest to the Government; and release from liability. The contracting officer obtains the forms from the contractor for closeout, as applicable. Forms 0700–01 and 02 are mainly used for calculating costs related to the closeout of cost-reimbursement, time-and-materials, and labor-hour contracts; and, Form 0700–03 is mainly used for calculating costs related to the closeout of cost-reimbursement, time-and-materials, and labor-hour contracts but can be used for all contract types.

• DHS Form 0700–04 is prepared by contractor employees making claims for unpaid wages. Contracting officers must obtain this form from employees seeking restitution under contracts to provide to the Comptroller General. This form is applicable to all contract types, both opened and closed.

The purpose of the information collected is to ensure proper closing of physically complete contracts. The information will be used by DHS contracting officers to ensure compliance with terms and conditions of DHS contracts and to complete reports required by other Federal agencies such as the GSA and DOL. If this information is not collected, DHS could inadvertently violate statutory or regulatory requirements and DHS's interests concerning inventions and contractors' claims would not be protected.

The four DHS forms are available on the DHS Homepage (*https://www.dhs.gov/sites/default/files/publications/CPO_HSAR_1_0.pdf*). These forms can be filled in electronically and can be submitted via email or facsimile to the specified Government point of contact. Since the responses must meet specific timeframes, a centralized mailbox or website would not be an expeditious or practical method of submission. The use of email or facsimile is the best solution and is most commonly used in the Government. The information requested by these forms is required by the HSAR. The forms are prescribed for use in the closeout of applicable contracts and during contract administration.

There are FAR and HSAR clauses that require protection of rights in data and proprietary information if requested and designated by an offeror or contractor. Additionally, disclosure or non-disclosure of information is handled in accordance with the Freedom of Information Act. There is no assurance of confidentiality provided to the respondents. No PIA is required as the information is collected from DHS personnel (contractors only). Although, the DHS/ALL/PIA–006 General Contacts lists PIA does provided basic coverage. And technically, because this information is not retrieved by personal identifier, no system of records notice is required. However, DHS/ALL–021 DHS Contractors and Consultants provides coverage for the collection of records on DHS contractors and consultants, to include resume and qualifying employment information.

The burden estimates provided are based upon contracts reported by DHS and its Components to the Federal Procurement Data System (FPDS) for Fiscal Year 2016. No program changes occurred and there were no changes to the information being collected. However, the burden was adjusted to reflect an agency adjustment increase of 46,701 in the number of respondents within DHS for Fiscal Year 2016, as well as an increase in the average hourly wage rate.

This is an Extension of a Currently Approved Collection, 1600–0002. DHS previously published this ICR in the **Federal Register** on Tuesday, March 6, 2018 at 83 FR 9531 for a 60-day public comment period, and is soliciting public comment for another 30 days. OMB is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office of the Chief Procurement Officer, DHS.

Title: Agency Information Collection Activities: Homeland Security Acquisition Regulation (HSAR) Various Homeland Security Acquisitions Regulations Forms

OMB Number: 1600–0002.

Frequency: On Occasion.

Affected Public: Individuals or Households.

Number of Respondents: 56,238.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 56,238.

Dated: May 23, 2018.

Melissa Bruce,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2018–12524 Filed 6–8–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0028]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, ''Department of Homeland Security/U.S. Customs and Border Protection—025 National Frontline Recruitment and Hiring System of Records.'' This system of records allows the DHS/U.S. Customs and Border Protection (CBP) to collect and maintain records on individuals for the purpose of marketing information related to CBP employment, managing communication with potential applicants or individuals who attend career fairs or meetings at which CBP maintains a presence for recruitment and hiring, and for other recruitment and hiring activities for which mailing or contact lists may be created. This newly established system will be included in DHS's inventory of record systems.

DATES: Submit comments on or before July 11, 2018. This new system will be effective upon publication. Routine uses will be effective July 11, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0028 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0028. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Debra L. Danisek, Privacy Officer, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20029 or *Privacy.CBP@cbp.dhs.gov,* (202) 344–1610. For privacy questions, please contact: Philip S. Kaplan, (202) 343–1717, *Privacy@hq.dhs.gov,* Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

Recruiting and retaining a world-class law enforcement workforce is one of CBP's top mission support priorities. To generate a sufficient number of qualified applicants for critical frontline law enforcement positions, CBP must cultivate a large volume of interested and well-qualified applicants. CBP uses recruitment outreach, market research, data analytics, advertising, and marketing services to conduct recruiting and hiring campaigns to meet staffing requirements. These targeted efforts identify potential applicants and help them navigate the complex and multi-step hiring process for CBP frontline officers and agents. To meet aggressive recruiting goals, CBP frontline recruitment strategy requires data analytics, targeted marketing and recruiting, technology innovations, call center support, additional specialized skillsets, and internal process improvements.

On January 25, 2017, the President issued the Executive Order 13767, and provided direction to CBP to take appropriate action to recruit and hire individuals for critical frontline law enforcement positions (such as U.S. Border Patrol Agents, Air and Marine Interdiction Agents, and CBP Officers).

CBP conducts coordinated initiatives in support of frontline recruitment and hiring, including: (1) Marketing, branding, and public opinion research; (2) direct advertising to individuals who have expressed an interest in employment opportunities with CBP; (3) direct advertising to individuals who have expressed an interest in employment opportunities to a third-party for employment purposes, who have affirmed that they may be contacted by potential employers; and (4) communication with individuals who have provided their information to CBP, including response to screening questions, in support of the preliminary application process. These activities might entail the collection of limited biographic information, contact information, and information pertinent to employment from members of the public who have not yet applied for a CBP job announcement. In addition, CBP may use aggregated data analytics and enhanced advertisements to locate potential recruits in support of efforts to maintain congressionally-mandated CBP staffing levels.

This SORN provides coverage for CBP's recruitment and hiring efforts for frontline positions. The SORN does not cover records associated with the formal hiring process once a potential applicant submits an application for employment. The Office of Personnel Management (OPM) is responsible for all hiring activities for employment with Federal agencies. For these activities, the relevant OPM SORNs continue to apply.

Consistent with DHS's information sharing mission, information stored in the DHS/CBP–025 National Frontline Recruitment and Hiring System of Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/CBP may share information with appropriate Federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

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

Below is the description of the DHS/CBP–025 National Frontline Recruitment and Hiring System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER

Department of Homeland Security (DHS)/U.S. Customs and Border Protection (CBP)—025 National Frontline Recruitment and Hiring System of Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

DHS/CBP maintains records at its Headquarters at 1300 Pennsylvania Avenue NW, Washington, DC 20229, and in field offices, and contractor-owned and operated facilities. DHS/CBP stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media and will be maintained within a DHS web portal.

SYSTEM MANAGER(S):

Executive Assistant Commissioner, Enterprise Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20029.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 302, Delegation of authority; 44 U.S.C. 3101, Records management by agency heads, general duties; Executive Order 13767, Border Security and Immigration Enforcement Improvements (January 25, 2017).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to conduct recruitment, marketing, outreach, and advertising to potential candidates for CBP frontline law enforcement positions; generate leads and maintain lists of potential applicants for recruiting purposes based on commercially available demographic or subscription lists or from community, civic, educational institutions, military, and other sources; identify quality leads based on pre-screening question responses; manage all tracking and communications with potential leads and conduct outreach to retain applicants during the hiring process; maintain logs and respond to applicant questions from a national call center; reengage withdrawn applicants for frontline hiring positions and invite them to reapply to CBP opportunities; and conduct data analytics for recruitment strategies, to measure the effectiveness of outreach campaigns. CBP will maintain aggregated, non-personally identifiable web data analytics to measure the success of online marketing and advertising initiatives. CBP invites candidates to voluntarily self-identify for purposes of the DHS equal employment opportunity program to include those policies, practices, and procedures to ensure that all qualified individuals and potential applicants receive an equal opportunity for recruitment, selection, advancement, and every other term and privilege associated with CBP employment opportunities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential applicants for critical CBP frontline law enforcement positions (U.S. Border Patrol Agents, Air and Marine Interdiction Agents, and CBP Officers) covered by the system include:

1. Individuals who express interest in a frontline law enforcement position and voluntarily provide information to CBP.

2. Individuals who withdraw from the hiring process for frontline law enforcement positions.

3. Individuals who receive targeted marketing information from CBP to apply for a CBP frontline law enforcement position based on commercially available mailing lists (*e.g.,* particular magazine or cable channel subscribers) or from community, civic, educational institutions, military, and other sources.

CATEGORIES OF RECORDS IN THE SYSTEM:

CBP maintains various types of information related to recruiting and outreach records for national frontline positions, including:

- First and last name;
- Age or date of birth;
- Gender;
- Phone numbers;
- Email addresses;
- Mailing addresses, including ZIP code;
- Military status (*e.g.,* veteran, active duty);
- Other biographic and contact information voluntarily provided to DHS by individuals covered by this system of records solely for recruitment and hiring activities;
- Computer-generated identifier or case number when created in order to retrieve information;
- Status of opt-in/consent to receive targeted marketing and advertising based on the individual's expressed area of interest in CBP employment opportunities; and
- Responses to pre-screening questions, including information related to: (1) An individual's possession of, or eligibility to, carry a valid driver's license (yes or no response only); (2) any reason why the individual may not be able to carry a firearm (yes or no response only); (3) interest level in CBP employment; (4) U.S. residency information (limited to length of residency only); and (5) any additional information in support of preliminary hiring activities.

RECORD SOURCE CATEGORIES:

CBP may obtain the records about potential applicants in this system either directly from the individual, from a third-party with whom the individual has granted permission to share his or her information with potential employers, or from community, civic, educational institutions, military, and other sources. CBP will obtain records about withdrawn applicants from existing internal CBP human resources systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including U.S. Attorneys Offices, or other Federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To an appropriate Federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate

authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS/CBP stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DHS/CBP retrieves records by an individual's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with General Records Schedule (GRS) 6.5, Item 20, and GRS 5.2, Item 20, DHS/CBP will delete records when superseded, obsolete, or when an individual submits a request to the agency to remove the records. In general and unless it receives a request for removal, CBP will maintain these records for 5 years, after which point they will be considered obsolete and no longer necessary for CBP operations.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS/CBP safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. CBP has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and DHS/CBP's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about the individual may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why he/she believe the Department would have information on him/her;
- Identify which component(s) of the Department the individual believes may have the information about him/her;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from the second individual certifying his/her agreement for the first individual to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–12416 Filed 6–8–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2018–N069; FXRS1263040000–156–FF04R08000; OMB Control Number 1018–0153]

Agency Information Collection Activities; National Wildlife Refuge Visitor Check-In Permit and Use Report

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 10, 2018.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0153 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of

information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) govern the administration and uses of national wildlife refuges and wetland management districts. The Administration Act authorizes us to permit public uses, including hunting and fishing, on lands of the Refuge System when we find that the activity is compatible and appropriate with the purpose for which the refuge was established. The Recreation Act allows the use of refuges for public recreation when the use is not inconsistent or does not interfere with the primary purpose(s) of the refuge.

We use FWS Form 3–2405 (Self-Clearing Check-In Permit) to collect user information on hunting and fishing on refuges. This form offers a self-check-in feature not found on other similar forms, reducing the number of staffed check-in stations. We found this method increases game harvest reporting and provides better estimates of total numbers of game harvested. This form also requests users to report other species observed, data then used by refuge staff and state agencies for managing wildlife populations. Not all refuges will use this form and some refuges may collect the identical information in a nonform format (meaning there is no designated form associated with the collection of information). The currently approved form is available online at: *https://www.fws.gov/forms/3-2405.pdf.* We collect:

- Information on the visitor (name, address, and contact information). We use this information to identify the visitor or driver/passengers of a vehicle while on the refuge. Having this information readily available is critical in a search and rescue situation. We do not maintain or record this information.
- Information on whether or not hunters/anglers were successful (number and type of harvest/caught).
- Purpose of visit (hunting, fishing, wildlife observation, wildlife photography, auto touring, birding, hiking, boating/canoeing, visitor center, special event, environmental education class, volunteering, other recreation).
- Species observed.
- Date of visit.

The above information is a vital tool in meeting refuge objectives and maintaining quality visitor experiences. It helps us:

- Administer and monitor the quality of visitor programs and facilities on refuges.
- Minimize resource disturbance, manage healthy game populations, and ensure the protection of fish and wildlife species through the check-in/out process.
- Assist in Statewide wildlife management and enforcement and develop reliable estimates of the number of key game fish and wildlife, like the Louisiana black bear (a recently delisted species).
- Determine facility and program needs and budgets based on user demand for resources.

Title of Collection: National Wildlife Refuge Visitor Check-In Permit and Use Report.

OMB Control Number: 1018–0153.

Form Number: 3–2405.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals who visit national wildlife refuges.

Total Estimated Number of Annual Respondents: 650,000.

Total Estimated Number of Annual Responses: 650,000.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 54,167.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: June 6, 2018.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–12438 Filed 6–8–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–RTCA–25443; PPMPSPD1T.Y00000; PPSESERO10]

Wekiva River System Advisory Management Committee Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Wekiva River System Advisory Management Committee will meet as indicated below.

DATES: The Committee will meet: Tuesday, July 10, 2018; Tuesday, September 11, 2018; and Wednesday, November 7, 2018. All scheduled meetings will begin at 2:00 p.m. and will end by 4:00 p.m. (Eastern).

ADDRESSES: The July 10, 2018, meeting will be held in a conference room at 1014 Miami Springs Drive, Wekiva Island, Longwood, Florida 32779. The September 11, 2018, and November 7, 2018, meetings will be held in a conference room at 1800 Wekiwa Circle, Wekiwa Springs State Park, Apopka, Florida 32712.

FOR FURTHER INFORMATION CONTACT: Jaime Doubek-Racine, Community Planner and Designated Federal Officer, Rivers, Trails, and Conservation Assistance Program, Florida Field Office, Southeast Region, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, telephone (941) 321–1810 or email *jamie_doubek_rancine@nps.gov.*

SUPPLEMENTARY INFORMATION: The Wekiva River System Advisory Management Committee was established under section 5 of Public Law 106–299 to assist in the development of the comprehensive management plan for the Wekiva River System and provide advice to the Secretary of the Interior in carrying out management responsibilities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1271 *et seq.*).

Purpose of the Meeting: Each scheduled meeting will result in decisions and steps that advance the Wekiva River System Advisory Management Committee towards its objective of providing advice and recommendations concerning management of the Wekiva Wild and Scenic River. All meetings are open to the public.

Any member of the public may make and oral comment at the meeting or file with the Committee a written statement concerning any issues relating to the development of the comprehensive management plan for the Wekiva Wild and Scenic River. Written statements should be addressed to the Wekiva River System Advisory Management Committee, National Park Service, 5342 Clark Road, PMB #123, Sarasota, Florida 34233, or email *jamie_doubek_rancine@nps.gov.*

Public Disclosure of Comments: Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2018–12510 Filed 6–8–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0019; DS63644000 DR2000000.CH7000 189D0102R2, OMB Control Number 1012–0001]

Agency Information Collection Activities: Accounts Receivable Confirmations Reporting

AGENCY: Office of the Secretary, Office of Natural Resources Revenue, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Natural Resources Revenue (ONRR) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 10, 2018.

ADDRESSES: You may submit comments on this information collection request (ICR) to ONRR by using one of the following three methods. Please reference ''ICR 1012–0001'' in your comments.

- Electronically go to *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0019,'' then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all comments.
- Email comments to Mr. Luis Aguilar, Regulatory Specialist, at *Luis.Aguilar@onrr.gov.*
- Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Entrance N–1, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Mr. Hans Meingast, Financial Services, Financial Management, ONRR, at (303) 231–3382 or email to *Hans.Meingast@onrr.gov.* For other questions, contact Mr. Luis Aguilar at (303) 231–3418, or email to *Luis.Aguilar@onrr.gov.* You may also contact Mr. Aguilar to obtain copies (free of charge) of (1) the ICR, (2) any associated form(s), and (3) the regulations that require us to collect the information. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format. We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the ONRR; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the ONRR enhance the quality, utility, and clarity of the information to be collected; and (5) how might the ONRR minimize the burden of this collection on the respondents, including through the use of information technology. Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Secretary of the United States Department of the Interior is responsible for collecting royalties from lessees who produce minerals from Federal and Indian lands and the Outer-Continental Shelf (OCS). Under various laws, the Secretary is responsible to manage mineral resources from Federal and Indian lands and the OCS. One of the mineral responsibilities that ONRR performs on behalf of the Secretary is to collect the royalties and other mineral revenues due, which obligations are accounted for as accounts receivables with ONRR's Financial Management group. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

General Information

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal and Indian lands and the OCS, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. For oil, gas, and solid minerals, the lessee is required to report various types of information to ONRR relative to the disposition of the leased minerals. Specifically, companies submit financial information to ONRR on a monthly basis by submitting form ONRR–2014 [Report of Sales and Royalty Remittance for oil and gas reported in OMB Control Number 1012–0004], and form ONRR–4430 [Solid Minerals Production and Royalty Report reported in OMB Control Number 1012–

0010]. These royalty reports result in accounts receivables and capture the vast majority of the mineral revenue collected by ONRR.

The basis for the data that companies submit on forms ONRR–2014 and ONRR–4430 is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information that we collect under the ICR includes data necessary to ensure that ONRR's accounts receivables are accurately based on the value of the mineral production, as reported to ONRR on forms ONRR–2014 and ONRR–4430.

Information Collections

Every year, the Chief Financial Officer (CFO) under Chief Financial Officers Act of 1990, the Office of Inspector General, or its agent (agent), audits the accounts receivable portions of the Department's financial statements, which are based on ONRR forms ONRR–2014 and ONRR–4430. Accounts receivable confirmations are a common practice in the audit business. Due to a continuous increase in scrutiny of financial audits, a third-party confirmation of the validity of ONRR's financial records is necessary.

As part of the CFO audit, the agent selects a sample of accounts receivable items based on forms ONRR–2014 and ONRR–4430, and provides the sample items to ONRR. ONRR then identifies the company names and addresses for the sample items selected and creates accounts receivable confirmation letters. In order to meet the CFO requirements, the letters must be on ONRR letterhead and the Deputy Director for ONRR, or his or her designee, must sign the letters. The letter requests third-party confirmation responses by a specified date on whether or not ONRR's accounts receivable records agree with royalty payor records for the following items: (1) Customer identification; (2) royalty invoice number; (3) payor assigned document number; (4) date of ONRR receipt; (5) original amount the payor reported; and (6) remaining balance due to ONRR. The agent mails the letters to the payors, instructing them to respond directly to the agent to confirm the accuracy and validity of selected royalty receivable items and amounts. In turn, it is the responsibility of the payors to verify, research, and analyze the amounts and balances reported on their respective forms ONRR–2014 and ONRR–4430.

OMB Approval

We will request OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge the duties of the office, could result in a violation of the Chief Financial Officers Act of 1990, and may also result in the inability to confirm the accuracy of ONRR's accounts receivables which are based on the accurate reporting of forms ONRR–2014 and ONRR–4430. ONRR protects the proprietary information received and does not collect items of a sensitive nature.

Title of Collections: Accounts Receivable Confirmations.

OMB Control Number: 1012–0001.

Form(s) Number: None.

Type of Review: Extension of a currently approved collection.

Respondent/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 24 randomly-selected mineral payors from Federal and Indian lands and the OCS.

Total Estimated Number of Annual Responses: 24.

Estimated Completion Time per Response: We estimate that each response will take 15 minutes for payors to complete.

Total Estimated Number of Annual Burden Hours: 6 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annual.

Total Estimated Annual Nonhour Burden Cost: We have identified no ''non-hour cost'' burden associated with this collection of information.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Gregory J. Gould,

Director for Office of Natural Resources Revenue.

[FR Doc. 2018–12419 Filed 6–8–18; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1118]

Certain Movable Barrier Operator Systems and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 4, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of The Chamberlain Group, Inc. of Oak Brook, Illinois. A supplement to the complaint was filed on May 15, 2018. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain movable barrier operator systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,587,404 (''the '404 Patent''); 7,755,223 (''the '223 Patent''); and 6,741,052 (''the '052 Patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 5, 2018, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as

amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of products identified in paragraph (2) by reason of infringement of one or more of claims 7, 11, and 16–18 of the '404 patent; claims 1, 2, 9, 13, 14, and 18–22 of the '223 patent; and claims l, 9–15, 22, and 27 of the '052 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''certain garage door operators and gate operators and components thereof'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

The Chamberlain Group, Inc., 300 Windsor Drive, Oak Brook, IL 60523.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Nortek Security & Control, LLC f/k/a Linear, LLC, 1950 Camino Vida Roble, Carlsbad, CA 92008.

Nortek, Inc., 500 Exchange Street, Providence, RI 02903.

GTO Access Systems, LLC f/k/a Gates That Open, LLC, 3121 Hartsfield Road, Tallahassee, FL 32303.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 6, 2018.

Lisa Barton.

Secretary to the Commission.

[FR Doc. 2018–12470 Filed 6–8–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1117]

Certain Full-Capture Arrow Rests and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 4, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Bear Archery, Inc. of Evansville, Indiana. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain full-capture arrow rests and components thereof by reason of infringement of U.S. Patent No. 6,978,775 (''the '775 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative, a limited exclusion order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 5, 2018, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of products identified in paragraph (2) by reason of infringement of one or more of claims 1–3, 5–7, 16–22, 24–26, 31–33, and 35 of the '775 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''arrow rests having a slotted circular shaped ring with bristles pointed inward to provide radial support for an arrow, which are designed for attachment to an archery bow to support an arrow before it is fired'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Bear Archery, Inc., 817 Maxwell Avenue, Evansville, IN 47706.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

2BULBS Technology Co. Ltd., Qilin Technology Innovation Park, Nanjing, Jiangsu, China 210046

Ningbo Linkboy Outdoor Sports Co., Ltd, B1, 599 Qiming Road, Xiaying Town, Yinzhou District, Ningbo, Zhejiang, China

Shenzhen Keepmyway Tech. Co., Ltd. Building 2, Bagualing Industrial Zone, Bagua 2nd Rd., Futian District, Shenzhen, Guangdong, China 518000

Zhengzhou IRQ Outdoor Sports Co., Ltd., Shengshijingwei Building B, No. 18, Xinghua North St., Zhengzhou, Henan, China

Wenqing Zhang, Room 308, No. 2, Fuhua Building, Fuhua Road, Futian District, Shenzhen, Guangdong, China 51800

Tingting Ye, Freecity 659, Huaqiangbei, Futian District, Shenzhen, Guangdong, China 51800

Tao Li, Shenzhenshi Longhuaqu Dalangjiedao, Tongshengshequ Iinchenggongyeyuan, Disandong 11 Lou Afengeti, Shenzhen, Guangdong, China 518000

Sean Yuan, 97 Fuzhou South Road, Jiaozhou, Qingdao, Shandong, China 266300

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 6, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–12469 Filed 6–8–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0034]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Revision of a Currently Approved Collection; The National Forensic Laboratory Information System Collection of Drug Analysis Data

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2018.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *Title of the Form/Collection:* The National Forensic Laboratory Information System Collection of Drug Analysis Data.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Medical Examiner/Coroner Office Survey; National Forensic Laboratory Information System Drug Survey of Drug Laboratories; and Toxicology Laboratory Survey for the component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public (Primary): Forensic Science Laboratory Management.

Abstract: The National Forensic Laboratory Information System (NFLIS) collections provide the DEA with national databases on analyzed drug samples from law enforcement activities, antemortem toxicology samples (toxicology laboratories), and post-mortem toxicology samples (medical examiner/coroner offices (MECs) from federal, state, and local laboratories. Specifically, NFLIS-Drug data provide DEA current, precise, and representative estimates of drugs seized by law enforcement and analyzed by forensic laboratories. Since 2001, DEA has had case and drug report estimates for all drugs reported in NFLIS that are statistically representative of the nation and of census regions. The estimates, which are made possible by updating the laboratory profiles through the survey effort (see draft survey in Appendix), have given DEA the ability

to track national and regional drug trends; a clearer national picture of illicit or diverted drug availability; additional information about the temporal changes in drug availability by geographic region; and the ability to detect new or emerging drugs. Information from NFLIS is combined with other existing databases to develop more accurate, up-to-date information on abused drugs. This database represents a voluntary, cooperative effort on the part of participating laboratories and MECs to provide a centralized source of analyzed drug data. Existing federal drug abuse databases do not provide the type, scope, timeliness, or quality of information necessary to effectively estimate the actual or relative abuse potential of drugs as required under the Controlled Substances Act (21 U.S.C. 811(b)) and international treaties in a timely and efficient manner. For example, much of the trafficking data for federal drug scheduling actions is presently obtained on a case-by-case basis from state and local laboratories. Occasionally scientific personnel from the DEA's Diversion Control Division, Drug and Chemical Evaluation Section, have contacted specific laboratories and requested files. In addition, some DEA field offices routinely subpoena MEC records for use in case work. The development of the National Forensic Laboratory Information System (NFLIS) greatly enhances the collection of such data. Submission of information for this collection is voluntary. DEA is not mandating this information collection.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 140 persons annually for this collection at 1.6 hour per respondent, for an annual burden of 218 hours.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 218 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: June 6, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–12444 Filed 6–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New collection: Death in Custody Reporting Act Collection

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Justice Assistance 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.

The Death in Custody Reporting Act (DCRA) requires states and federal law enforcement agencies to report certain information to the Attorney General regarding the death of any person occurring during interactions with law enforcement officers or while in custody. See 34 U.S.C. 60105(a) & (b). It further requires the Attorney General and the Department of Justice (Department) to collect the information, establish guidelines on how it should be reported, annually determine whether each state has complied with the reporting requirements, and address any state's noncompliance.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Chris Casto, Bureau of Justice Assistance, 810 Seventh Street NW, Washington, DC 20531 (email: *DICRAComments@usdoj.gov;* telephone: 202–616–6500).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* New Collection.

2. *The Title of the Form/Collection:* Death in Custody Reporting Act Collection.

3. *The agency form number: if any, and the applicable component of the Department sponsoring the collection:* DCR–1.

Quarterly Summary. This summary form requires States to either (1) identify all reportable deaths that occurred in their jurisdiction during the corresponding quarter and provide basic information about the circumstances of the death, or (2) affirm that no reportable death occurred in the State during the reporting period. For each quarter in a fiscal year, a State must complete the Quarterly Summary (Form DCR–1) and submit it by the reporting deadline. The Quarterly Summary is a list of all reportable deaths that occurred in the State during the corresponding quarter with basic information about the circumstances of each death. If a State did not have a reportable death during the quarter, the State must so indicate on the Quarterly Summary. The reporting deadline to submit the Quarterly Summary is the last day of the month following the close of the quarter. For each quarter, BJA will send two reminders prior to the reporting deadline.

Example. The second quarter of a fiscal year is January 1–March 31. The deadline to submit the second quarter Quarterly Summary is April 30. BJA will send a reminder to States on March 31 and April 15.

Incident Report. This incident report form requires States to provide additional information for each reportable death identified in the Quarterly Summary that occurred during interactions with law enforcement personnel or while in their custody. For each reportable death identified in the Quarterly Summary, a State must complete and submit by the

same reporting deadline an Incident Report (Form DCR–1A), which contains specific information on the circumstances of the death and additional characteristics of the decedent. These include:

- The decedent's name, date of birth, gender, race, and ethnicity.
- The date, time, and location of the death.
- The law enforcement or correctional agency involved.
- Manner of death.

States must answer all questions on the Incident Report before they can submit the form. If the State does not have sufficient information to complete one of the questions, then the State may select the ''unknown'' answer, if available, and then identify when the information is anticipated to be obtained.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Abstract: In order to comply with the mandate of the DCRA, the Department of Justice, Bureau of Justice Assistance, is proposing a new data collection for State Administering Agencies to collect and submit information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).

DOJ proposes the following plan to collect DCRA information at the end of fiscal year 2019 and beyond. The plan, which constitutes ''guidelines established by the Attorney General'' pursuant to section 2(a) of the DCRA, encompasses provisions specifically required by the statute.

For purposes of this notice, the term ''reportable death'' means any death that the DCRA or the Department's guidelines require States to report. Generally, these are deaths that occurred during interactions with law enforcement personnel or while the decedent was in their custody or in the custody, under the supervision, or under the jurisdiction of a State or local law enforcement or correctional agency, such as a jail or prison. Specifically, the DCRA requires States to report ''information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).'' 34 U.S.C. 60105(a).

Please note that the DCRA information that States submit to the Department must originate from official government records, documents, or personnel.

The DCRA requires quarterly reporting. Because these data collection guidelines and associated system changes will not be finalized until FY 2019, quarterly reporting will begin with the 1st quarter of FY 2020. Deaths in prisons and jails occurring during 2018 and 2019 will be captured by BJS through its existing data collection program on deaths in prisons and jails. Beginning with the first quarter of FY 2020 (October 2019), quarterly DCRA reporting to BJA will include all reportable deaths—deaths occurring during interactions with law enforcement personnel or while in their custody and deaths in jail, prison, or detention settings. (*i.e.,* deaths reportable on Form DCR–1).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* For purposes of this collection, the term ''State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. Thus, the affected public that will be asked to respond on a quarterly basis each federal fiscal year includes 56 State and Territorial actors. These States will be requesting information from approximately 19,450 State and local law enforcement agencies (LEAs), 56 State and Territorial departments of corrections, and 2,800 local adult jail jurisdictions.

6. *An estimate of the total public burden (in hours) associated with the collection:* For purposes of this burden calculation, it is estimated that for each fiscal year there will be a total of 1,900 reportable deaths by 1,060 LEAs, 1,053 reportable deaths by 600 jails, and 3,483 reportable deaths by prisons. For FY 2020 and beyond, the total projected respondent burden is 13,756.49 hours. States will need an estimated 4.00 hours to complete each Quarterly Summary for a total of 4,480.00 hours, 0.25 hours to complete each corresponding Incident Reports (DCR–1A) for a total of 1,713.49 hours. For LEAs, the estimated burden to assist States in completing the Quarterly Summaries is 0.40 hours per Report for a total of 1,696.00 hours, and a total of 1,425.00 hours, at 0.75 hours for each corresponding Incident Report. The estimated burden for jails is a total of 960.00 hours to assist States in completing the Quarterly Summaries and 789.75 hours in completing Incident Reports. Finally, the estimated burden for prisons to assist States in completing the Quarterly Summaries is a total of 80.00 hours, and a total of 2,612.25 hours to assist States in completing Incident Reports.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 6, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–12503 Filed 6–8–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0091]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection; Assumption of Concurrent Federal Criminal Jurisdiction in Certain Areas of Indian Country

AGENCY: Office of Tribal Justice, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office of Tribal Justice, 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.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, 950 Pennsylvania Avenue NW, Room 2310, Washington, DC 20530 (phone: 202–514–8812).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the

public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of Tribal Justice, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Request to the Attorney General for Assumption of Concurrent Federal Criminal Jurisdiction.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* No form. The applicable component within the Department of Justice is the Office of Tribal Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The Department of Justice published a rule to establish the procedures for an Indian tribe whose Indian country is subject to State criminal jurisdiction under Public Law 280 (18 U.S.C. 1162(a)) to request that the United States accept concurrent criminal jurisdiction within the tribe's Indian country, and for the Attorney General to decide whether to consent to such a request. The purpose of the collection is to provide information from the requesting tribe sufficient for the Attorney General to make a decision whether to consent to the request.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Fewer than 350 respondents; 80 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated maximum 28,000 annual total burden hours associated with this collection (up to 350 respondents × 80 hours = 28,000 hours). Fewer than 350 Indian tribes are eligible for the assumption of concurrent criminal jurisdiction by the United States. The Department of Justice does not know how many eligible tribes will, in fact, make such a request. The information collection will require Indian tribes seeking assumption of concurrent criminal jurisdiction by the United States to provide certain information relating to public safety within the Indian country of the tribe.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: June 6, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–12459 Filed 6–8–18; 8:45 am]

BILLING CODE 4410–A5–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0012]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) 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.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Grant Program (Disability Grant Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0012. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 18 grantees of the Disability Grant Program. Grantees include states, units of local government, Indian tribal governments or tribal organizations and non-governmental private organizations. The goal of this program is to build the capacity of such jurisdictions to address such violence against individuals with disabilities through the creation of multi-disciplinary teams. Disability Grant Program recipients will provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities and enhance direct services to such individuals.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will

take the approximately 18 respondents (Disability Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Disability Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 36 hours, that is 18 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: June 6, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–12514 Filed 6–8–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0008]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) 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.

DATES: Comments are encouraged and will be accepted for 60 days until August 10, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees Semi-Annual Progress Report for Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0027. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 35 grantees of the Engaging Men and Youth Program. The grant program is designed to support projects fund projects that develop or enhance new or existing efforts to engage men and youth in preventing crimes of violence against women with the goal of developing mutually respectful, nonviolent relationships.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 35 respondents (grantees from the Engaging Men and Youth Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. An Engaging Men and Youth Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 70 hours, that is 35 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: June 6, 2018

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–12515 Filed 6–8–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers;

United States City Average

Pursuant to Section 112 of the 1976 amendments to the Federal Election Campaign Act, 52 U.S.C. 30116(c), the Secretary of Labor has certified to the Chairman of the Federal Election Commission and publishes this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 397.1 percent from its 1974 annual average of 147.7 to its 2017 annual average of 734.269 and that it increased 38.4 percent from its 2001 annual average of 530.4 to its 2017 annual average of 734.269. Using 1974 as a base (1974=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers thus increased 397.1 percent from its 1974 annual average of 100 to its 2017 annual average of 497.135. Using 2001 as a base (2001=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers increased 38.4 percent from its 2001 annual average of 100 to its 2017 annual average of 138.437. Using 2006 as a base (2006=100), I certify that the CPI increased 21.6 percent from its 2006

annual average of 100 to its 2017 annual average of 121.588.

Signed at Washington, DC, on May 30, 2018.

R. Alexander Acosta,

Secretary of Labor.

[FR Doc. 2018–12484 Filed 6–8–18; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to Section 33105(c) of Title 49, United States Code, and the delegation of the Secretary of Transportation's responsibilities under that Act to the Administrator of the Federal Highway Administration (49 CFR, Section 501.2 (a)(9)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 136.0 percent from its 1984 annual average of 311.1 to its 2017 annual average of 734.269.

Signed at Washington, DC, on May 30, 2018.

R. Alexander Acosta,

Secretary of Labor.

[FR Doc. 2018–12485 Filed 6–8–18; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Acrylonitrile Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Acrylonitrile Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 11, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201802-1218-006* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street, NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue, NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Acrylonitrile (AN) Standard information collection requirements codified in regulations 29 CFR 1910.1045. The Standard is an occupational safety and health standard that protects workers from the adverse health effects that may result from exposure to AN. The AN Standard information collection requirements are essential components that protect workers from occupational exposure. Occupational Safety and Health Act of 1970 (OSH Act) covered employers subject to the Standard and employees use the information to implement the protection the Standard requires. The information collections contained in the AN Standard include notifying a worker of AN exposures; a written compliance program; a worker medical surveillance program; and the development, maintenance, and disclosure of workers' exposure monitoring and medical records. OSH Act sections 2(b) (9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0126.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2018. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 8, 2018 (83 FR 9868).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0126. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Acrylonitrile Standard.

OMB Control Number: 1218–0126.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 20.

Total Estimated Number of Responses: 6,792.

Total Estimated Annual Time Burden: 2,754 hours.

Total Estimated Annual Other Costs Burden: $216,416.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 5, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–12472 Filed 6–8–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Act of 1977 and the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification. This **Federal Register** notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's website at *https://www.msha.gov/regulations/rulemaking/petitions-modification.* The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist's desk in Suite 4E401.

FOR FURTHER INFORMATION CONTACT: Barbara Barron at 202–693–9447 (phone), *barron.barbara@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M–2016–015–C.
FR Notice: 81 FR 47423 (7/21/2016).
Petitioner: Canyon Fuel Company, LLC, HC 35, Box 380, Helper, Utah 84526.
Mine: Skyline Mine #3, MSHA I.D. No. 42–01566, located in Carbon County, Utah.
Regulation Affected: 30 CFR 75.380(d)(4) (Escapeways; bituminous and lignite mines).

- *Docket Number:* M–2017–006–C.
FR Notice: 82 FR 16072 (3/31/2017).
Petitioner: Tunnel Ridge, LLC, 2596 Battle Run Road, Triadelphia, West Virginia 26059.
Mine: Tunnel Ridge Mine, MSHA I.D. No. 46–08864, located in Ohio County, West Virginia.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M–2017–012–C.
FR Notice: 82 FR 34702 (7/26/2017).
Petitioner: The Marion County Coal Company, 151 Johnny Cake Road, Metz, West Virginia 26585.
Mine: Marion County Mine, MSHA I.D. No. 46–01433, located in Marion County, West Virginia.
Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M–2017–017–C.
FR Notice: 82 FR 48115 (10/16/2017).
Petitioner: Paramont Contura, LLC, Three Gateway Center, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.
Mine: Deep Mine 44, MSHA I.D. No. 44–07308, located in Dickenson County, Virginia.
Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M–2017–020–C.
FR Notice: 82 FR 49685 (10/26/2017).
Petitioner: Spartan Mining Company, 500 Lee Street, East, Suite 701 (25301), Post Office Box 2548, Charleston, West Virginia 25329.
Mine: Road Fork #52 Mine, MSHA I.D. No. 46–09522, located in Wyoming County, West Virginia.
Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M–2016–037–C.
FR Notice: 82 FR 16070 (3/31/2017).
Petitioner: San Juan Coal Company, P.O. Box 561, Waterflow, New Mexico 87421.
Mine: San Juan Mine 1, MSHA I.D. No. 29–02170, located in San Juan County, New Mexico.
Regulation Affected: 30 CFR 75.1506(c)(1) (Refuge alternatives).

- *Docket Number:* M–2016–009–M.
FR Notice: 82 FR 9234 (2/3/2017).
Petitioner: Coeur Alaska, Inc. 1700 Lincoln Street, Suite 4700, Denver, Colorado 80203.
Mine: Kensington Mine, MSHA I.D. No. 50–01544, located in Juneau County, Alaska.
Regulation Affected: 30 CFR 57.11052(d) (Refuge areas).

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2018–12460 Filed 6–8–18; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0120]

Proposed Extension of Information Collection; Occupational Noise Exposure

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection

requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Occupational Noise Exposure.

DATES: All comments must be received on or before August 10, 2018.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2018–0020.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. Section 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Section 101(a) of the Mine Act, 30 U.S.C., 811 authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Noise is a harmful physical agent and one of the most pervasive health hazards in mining. Repeated exposure to high levels of sound over time causes occupational noise-induced hearing loss (NIHL), a serious, often profound physical impairment in mining, with far-reaching psychological and social effects. NIHL can be distinguished from aging and other factors that can contribute to hearing loss and it can be prevented. According to the National Institute for Occupational Safety and Health, NIHL is among the ''top ten'' leading occupational illnesses and injuries.

For many years, NIHL was regarded as an inevitable consequence of working in a mine. Mining, an intensely mechanized industry, relies on drills, crushers, compressors, conveyors, trucks, loaders, and other heavy-duty equipment for the excavation, haulage, and processing of material. This equipment creates high sound levels, exposing machine operators as well as miners working nearby. MSHA, the Occupational Safety and Health Administration, the military, and other organizations around the world have established and enforced standards to reduce the loss of hearing. Quieter equipment, isolation of workers from noise sources, and limiting the time workers are exposed to noise are among the many well-accepted methods that will prevent the costly incidence of NIHL.

Records of miner exposures to noise are necessary so that mine operators and MSHA can evaluate the need for and effectiveness of engineering controls, administrative controls, and personal protective equipment to protect miners from harmful levels of noise that can result in hearing loss. However, the Agency believes that extensive records for this purpose are not needed. These requirements are a performance-oriented approach to monitoring. Records of miner hearing examinations enable mine operators and MSHA to ensure that the controls are effective in preventing NIHL for individual miners. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Occupational Noise Exposure. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Occupational Noise Exposure. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

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

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0120.

Affected Public: Business or other for-profit.

Number of Respondents: 12,953.

Frequency: On occasion.

Number of Responses: 184,435.

Annual Burden Hours: 13,680 hours.

Annual Respondent or Recordkeeper Cost: $31,926.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2018–12461 Filed 6–8–18; 8:45 am]

BILLING CODE 4510–43–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings

TIME AND DATE: The Legal Services Corporation's Finance Committee will meet telephonically on June 19, 2018. The meeting will commence at 4:00 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

PLACE: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW, Washington, DC 20007.

Public Observation: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

Call-In Directions for Open Sessions:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda
2. Discussion with LSC Management regarding recommendations for LSC's Fiscal year 2020 budget request
   - Jim Sandman, President
   - Carol Bergman, Vice President for Government Relations & Public Affairs
3. Discussion with the LSC Inspector General regarding OIG's Fiscal Year 2020 budget request
   - Jeffery Schanz, Inspector General
   - David Maddox, Assistant Inspector General for Management and Evaluation
4. Public comment
5. Consider and act on other business
6. Consider and act on adjournment of meeting

CONTACT PERSON FOR MORE INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

Accessibility: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting.

If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated; June 6, 2018.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2018–12563 Filed 6–7–18; 11:15 am]

BILLING CODE 7050–01–P

OFFICE OF MANAGEMENT AND BUDGET

Revisions of Rescissions Proposals Pursuant to the Congressional Budget and Impoundment Control Act of 1974

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of revisions to rescissions proposed pursuant to the Congressional Budget and Impoundment Control Act of 1974.

SUMMARY: Pursuant to the Congressional Budget and Impoundment Control Act of 1974, OMB is issuing a supplementary special message from the President to proposals that were previously transmitted to the Congress on May 8, 2018, of rescissions under section 1012 of that Act. The supplementary special message was transmitted to the Congress for consideration on June 5, 2018. The supplementary special message reports the withdrawal of four proposals and the revision of six other rescission proposals. The withdrawals are for the Federal Highway Administration Miscellaneous Appropriations and Miscellaneous Highway Trust Funds accounts of the Department of Transportation, the Environmental Programs and Management account of the Environmental Protection Agency, and the International Disaster Assistance account of the U.S. Agency for International Development. The six revised rescissions, totaling $896 million, affect the programs at the Departments of Agriculture, Housing and Urban Development, Labor, and the Treasury, as well as the Corporation for National and Community Service.

DATES: *Release Date:* June 5, 2018.

ADDRESSES: The rescissions proposal package is available on-line on the OMB website at: *https://www.whitehouse.gov/omb/budget-rescissions-deferrals/.*

FOR FURTHER INFORMATION CONTACT: Jessica Andreasen, 6001 New Executive Office Building, Washington, DC 20503, E-mail address: *jandreasen@omb.eop.gov,* telephone number: (202) 395–3645. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

John Mulvaney,

Director.

TO THE CONGRESS OF THE UNITED STATES:

In accordance with section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c)), I am withdrawing four previously proposed rescissions and reporting revisions to six rescissions previously transmitted to the Congress.

The withdrawals are for the Federal Highway Administration Miscellaneous Appropriations and Miscellaneous Highway Trust Funds accounts of the Department of Transportation, the Environmental Programs and Management account of the Environmental Protection Agency, and the International Disaster Assistance account of the United States Agency for International Development. The six revised rescissions, totaling $896 million, affect the programs of the Departments of Agriculture, Housing and Urban Development, Labor, and the Treasury, as well as the Corporation for National and Community Service.

The details of the rescission withdrawals and each revised rescission are contained in the attached reports.

Donald J. Trump

THE WHITE HOUSE,

June 5, 2018.

RESCISSION PROPOSAL NO. R18–2A

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–2, which was transmitted to the Congress on May 8, 2018.

This revision decreases by $1 the amount included in paragraph (1) of the appropriations language due to a rounding error, and corrects the reference in paragraph (1) of the appropriations language from the Agricultural Act of 2014 to the Food Security Act of 1985. This revision does not change the total amount of $499,507,921 proposed for rescission.

PROPOSED RESCISSION OF BUDGET AUTHORITY: Report Pursuant to Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683)

Agency: DEPARTMENT OF AGRICULTURE

Bureau: Natural Resources Conservation Service
Account: Farm Security and Rural Investment Programs (012-1004/X)
Amount proposed for rescission: $499,507,921

Proposed rescission appropriations language:

** Of the unobligated balances identified by the Treasury Appropriation Fund Symbol 12X1004, the following amounts are permanently rescinded: (1) $143,854,263 of amounts made available in section 1241(a)(5) of the Food Safety Act of 1985 (16 U.S.C. 3841(a)(5)); (2) $146,650,991 of amounts made available in section 2701(d) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246); (3) $33,261,788 of amounts made available in section 2701(e) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246); (4) $12,960,988 of amounts made available in section 2701(g) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246); (5) $7,447,193 of amounts made available in section 2510 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246); and (6) $155,332,698 of amounts made available from the Commodity Credit Corporation to carry out the wetlands reserve program.*

Justification:

This proposal would rescind $356 million in unobligated balances of conservation programs that were not extended in the Agricultural Act of 2014, and $144 million in unobligated balances of the Environmental Quality Incentive Program (EQIP) from FY 2014 through FY 2017. There were a total of $1.5 billion in balances available in these programs on October 1, 2017. EQIP provides farmers and ranchers with financial cost-share and technical assistance to implement conservation practices on working agricultural land. These funds are from unobligated balances of expired programs or from prior years and are in excess of amounts needed to carry out the programs in FY 2018. Enacting the rescission would have limited programmatic impact.

RESCISSION PROPOSAL NO. R18–3A

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–3, which was transmitted to the Congress on May 8, 2018.

This revision decreases the proposed rescission amount by $107,482,457 resulting in a revised rescission total of $50,000,000 in the Watershed and Flood Prevention Operations account of the Natural Resources Conservation Service, Department of Agriculture. This revision eliminates the proposed rescission of funding appropriated as part of the Federal Government's response to aid in recovery efforts following Hurricane Sandy.

PROPOSED RESCISSION OF BUDGET AUTHORITY: Report Pursuant to Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683)

Agency: DEPARTMENT OF AGRICULTURE
Bureau: Natural Resources Conservation Service
Account: Watershed and Flood Prevention Operations (012-1072/X)
* Amount proposed for rescission: $50,000,000

Proposed rescission appropriations language:

** Of the unobligated balances identified in the Treasury Appropriation Fund Symbol 12X1072, $50,000,000 of amounts made available under the ''Watershed and Flood Prevention Operations'' heading in the Consolidated Appropriations Act, 2017 (Public Law 115–31) are rescinded.*

Justification:

* This proposal would rescind $50 million in prior year balances from the Department of Agriculture's Watershed and Flood Prevention Operations program, of which $378 million were available in the overall account on October 1, 2017. This program conducts surveys and investigations, engineering operations, works of improvement, and changes in use of land. These funds are in excess of amounts needed to carry out the program in FY 2018. Enacting the rescission would have a minimal impact on the program as it is fully funded through the 2018 Consolidated Appropriations Act. Enacting the rescission would have limited programmatic impact.

RESCISSION PROPOSAL NO. R18–21A

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–21, which was transmitted to the Congress on May 8, 2018.

This revision decreases the proposed rescission amount by $2,071,115 resulting in a revised rescission total of $31,980,121 in the Public Housing Capital Fund, Department of Housing and Urban Development. This decrease reflects the actual amount available for rescission.

PROPOSED RESCISSION OF BUDGET AUTHORITY: Report Pursuant to Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683)

Agency: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Bureau: Public and Indian Housing Programs
Account: Public Housing Capital Fund (086-0304 2017/2020)
* Amount proposed for rescission: $31,980,121

Proposed rescission appropriations language:

** Of the unobligated balances available under this heading from the Consolidated Appropriations Act, 2017 (Public Law 115–31), $31,980,121 are rescinded.*

Justification:

* This proposal would rescind $32 million in prior year balances of which there were $118 million available on October 1, 2017. The Capital Fund largely provides formula modernization grants to public housing authorities to address the capital repair needs in about one million units of public housing, in addition to set-asides for resident self-sufficiency programs and other programmatic needs. The proposed rescission would reduce budget authority that is inconsistent with the President's policies. Enacting the rescission would reduce prior year balances available for capital repair needs, emergency repairs including safety and security measures, physical inspections, administrative and judicial receiverships, Resident Opportunity and Self-Sufficiency (ROSS) grants, and eliminate the FY 2017 competitive Jobs-Plus grants. Competitive grants to reduce lead-based paint hazards in public housing would continue to be funded from amounts available. Amounts appropriated in FY 2018 for the Public Housing Capital Fund could be used for some of these activities.

RESCISSION PROPOSAL NO. R18–24A

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

* Revised from previous report.

* Revised from previous report.

* Revised from previous report.

* Revised from previous report.

This report updates Rescission proposal no. R18–24, which was transmitted to the Congress on May 8, 2018.

This revision corrects the account name and number for the proposal in the Training and Employment Services, Department of Labor (016–0174/X) account. The correct name is Training and Employment Services, Recovery Act and the correct account number is 016–0184/X. In addition, the Justification has been revised to eliminate an incorrect reference to a child account.

PROPOSED RESCISSION OF BUDGET AUTHORITY: Report Pursuant to Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683)

Agency: DEPARTMENT OF LABOR
Bureau: Employment and Training Administration
* **Account:** Training and Employment Services, Recovery Act (016-0184/X)

Amount proposed for rescission: $22,913,265

Proposed rescission appropriations language:

Any unobligated balances of amounts made available in section 1899K(b) of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) are rescinded.

Justification:

* This proposal would rescind $23 million in remaining balances for National Emergency Grants (NEGs) authorized under the American Recovery and Reinvestment Act. These NEGs were authorized to help States implement the Health Coverage Tax Credit (HCTC) for Trade Adjustment Assistance recipients, both helping States establish the systems and procedures needed to make healthcare benefits available and providing assistance and support services to eligible individuals waiting to receive payments through the HCTC. The initial HCTC authorization expired on January 1, 2014, but was reinstated in 2015. Since the HCTC program was reinstated, the Department of Labor has only distributed $1.4 million in Health NEGs. Enacting this rescission would be unlikely to have a programmatic impact since the Department does not have plans for the remaining funds. The proposed rescission would have no effect on outlays.

RESCISSION PROPOSAL NO. R18–27

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–27, which was transmitted to the Congress on May 8, 2018.

This report withdraws the proposed rescission of amounts originally provided as emergency funds for Ebola response in the International Disaster Assistance account of the U.S. Agency for International Development.

RESCISSION PROPOSAL NO. R18–28

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–28, which was transmitted to the Congress on May 8, 2018.

This report withdraws the proposed rescission of amounts from the Miscellaneous Appropriations account of the Federal Highway Administration, Department of Transportation.

RESCISSION PROPOSAL NO. R18–30

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–30, which was transmitted to the Congress on May 8, 2018.

This report withdraws the proposed rescission of amounts from the Miscellaneous Highway Trust Funds account of the Federal Highway Administration, Department of Transportation.

RESCISSION PROPOSAL NO. R18–35A

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–35, which was transmitted to the Congress on May 8, 2018.

This revision decreases the proposed rescission amount by $9,564,496 resulting in a revised rescission total of $141,716,839 in the Capital Magnet Fund, Community Development Financial Institutions, Department of the Treasury. This decrease reflects the actual amount available for rescission.

PROPOSED RESCISSION OF BUDGET AUTHORITY: Report Pursuant to Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683)

Agency: DEPARTMENT OF THE TREASURY
Bureau: Departmental Offices
Account: Capital Magnet Fund, Community Development Financial Institutions (020–8524/X)

* Amount proposed for rescission: $141,716,839

Proposed rescission appropriations language:

* *From amounts made available to the Capital Magnet Fund for fiscal year 2018 pursuant to sections 1337 and 1339 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 4567 and 4569) $141,716,839 are permanently rescinded.*

Justification:

* This proposal would rescind $142 million in amounts made available under the Housing and Economic Recovery Act of 2008 (Public Law 110–289) for FY 2018, of which $142 million was available on May 1, 2018. The Capital Magnet Fund (CMF) is a competitive grant program that funds housing nonprofits and Community Development Financial Institutions to finance affordable housing activities, as well as related economic development activities and community service facilities. This proposed rescission of CMF balances, which were derived from assessments on Fannie Mae and Freddie Mac under permanent law, would reduce budget authority that is inconsistent with the President's policies, recognizing that State and local governments and the private sector have a greater role to play in addressing affordable housing needs. Enacting the rescission would reduce the funds available for grants under this program.

RESCISSION PROPOSAL NO. R18–36

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

This report updates Rescission proposal no. R18–36, which was transmitted to the Congress on May 8, 2018.

This report withdraws the proposed rescission of amounts from the Environmental Programs and Management account of the Environmental Protection Agency.

RESCISSION PROPOSAL NO. R18–37A

SUPPLEMENTARY REPORT: Report Pursuant to Section 1014(c) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(c))

* Revised from previous report.

* Revised from previous report.

* Revised from previous report.

This report updates Rescission proposal no. R18–37, which was transmitted to the Congress on May 8, 2018.

This revision corrects the account name and number for the proposal in the Gifts and Contributions, Corporation for National and Community Service (485–8981/X) account. The correct name is National Service Trust and the correct account number is 485–8267/X.

PROPOSED RESCISSION OF BUDGET AUTHORITY: Report Pursuant to Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683)

Agency: CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
Bureau: Corporation for National and Community Service
* **Account:** National Service Trust (485–8267/X)
Amount proposed for rescission: $150,000,000

Proposed rescission appropriations language:

Of the unobligated balances available in the ''National Service Trust'' established in section 102 of the National and Community Service Trust Act of 1993, $150,000,000 are permanently rescinded.

Justification:

This proposal would rescind $150 million in prior year balances from the National Service Trust, of which there were $205 million available on October 1, 2017. The National Service Trust provides funds for educational awards to eligible AmeriCorps volunteers who have completed their terms of service. The available balances in the Trust are in excess of amounts needed to cover educational awards in FY 2018. This rescission would not impact the agency's operations. This rescission would have no effect on outlays.

[FR Doc. 2018–12486 Filed 6–8–18; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 12 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC, 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Museums (review of applications): This meeting will be closed.

Date and time: July 10, 2018; 11:30 a.m. to 1:30 p.m.

Museums (review of applications): This meeting will be closed.

Date and time: July 10, 2018; 2:30 p.m. to 4:30 p.m.

Museums (review of applications): This meeting will be closed.

Date and time: July 11, 2018; 11:30 a.m. to 1:30 p.m.

Musical Theater (review of applications): This meeting will be closed.

Date and time: July 10, 2018; 2:00 p.m. to 4:00 p.m.

Presenting and Multidisciplinary Works (review of applications):

This meeting will be closed. *Date and time:* July 10, 2018; 4:00 p.m. to 6:00 p.m.

Presenting and Multidisciplinary Works (review of applications):

This meeting will be closed. *Date and time:* July 11, 2018; 4:00 p.m. to 6:00 p.m.

Presenting and Multidisciplinary Works (review of applications):

This meeting will be closed. *Date and time:* July 12, 2018; 4:00 p.m. to 6:00 p.m.

Presenting and Multidisciplinary Works (review of applications):

This meeting will be closed. *Date and time:* July 13, 2018; 4:00 p.m. to 6:00 p.m.

Artist Communities (review of applications): This meeting will be closed.

Date and time: July 18, 2018; 4:00 p.m. to 6:00 p.m.

Artist Communities (review of applications): This meeting will be closed.

Date and time: July 19, 2018; 4:00 p.m. to 6:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: July 27, 2018; 11:30 a.m. to 2:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: July 27, 2018; 2:30 p.m. to 5:00 p.m.

Dated: June 5, 2018.

Sherry Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2018–12421 Filed 6–8–18; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219; NRC–2018–0111]

Exelon Generation Company, LLC; Oyster Creek Nuclear Generating Station; Post-Shutdown Decommissioning Activities Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt; availability; public meeting; and request for comment.

SUMMARY: On May 21, 2018, the U.S. Nuclear Regulatory Commission (NRC) received the Post-Shutdown Decommissioning Activities Report (PSDAR) for the Oyster Creek Nuclear Generating Station (Oyster Creek). The PSDAR, which includes the site-specific decommissioning cost estimate (DCE), provides an overview of Exelon Generation Company, LLC's (Exelon or the licensee) planned decommissioning activities, schedule, projected costs, and environmental impacts for Oyster Creek. The NRC will hold a public meeting to discuss the PSDAR's content and receive comments.

DATES: Submit comments by September 10, 2018. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date.

* Revised from previous report.

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

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID: NRC–2018–0111. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John G. Lamb, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3100; email: *John.Lamb@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0111 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0111.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0111 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

Exelon is the holder of Renewed Facility Operating License No. DPR–16 for Oyster Creek. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect. The facility consists of one boiling-water reactor located in Ocean County, New Jersey. By letter dated January 7, 2011 (ADAMS Accession No. ML110070507), the licensee submitted Notification of Permanent Cessation of Power Operations for Oyster Creek. In this letter, Exelon notified the NRC of its intent to permanently cease operations at Oyster Creek no later than December 31, 2019. By letter dated February 14, 2018 (ADAMS Accession No. ML18045A084), the licensee submitted its revised Notification of Permanent Cessation of Power Operations for Oyster Creek. In this letter, Exelon notified the NRC of its intent to permanently cease operations at Oyster Creek no later than October 31, 2018.

On May 21, 2018, Exelon submitted the PSDAR, including the site-specific DCE for Oyster Creek, in accordance with § 50.82(a)(4)(i) of title 10 of the *Code of Federal Regulations* (ADAMS Accession No. ML18141A775). The PSDAR includes a description of the planned decommissioning activities, a proposed schedule for their accomplishment, the site-specific DCE, and a discussion that provides the basis for concluding that the environmental impacts associated with the site-specific decommissioning activities will be bounded by appropriate, previously issued generic and plant-specific environmental impact statements. In a separate letter, Exelon submitted its update to the spent fuel management plan for Oyster Creek on May 21, 2018 (ADAMS Accession No. ML18141A486).

III. Request for Comment and Public Meeting

The NRC is requesting public comments on the PSDAR, including the DCE, for Oyster Creek. The NRC will conduct a public meeting to discuss the PSDAR, including the DCE, and receive comments on Tuesday, July 17, 2018, from 6 p.m. until 9 p.m., at the Community Hall—Lacey Township, 101 North Main Street, Forked River, New Jersey 08731. The NRC requests that comments that are not provided during the meeting be submitted as noted in Section I, ''Obtaining Information and Submitting Comments,'' of this document in writing by September 10, 2018.

Dated at Rockville, Maryland, this 5th day of June, 2018.

For the Nuclear Regulatory Commission.

Douglas A. Broaddus,

Chief, Special Projects and Process Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–12429 Filed 6–8–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83385; File No. SR–NYSEArca–2018–25]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change to List and Trade Shares of the Natixis Loomis Sayles Short Duration Income ETF

June 5, 2018.

On April 16, 2018, NYSE Arca, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the Natixis Loomis Sayles Short Duration Income ETF pursuant to NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares. The proposed rule change was published for comment in the **Federal**

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

Register on May 3, 2018.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 17, 2018. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates August 1, 2018 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2018–25).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12433 Filed 6–8–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33119; 812–14901]

BlackRock Variable Series Funds, Inc., et al.

June 6, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (the ''1940 Act''), seeking exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

APPLICANTS: BlackRock Variable Series Funds, Inc., BlackRock Series Fund, Inc., BlackRock Variable Series Funds II, Inc., BlackRock Series Fund II, Inc. (each a ''Company'' and together, the ''Companies''), and BlackRock Advisors, LLC (''BlackRock'', and collectively with the Companies, the ''Applicants'').

SUMMARY OF APPLICATION: Applicants request an order granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder, in cases where a life insurance separate account supporting variable life insurance contracts, whether or not registered as an investment company with the Commission (''VLI Accounts''), holds shares of an existing portfolio of a Company that is designed to be sold to VLI Accounts or VA Accounts (as defined below) for which BlackRock or any of its affiliates may serve as investment adviser, sub-adviser, manager, administrator, principal underwriter or sponsor (''Existing Fund'') or ''Future Fund''[1] (any Existing Fund or Future Fund is referred to herein as a ''Fund'' and collectively, the ''Funds''), and one or more of the following other types of investors also hold shares of the Funds: (i) Any life insurance company separate account supporting variable annuity contracts, whether or not registered as an investment company with the Commission (''VA Accounts''), and any VLI Account; (ii) trustees of qualified group pension or group retirement plans outside the separate account context (''Qualified Plans''); (iii) the investment adviser or any subadviser to a Fund or affiliated persons of the adviser or subadviser (representing seed money investments in a Fund) (''Advisers''); and (iv) any general account of an insurance company depositor of VA Accounts and/or VLI Accounts (''General Accounts'').

FILING DATE: The application was filed on April 27, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission 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 July 2, 2018, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicants: 55 East 52nd Street, New York, NY 10055.

FOR FURTHER INFORMATION CONTACT: Jessica Shin, Attorney-Adviser, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6762 (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.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. BlackRock Variable Series Funds, Inc. was organized as a Maryland corporation on October 16, 1981 and is registered under the 1940 Act as an open-end management investment company (Reg. File No. 811–3290). The Company is a series investment company as defined by Rule 18f–2 under the 1940 Act and is currently comprised of twenty portfolios, all of which are managed by BlackRock. The Company issues a separate series of shares of common stock for each of its portfolios and has filed a registration statement under the Securities Act of 1933, as amended (the ''Securities Act'') on Form N–1A (Reg. File No. 002–74452) to register such shares. The Company may establish additional portfolios in the future and additional classes of shares for such portfolios. Shares of the portfolios of the Company are not and will not be offered to the general public.

2. BlackRock Series Fund, Inc. was organized as a Maryland corporation on September 4, 1980 and is registered under the 1940 Act as an open-end management investment company (Reg. File No. 811–3091). The Company is a series investment company as defined by Rule 18f–2 under the 1940 Act and is currently comprised of thirteen

[3] *See* Securities Exchange Act Release No. 83122 (April 27, 2018), 83 FR 19578.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] As used herein, a ''Future Fund'' is any investment company (or investment portfolio or series thereof), other than an Existing Fund, designed to be sold to VA Accounts and/or VLI Accounts and to which BlackRock or its affiliates may in the future serve as investment adviser, sub-adviser, manager, administrator, principal underwriter or sponsor.

portfolios, all of which are managed by BlackRock. The Company issues a separate series of shares of common stock for each of its portfolios and has filed a registration statement under the Securities Act on Form N–1A (Reg. File No. 002–69062) to register such shares. The Company may establish additional portfolios in the future and additional classes of shares for such portfolios. Shares of the portfolios of the Company are not and will not be offered to the general public.

3. BlackRock Variable Series Funds II, Inc. was organized as a Maryland corporation on April 19, 2018 and is registered under the 1940 Act as an open-end management investment company (Reg. File No. 811–23346). The Company is a series investment company as defined by Rule 18f–2 under the 1940 Act and is currently comprised of three newly-created portfolios, all of which are expected to be managed by BlackRock. The Company issues a separate series of shares of common stock for each of its portfolios and has filed a registration statement under the Securities Act on Form N–1A (Reg. File No. 333–224376) to register such shares. The Company may establish additional portfolios in the future and additional classes of shares for such portfolios. Shares of the portfolios of the Company are not and will not be offered to the general public.

4. BlackRock Series Fund II, Inc. was organized as a Maryland corporation on April 19, 2018 and is registered under the 1940 Act as an open-end management investment company (Reg. File No. 811–23345). The Company is a series investment company as defined by Rule 18f–2 under the 1940 Act and is currently comprised of two newly-created portfolios, all of which are expected to be managed by BlackRock. The Company issues a separate series of shares of common stock for each of its portfolios and has filed a registration statement under the Securities Act on Form N–1A (Reg. File No. 333–224375) to register such shares. The Company may establish additional portfolios in the future and additional classes of shares for such portfolios. Shares of the portfolios of the Company are not and will not be offered to the general public.

5. BlackRock currently serves or is expected to serve as the investment adviser to all of the existing portfolios of the Companies. It is anticipated that BlackRock will serve as the Adviser to all of the Future Funds, subject to the authority of the Future Fund's board of directors/trustees. BlackRock is a limited liability company formed under the laws of the state of Delaware and is registered as an investment adviser under the Investment Advisers Act of 1940, as amended (the ''Advisers Act'').

6. The Funds propose to, and other Funds may in the future propose to, offer and sell their shares to VLI and VA Accounts of affiliated and unaffiliated life insurance companies (''Participating Insurance Companies'') to serve as investment media to support variable life insurance contracts (''VLI Contracts'') and variable annuity contracts (''VA Contacts'') (VLI Contracts and VA Contracts together, ''Variable Contracts'') issued through such accounts respectively, VLI Accounts and VA Accounts (VLI Accounts and VA Accounts together, ''Separate Accounts''). Each Separate Account is or will be established as a segregated asset account by a Participating Insurance Company pursuant to the insurance law of the insurance company's state of domicile. As of the date of this Application, the Participating Insurance Companies with respect to BlackRock Series Fund, Inc. are Transamerica Life Insurance Company, Transamerica Financial Life Insurance Company and Monarch Life Insurance Company, and there are over fifty Participating Insurance Companies with respect to BlackRock Variable Series Funds, Inc. As of the date of this Application, there are no Participating Insurance Companies with respect to the other two Companies, which are newly formed.

7. In the future, the Funds will sell their shares to Separate Accounts only if each Participating Insurance Company sponsoring such a Separate Account enters into a participation agreement with the Funds.[1] The participation agreements define or will define the relationship between each Fund and each Participating Insurance Company and memorialize or will memorialize, among other matters, the fact that, except where the agreement specifically provides otherwise, the Participating Insurance Company will remain responsible for establishing and maintaining any Separate Account covered by the agreement and for complying with all applicable requirements of state and federal law pertaining to such accounts and to the sale and distribution of Variable Contracts issued through such Separate Accounts. The role of the Funds under this arrangement, with regard to the federal securities laws, will consist of offering and selling shares of the Funds to the Separate Accounts and fulfilling any conditions that the Commission may impose in granting the requested order.

8. The use of a common management investment company (or investment portfolio thereof) as an investment medium for both VLI Accounts and VA Accounts of the same Participating Insurance Company, or of two or more insurance companies that are affiliated persons of each other, is referred to herein as ''mixed funding.'' The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI Accounts and/or VA Accounts of two or more Participating Insurance Companies that are not affiliated persons of each other is referred to herein as ''shared funding.''

9. Applicants propose that the Funds may sell their shares directly to Qualified Plans, Advisers, and a General Accounts of a Participating Insurance Company.

10. The use of a common management investment company (or investment portfolio thereof) as an investment medium for Separate Accounts, Qualified Plans, Advisers and General Accounts is referred to herein as ''extended mixed funding.''

Applicants' Legal Analysis

1. Section 9(a)(3) of the 1940 Act makes it unlawful for any company to serve as an investment adviser or principal underwriter of any investment company, including a unit investment trust, if an affiliated person of that company is subject to disqualification enumerated in Section 9(a)(1) or (2) of the 1940 Act. Sections 13(a), 15(a), and 15(b) of the 1940 Act have been deemed by the Commission to require ''pass-through'' voting with respect to an underlying investment company's shares.

2. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the 1940 Act provide partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act to VLI Accounts supporting certain VLI Contracts and to their life insurance company depositors under limited circumstances, as described in the application. VLI Accounts, their

[1] Each Existing Fund of BlackRock Variable Series Funds, Inc. and BlackRock Series Fund, Inc. and its respective Participating Insurance Companies will begin to rely on the requested order only when all of such Participating Insurance Companies have entered into participation agreements meeting the requirements of the order. Until then, each such Existing Fund and its respective Participating Insurance Companies may continue to rely upon one of the following two existing orders: (i) *Merrill Lynch Series Fund, Inc.,* Rel. No. IC–19279 (Feb. 22, 1993) (notice), and Rel. No. IC–19346 (Mar. 23, 1993) (order), with respect to BlackRock Series Fund, Inc. (f/k/a Merrill Lynch Series Fund, Inc.); and (ii) *Merrill Lynch Life Insurance Company,* Rel. No. IC–21312 (Aug. 17, 1995) (notice), and Rel. No. IC–21389 (Oct. 3, 1995) (order), with respect to BlackRock Variable Series Funds, Inc. (f/k/a Merrill Lynch Variable Series Funds, Inc.).

depositors and their principal underwriters may not rely on the exemptions provided by Rule 6e–2(b)(15) if shares of the Fund are held by a VLI Account through which flexible premium VLI Contracts are issued, a VLI Account of an unaffiliated Participating Insurance Company, an unaffiliated Adviser, any VA Account, a Qualified Plan or a General Account. VLI Accounts, their depositors and their principal underwriters may not rely on the exemptions provided by Rule 6e–3(T)(b)(15) if Shares of a Fund are held by a VLI Account of an unaffiliated Participating Insurance Company, a VA Account of an unaffiliated Participating Insurance Company, a Qualified Plan, an unaffiliated investment adviser or the General Account of an unaffiliated Participating Insurance Company. Accordingly, Applicants request an order of the Commission granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder in cases where a scheduled or flexible premium VLI Account holds shares of a Fund and one or more of the following types of investors also hold Shares of the Funds: (i) VA Accounts and VLI Accounts (supporting scheduled premium or flexible premium VLI Contracts) of affiliated and unaffiliated Participating Insurance Companies; (ii) Qualified Plans; (iii) Advisers; and/or (iv) General Accounts.

3. Applicants maintain that there is no policy reason for the sale of Fund Shares to Qualified Plans, Advisers or General Accounts to prohibit or otherwise limit a Participating Insurance Company from relying on the relief provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15). Nonetheless, Rule 6e–2 and Rule 6e–3(T) each specifically provides that the relief granted thereunder is available only where shares of the underlying fund are offered exclusively to insurance company separate accounts. In this regard, Applicants request exemptive relief to the extent necessary to permit shares of the Funds to be sold to Qualified Plans, Advisers and General Accounts while allowing Participating Insurance Companies and their Separate Accounts to enjoy the benefits of the relief granted under Rule 6e–2(b)(15) and Rule 6e- 3(T)(b)(15). Applicants note that if the Funds were to sell their shares only to Qualified Plans, exemptive relief under Rule 6e–2 and Rule 6e–3(T) would not be necessary. The relief provided for under Rule 6e–2(b)(15) and Rule 6e–3(T)(b)(15) does not relate to Qualified Plans, Advisers or General Accounts or to a registered investment company's ability to sell its shares to such purchasers.

4. Applicants are not aware of any reason for excluding separate accounts and investment companies engaged in shared funding from the exemptive relief provided under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), or for excluding separate accounts and investment companies engaged in mixed funding from the exemptive relief provided under Rule 6e–2(b)(15). Similarly, Applicants are not aware of any reason for excluding Participating Insurance Companies from the exemptive relief requested because the Funds may also sell their shares to Qualified Plans, Advisers and General Accounts. Rather, Applicants submit that the proposed sale of shares of the Funds to these purchasers may allow for the development of larger pools of assets resulting in the potential for greater investment and diversification opportunities, and for decreased expenses at higher asset levels resulting in greater cost efficiencies.

5. For the reasons explained below, Applicants have concluded that investment by Qualified Plans, Advisers and General Accounts in the Funds should not increase the risk of material irreconcilable conflicts between owners of VLI Contracts and other types of investors or between owners of VLI Contracts issued by unaffiliated Participating Insurance Companies.

6. Consistent with the Commission's authority under Section 6(c) of the 1940 Act to grant exemptive orders to a class or classes of persons and transactions, Applicants request exemptions for a class consisting of Participating Insurance Companies and their separate accounts investing in Existing and Future Funds of the Company, as well as their principal underwriters.

7. Section 6(c) of the 1940 Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the 1940 Act, or any rule or regulation 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 1940 Act. Applicants submit that the exemptions requested are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

8. Section 9(a)(3) of the 1940 Act provides, among other things, that it is unlawful for any company to serve as investment adviser or principal underwriter of any registered open- end investment company if an affiliated person of that company is subject to a disqualification enumerated in Sections 9(a)(1) or (2). Rules 6e–2(b)(15)(i) and (ii) and Rules 6e–3(T)(b)(15)(i) and (ii) under the 1940 Act provide exemptions from Section 9(a) under certain circumstances, subject to the limitations discussed above on mixed funding, extended mixed funding and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in management or administration of the underlying investment company.

9. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) under the 1940 Act provide exemptions from pass-through voting requirements with respect to several significant matters, assuming the limitations on mixed funding, extended mixed funding and shared funding are observed. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that the insurance company may disregard the voting instructions of its variable life insurance contract owners with respect to the investments of an underlying investment company, or any contract between such an investment company and its investment adviser, when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of Rules 6e–2 and 6e-3(T)). Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(2) provide that an insurance company may disregard the voting instructions of owners of its variable life insurance contracts if such owners initiate any change in an underlying investment company's investment policies, principal underwriter or any investment adviser (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii), (b)(7)(ii)(B) and (b)(7)(ii)(C) of Rules 6e–2 and 6e–3(T)).

10. Applicants represent that the sale of Fund shares to Qualified Plans, Advisers or General Accounts will not have any impact on the exemptions requested herein regarding the disregard of pass-through voting rights. Shares sold to Qualified Plans will be held by such Qualified Plans. The exercise of voting rights by Qualified Plans, whether by trustees, participants, beneficiaries, or investment managers engaged by the Qualified Plans, does not raise the type of issues respecting disregard of voting rights that are raised

by VLI Accounts. With respect to Qualified Plans, which are not registered as investment companies under the 1940 Act, there is no requirement to pass through voting rights to Qualified Plan participants. Indeed, to the contrary, applicable law expressly reserves voting rights associated with Qualified Plan assets to certain specified persons.

11. Similarly, Advisers and General Accounts are not subject to any pass-through voting rights. Accordingly, unlike the circumstances surrounding Separate Account investments in shares of the Funds, the issue of the resolution of any material irreconcilable conflicts with respect to voting is not present with respect to Advisers or General Accounts of Participating Insurance Companies.

12. Applicants recognize that the prohibitions on mixed and shared funding might reflect concern regarding possible different investment motivations among investors. When Rule 6e–2 was first adopted, variable annuity separate accounts could invest in mutual funds whose shares were also offered to the general public. However, now, under the Internal Revenue Code of 1986 (the ''Code''), any underlying fund, including the Funds, that sells shares to a VLI Account or a VA Account, would, in effect, be precluded from also selling its shares to the public. Consequently, the Funds may not sell their shares to the public.

13. Applicants assert that the rights of an insurance company on its own initiative or on instructions from a state insurance regulator to disregard the voting instructions of owners of Variable Contracts is not inconsistent with either mixed funding or shared funding. Applicants state that The National Association of Insurance Commissioners Variable Life Insurance Model Regulation suggests that it is unlikely that insurance regulators would find an underlying fund's investment policy, investment adviser or principal underwriter objectionable for one type of Variable Contract but not another type.

14. Applicants assert that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. A particular state insurance regulator could require action that

is inconsistent with the requirements of other states in which the insurance company offers its contracts. However, the fact that different insurers may be domiciled in different states does not create a significantly different or enlarged problem. Shared funding by unaffiliated insurers, in this respect, is no different than the use of the same investment company as the funding vehicle for affiliated insurers, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) permit. Affiliated insurers may be domiciled in different states and be subject to differing state law requirements.

Affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. Applicants state that in any event, the conditions set forth below are designed to safeguard against, and provide procedures for resolving, any adverse effects that differences among state regulatory requirements may produce. If a particular state insurance regulator's decision conflicts with the majority of other state regulators, then the affected Participating Insurance Company will be required to withdraw its separate account investments in the relevant Fund. This requirement will be provided for in the participation agreement that will be entered into by Participating Insurance Companies with the relevant Fund.

15. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) give Participating Insurance Companies the right to disregard the voting instructions of VLI Contract owners in certain circumstances. This right derives from the authority of state insurance regulators over Separate Accounts. Under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), a Participating Insurance Company may disregard VLI Contract owner voting instructions only with respect to certain specified items. Affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser initiated by such Contract owners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the Participating Insurance Company's disregard of voting instructions be reasonable and based on specific good faith determinations.

16. A particular Participating Insurance Company's disregard of voting instructions, nevertheless, could conflict with the voting instructions of a majority of VLI Contract owners. The Participating Insurance Company's action possibly could be different than the determination of all or some of the other Participating Insurance Companies (including affiliated insurers) that the voting instructions of VLI Contract owners should prevail, and either could preclude a majority vote approving the change or could represent a minority view. If the Participating Insurance Company's judgment represents a minority position or would preclude a majority vote, then the Participating Insurance Company may be required, at the relevant Fund's election, to withdraw its Separate Accounts' investments in the relevant Fund. No charge or penalty will be imposed as a result of such withdrawal. This requirement will be provided for in the participation agreement entered into by the Participating Insurance Companies with the relevant Fund.

17. Applicants assert there is no reason why the investment policies of a Fund would or should be materially different from what these policies would or should be if the Fund supported only VA Accounts or VLI Accounts supporting flexible premium or scheduled premium VLI Contracts. Each type of insurance contract is designed as a long-term investment program.

18. Each Fund will be managed to attempt to achieve its specified investment objective, and not favor or disfavor any particular Participating Insurance Company or type of insurance contract. Applicants assert there is no reason to believe that different features of various types of Variable Contracts will lead to different investment policies for each or for different Separate Accounts. The sale of Variable Contracts and ultimate success of all Separate Accounts depends, at least in part, on satisfactory investment performance, which provides an incentive for each Participating Insurance Company to seek optimal investment performance.

19. Furthermore, no single investment strategy can be identified as appropriate to a particular Variable Contract. Each ''pool'' of VLI Contract and VA Contract owners is composed of individuals of diverse financial status, age, insurance needs and investment goals. A Fund supporting even one type of Variable Contract must accommodate these diverse factors in order to attract and retain purchasers. Permitting mixed and shared funding will provide economic support for the continuation of the Funds. Applicants state further that mixed and shared funding will broaden the base of potential Variable Contract owner investors, which may facilitate the establishment of additional Funds serving diverse goals.

20. Applicants do not believe that the sale of the shares to Qualified Plans, Advisers or General Accounts will increase the potential for material irreconcilable conflicts of interest between or among different types of investors. In particular, Applicants see

very little potential for such conflicts beyond those that would otherwise exist between owners of VLI Contracts and VA Contracts. Applicants submit that either there are no conflicts of interest or that there exists the ability by the affected parties to resolve such conflicts consistent with the best interests of VLI Contract owners, VA Contract owners and Qualified Plan participants.

21. Applicants state they considered whether there are any issues raised under the Code, Treasury Regulations, or Revenue Rulings thereunder, if Qualified Plans, Separate Accounts, Advisers and General Accounts all invest in the same Fund. Applicants have concluded that neither the Code, nor the Treasury Regulations nor Revenue Rulings thereunder present any inherent conflicts of interest if Qualified Plans, Advisers, General Accounts, and Separate Accounts all invest in the same Fund.

22. Applicants note that, while there are differences in the manner in which distributions from separate accounts and Qualified Plans are taxed, these differences have no impact on the Funds. When distributions are to be made, and a separate account or Qualified Plan is unable to net purchase payments to make distributions, the separate account or Qualified Plan will redeem shares of the relevant Fund at its net asset values in conformity with Rule 22c–1 under the 1940 Act (without the imposition of any sales charge) to provide proceeds to meet distribution needs. A Participating Insurance Company will then make distributions in accordance with the terms of its Variable Contracts, and a Qualified Plan will then make distributions in accordance with the terms of the Qualified Plan.

23. Applicants state that they considered whether it is possible to provide an equitable means of giving voting rights to Variable Contract owners, Qualified Plans, Advisers and General Accounts. In connection with any meeting of Fund shareholders, the Fund or its transfer agent will inform each Participating Insurance Company (with respect to its Separate Accounts and General Account), Adviser, and Qualified Plan of its share holdings and provide other information necessary for such shareholders to participate in the meeting (*e.g.,* proxy materials). Each Participating Insurance Company then will solicit voting instructions from owners of VLI Contracts and VA Contracts in accordance with Rules 6e–2 or 6e–3(T), or Section 12(d)(1)(E)(iii)(aa) of the 1940 Act, as applicable, and its participation agreement with the relevant Fund. Shares of a Fund that are held by an Adviser or a General Account will generally be in the same proportion as all votes cast on behalf of all Variable Contract owners having voting rights. However, an Adviser or General Account will vote its shares in such other manner as may be required by the Commission or its staff. Shares held by Qualified Plans will be voted in accordance with applicable law. The voting rights provided to Qualified Plans with respect to the shares would be no different from the voting rights that are provided to Qualified Plans with respect to shares of mutual funds sold to the general public. Furthermore, if a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the relevant Fund, to withdraw its investment in the Fund, and no charge or penalty will be imposed as a result of such withdrawal.

24. Applicants do not believe that the ability of a Fund to sell its shares to a Qualified Plan, Adviser or General Account gives rise to a ''senior security'' as defined by Section 18(g) of the 1940 Act. Regardless of the rights and benefits of participants under Qualified Plans or owners of Variable Contracts; Separate Accounts, Qualified Plans, Advisers and General Accounts only have, or will only have, rights with respect to their respective shares of a Fund. These parties can only redeem such shares at net asset value. No shareholder of a Fund has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

25. Applicants do not believe that the veto power of state insurance commissioners over certain potential changes to Fund investment objectives approved by Variable Contract owners creates conflicts between the interests of such owners and the interests of Qualified Plan participants, Advisers or General Accounts. Applicants note that a basic premise of corporate democracy and shareholder voting is that not all shareholders may agree with a particular proposal. Their interests and opinions may differ, but this does not mean that inherent conflicts of interest exist between or among such shareholders or that occasional conflicts of interest that do occur between or among them are likely to be irreconcilable.

26. Although Participating Insurance Companies may have to overcome regulatory impediments in redeeming shares of a Fund held by their Separate Accounts, Applicants state that the Qualified Plans and participants in participant-directed Qualified Plans can make decisions quickly and redeem their shares in a Fund and reinvest in another investment company or other funding vehicle without impediments, or as is the case with most Qualified Plans, hold cash pending suitable investment. As a result, conflicts between the interests of Variable Contract owners and the interests of Qualified Plans and Qualified Plan participants can usually be resolved quickly since the Qualified Plans can, on their own, redeem their Fund shares. Advisers and General accounts can similarly redeem their shares of a Fund and make alternative investments at any time.

27. Finally, Applicants considered whether there is a potential for future conflicts of interest between Participating Insurance Companies and Qualified Plans created by future changes in the tax laws. Applicants do not see any greater potential for material irreconcilable conflicts arising between the interests of Variable Contract owners and Qualified Plan participants from future changes in the federal tax laws than that which already exists between VLI Contract owners and VA Contract owners.

28. Applicants recognize that the foregoing is not an all-inclusive list, but rather is representative of issues that they believe are relevant to the Application. Applicants believe that the sale of Fund shares to Qualified Plans would not increase the risk of material irreconcilable conflicts between the interests of Qualified Plan participants and Variable Contract owners or other investors. Further, Applicants submit that the use of the Funds with respect to Qualified Plans is not substantially dissimilar from each Fund's current and anticipated use, in that Qualified Plans, like separate accounts, are generally long-term investors.

29. Applicants assert that permitting a Fund to sell its shares to an Adviser or to the General Account of a Participating Insurance Company will enhance management of each Fund without raising significant concerns regarding material irreconcilable conflicts among different types of investors.

30. Applicants assert that various factors have limited the number of insurance companies that offer Variable Contracts. These factors include the costs of organizing and operating a funding vehicle, certain insurers' lack of experience with respect to investment

management, and the lack of name recognition by the public of certain insurance companies as investment experts. In particular, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the Variable Contract business on their own. Applicants state that use of a Fund as a common investment vehicle for Variable Contracts would reduce or eliminate these concerns. Mixed and shared funding should also provide several benefits to owners of Variable Contracts by eliminating a significant portion of the costs of establishing and administering separate underlying funds.

31. Applicants state that the Participating Insurance Companies will benefit not only from the investment and administrative expertise of the Funds' Adviser, but also from the potential cost efficiencies and investment flexibility afforded by larger pools of funds. Therefore, making the Funds available for mixed and shared funding will encourage more insurance companies to offer Variable Contracts. This should result in increased competition with respect to both Variable Contract design and pricing, which can in turn be expected to result in more product variety. Applicants also assert that sale of shares in a Fund to Qualified Plans, in addition to Separate Accounts, will result in an increased amount of assets available for investment in Fund.

32. Applicants also submit that, regardless of the type of shareholder in a Fund, an Adviser is or would be contractually and otherwise obligated to manage the Fund solely and exclusively in accordance with the Fund's investment objectives, policies and restrictions, as well as any guidelines established by the Fund's Board of Trustees (the ''Board'').

33. Applicants assert that sales of Fund shares, as described above, will not have any adverse federal income tax consequences to other investors in such Fund.

34. Applicants assert that granting the exemptions requested herein is in the public interest and, as discussed above, will not compromise the regulatory purposes of Sections 9(a), 13(a), 15(a), or 15(b) of the 1940 Act or Rules 6e–2 or 6e–3(T) thereunder. In addition, Applicants submit that the exemptions requested are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

Applicants' Conditions

Applicants agree that the Commission order requested herein shall be subject to the following conditions:

1. A majority of the Board of each Fund will consist of persons who are not ''interested persons'' of the Fund, as defined by Section 2(a)(19) of the 1940 Act, and the rules thereunder, and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of death, disqualification or bona fide resignation of any director/trustee or directors/trustees, then the operation of this condition will be suspended: (a) For a period of 90 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 150 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application, or by future rule.

2. The Board will monitor a Fund for the existence of any material irreconcilable conflict between and among the interests of the owners of all VLI Contracts and VA Contracts and participants of all Qualified Plans investing in the Fund, and determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Fund are being managed; (e) a difference in voting instructions given by VA Contract owners, VLI Contract owners, and Qualified Plans or Qualified Plan participants; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (g) if applicable, a decision by a Qualified Plan to disregard the voting instructions of Qualified Plan participants.

3. Participating Insurance Companies (on their own behalf, as well as by virtue of any investment of General Account assets in a Fund), any Advisers, and any Qualified Plan that executes a participation agreement upon its becoming an owner of 10% or more of the net assets of a Fund (collectively, ''Participants'') will report any potential or existing conflicts to the Board. Each Participant will be responsible for assisting the Board in carrying out the Board's responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever Variable Contract owner voting instructions are disregarded, and, if pass-through voting is applicable, an obligation by each trustee for a Qualified Plan to inform the Board whenever it has determined to disregard Qualified Plan participant voting instructions. The responsibility to report such information and conflicts, and to assist the Board, will be a contractual obligation of all Participating Insurance Companies under their participation agreement with a Fund, and these responsibilities will be carried out with a view only to the interests of the Variable Contract owners. The responsibility to report such information and conflicts, and to assist the Board, also will be contractual obligations of all Qualified Plans under their participation agreement with a Fund, and such agreements will provide that these responsibilities will be carried out with a view only to the interests of Qualified Plan participants.

4. If it is determined by a majority of the Board, or a majority of the disinterested directors/trustees of the Board, that a material irreconcilable conflict exists, then the relevant Participant will, at its expense and to the extent reasonably practicable (as determined by a majority of the disinterested directors/trustees), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, up to and including: (a) Withdrawing the assets allocable to some or all of their VLI Accounts or VA Accounts from the relevant Fund and reinvesting such assets in a different investment vehicle, including another Fund; (b) in the case of a Participating Insurance Company, submitting the question as to whether such segregation should be implemented to a vote of all affected Variable Contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.,* VA Contract owners or VLI Contact owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected Variable Contract owners the option of making such a change; (c) withdrawing the assets allocable to some or all of the Qualified Plans from the affected Fund and reinvesting them in a different investment medium; and (d) establishing a new registered

management investment company or managed separate account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company to disregard Variable Contract owner voting instructions, and that decision represents a minority position or would preclude a majority vote, then the Participating Insurance Company may be required, at the election of the Fund, to withdraw such Participating Insurance Company's Separate Account investments in a Fund, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the Fund, to withdraw its investment in a Fund, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bear the cost of such remedial action will be a contractual obligation of all Participants under their participation agreement with a Fund, and these responsibilities will be carried out with a view only to the interests of Variable Contract owners or, as applicable, Qualified Plan participants.

For purposes of this Condition 4, a majority of the disinterested directors/trustees of the Board of a Fund will determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but, in no event, will the Fund or its investment adviser be required to establish a new funding vehicle for any Variable Contract or Qualified Plan. No Participating Insurance Company will be required by this Condition 4 to establish a new funding vehicle for any Variable Contract if any offer to do so has been declined by vote of a majority of the Variable Contract owners materially and adversely affected by the material irreconcilable conflict. Further, no Qualified Plan will be required by this Condition 4 to establish a new funding vehicle for the Qualified Plan if: (a) A majority of the Qualified Plan participants materially and adversely affected by the irreconcilable material conflict vote to decline such offer, or (b) pursuant to documents governing the Qualified Plan, the Qualified Plan trustee makes such decision without a Qualified Plan participant vote.

5. The determination by the Board of the existence of a material irreconcilable conflict and its implications will be made known in writing promptly to all Participants.

6. Participating Insurance Companies will provide pass-through voting privileges to all Variable Contract owners whose Variable Contracts are issued through registered Separate Accounts for as long as the Commission continues to interpret the 1940 Act as requiring such pass-through voting privileges. However, as to Variable Contracts issued through Separate Accounts not registered as investment companies under the 1940 Act, pass-through voting privileges will be extended to owners of such Variable Contracts to the extent granted by the Participating Insurance Company. Accordingly, such Participating Insurance Companies, where applicable, will vote the shares of each Fund held in their Separate Accounts in a manner consistent with voting instructions timely received from Variable Contract owners. Participating Insurance Companies will be responsible for assuring that each of their Separate Accounts investing in a Fund calculates voting privileges in a manner consistent with all other Participating Insurance Companies investing in that Fund.

The obligation to calculate voting privileges as provided in the Application shall be a contractual obligation of all Participating Insurance Companies under their participation agreement with the Fund. Each Participating Insurance Company will vote shares of each Fund held in its Separate Accounts for which no timely voting instructions are received, as well as shares held in its General Account or otherwise attributed to it, in the same proportion as those shares for which voting instructions are received. Each Qualified Plan will vote as required by applicable law, governing Qualified Plan documents and as provided in the Application.

7. As long as the Commission continues to interpret the 1940 Act as requiring that pass-through voting privileges be provided to Variable Contract owners, a Fund Adviser or any General Account will vote its respective shares of a Fund in the same proportion as all votes cast on behalf of all Variable Contract owners having voting rights; provided, however, that such an Adviser or General Account shall vote its shares in such other manner as may be required by the Commission or its staff.

8. Each Fund will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in its shares), and, in particular, the Fund will either provide for annual meetings (except to the extent that the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) of the 1940 Act (although each Fund is not, or will not be, one of those trusts of the type described in Section 16(c) of the 1940 Act), as well as with Section 16(a) of the 1940 Act and, if and when applicable, Section 16(b) of the 1940 Act. Further, each Fund will act in accordance with the Commission's interpretations of the requirements of Section 16(a) with respect to periodic elections of directors/trustees and with whatever rules the Commission may promulgate thereunder.

9. A Fund will make its shares available to the VLI Accounts, VA Accounts, and Qualified Plans at or about the time it accepts any seed capital from its Adviser or from the General Account of a Participating Insurance Company.

10. Each Fund has notified, or will notify, all Participants that disclosure regarding potential risks of mixed and shared funding may be appropriate in VA Account and VLI Account Prospectuses or Qualified Plan documents. Each Fund will disclose, in its prospectus that: (a) Shares of the Fund may be offered to both VA Accounts and VLI Accounts and, if applicable, to Qualified Plans; (b) due to differences in tax treatment and other considerations, the interests of various Variable Contract owners participating in the Fund and the interests of Qualified Plan participants investing in the Fund, if applicable, may conflict; and (c) the Fund's Board will monitor events in order to identify the existence of any material irreconcilable conflicts and to determine what action, if any, should be taken in response to any such conflicts.

11. If and to the extent Rule 6e–2 and Rule 6e–3(T) under the 1940 Act are amended, or proposed Rule 6e–3 under the 1940 Act is adopted, to provide exemptive relief from any provision of the 1940 Act, or the rules thereunder, with respect to mixed or shared funding, on terms and conditions materially different from any exemptions granted in the order requested in the Application, then each Fund and/or Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rules 6e–2 or 6e–3(T), as amended, or Rule 6e–3, to the extent such rules are applicable.

12. Each Participant, at least annually, shall submit to the Board of each Fund such reports, materials or data as the Board reasonably may request so that

the directors/trustees may fully carry out the obligations imposed upon the Board by the conditions contained in the Application. Such reports, materials and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the Participants to provide these reports, materials and data to the Board, when it so reasonably requests, shall be a contractual obligation of all Participants under their participation agreement with the Fund.

13. All reports of potential or existing conflicts received by a Board, and all Board action with regard to determining the existence of a conflict, notifying Participants of a conflict and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

14. Each Fund will not accept a purchase order from a Qualified Plan if such purchase would make the Qualified Plan an owner of 10 percent or more of the assets of a Fund unless the Qualified Plan executes an agreement with the Fund governing participation in the Fund that includes the conditions set forth herein to the extent applicable. A Qualified Plan will execute an application containing an acknowledgement of this condition at the time of its initial purchase of shares.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12509 Filed 6–8–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–789, OMB Control No. 3235–0371]

Proposed Collection; Comment Request; Generic ICR: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

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.

The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the SEC and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Below is the projected average estimates for the next three years:

Expected Annual Number of Activities: [10].

Respondents: [20,000].

Annual Responses: [20,000].

Frequency of Response: Once per request.

Average Minutes per Response: [10].

Burden Hours: [3500].

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 5, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12434 Filed 6–8–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83381; File No. SR–NYSEArca–2018–38]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Index Methodology Applicable to Indexes Underlying iShares California AMT-Free Muni Bond ETF and iShares New York AMT-Free Muni Bond ETF

June 5, 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 21, 2018, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes changes relating to the index methodology applicable to the indexes underlying

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

shares of the following series of Investment Company Units that are currently listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3): iShares California AMT-Free Muni Bond ETF and iShares New York AMT-Free Muni Bond ETF. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently lists and trades shares (''Shares'') of the iShares California AMT-Free Muni Bond ETF (''CA Fund'') and iShares New York AMT-Free Muni Bond ETF (''NY Fund'' and, together with the CA Fund, the ''Funds'')[4] under NYSE Arca Rule 5.2–E(j)(3), which governs the listing and trading of Investment Company Units (''Units'') based on fixed income securities indexes.[5] The Funds are series of the iShares Trust (''Trust'').[6] The Exchange is proposing changes relating to the index methodology applicable to indexes underlying Shares of the Funds, as described below.

Blackrock Fund Advisors is the investment adviser (''BFA'' or ''Adviser'') for the Funds.[7] Blackrock Investments, LLC is the Funds' distributor (''Distributor''). State Street Bank and Trust Company is the administrator, custodian and fund accounting and transfer agent for each Fund.[8]

Changes to Indexes Underlying the Funds

The index currently underlying the CA Fund is the S&P California AMT-Free Muni Bond Index (''CA Index'') and the index underlying the NY Fund is the S&P New York AMT-Free Muni Bond Index (''NY Index'', and, together with the CA Index, the ''Indexes''). S&P Dow Jones Indices LLC, the index provider (''Index Provider'') for the Indexes,[9] previously proposed changes to the inclusion rules of both the CA Index and the NY Index.[10] While no

[4] On July 1, 2017 (as revised October 18, 2017), the Trust filed an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') and the Investment Company Act of 1940 (''1940 Act'') (15 U.S.C. 80a–1) (File Nos. 333–92935 and 811–09729) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 27608 (December 21, 2006) (File No. 812–13208) (''Exemptive Order'').

[5] The Funds were initially listed on the American Stock Exchange, Inc. (''Amex'') (now NYSE American LLC) on October 4, 2007 pursuant to the generic listing criteria of Amex Rule 1000A. On October 6, 2008, the listings transferred from the Amex to NYSE Arca, which changes were effected pursuant to NYSE Arca Equities Rule 5.2(j)(3), Commentary .02.

[6] The Commission previously has approved proposed rule changes relating to listing and trading on the Exchange of Units based on municipal bond indexes. *See* Securities Exchange Act Release Nos. 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (order approving proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 67729 (August 24, 2012), 77 FR 52776 (August 30, 2012) (SR–NYSEArca–2012–92) (notice of proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72523, (July 2, 2014), 79 FR 39016 (July 9, 2014) (SR–NYSEArca–2014–37) (order approving proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72172 (May 15, 2014), 79 FR 29241 (May 21, 2014) (SR–NYSEArca–2014–37) (notice of proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72464 (June 25, 2014), 79 FR 37373 (July 1, 2014) (File No. SR–NYSEArca–2014–45) (order approving proposed rule change governing the continued listing and trading of shares of the PowerShares Insured California Municipal Bond Portfolio, PowerShares Insured National Municipal Bond Portfolio, and PowerShares Insured New York Municipal Bond Portfolio); 75468 (July 16, 2015), 80 FR 43500 (July 22, 2015) (SR–NYSEArca–2015–25) (order approving proposed rule change relating to the listing and trading of iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3)); 74730 (April 15, 2015), 76 FR 22234 (April 21, 2015) (notice of proposed rule change relating to the listing and trading of iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 74730 75376 (July 7, 2015), 80 FR 40113 (July 13, 2015) (SR–NYSEArca–2015–18) (order approving proposed rule change relating to the listing and trading of Vanguard Tax-Exempt Bond Index Fund under NYSE Arca Equities Rule 5.2(j)(3)). The Commission also has issued a notice of filing and immediate effectiveness of a proposed rule change relating to listing and trading on the Exchange of shares of the iShares Taxable Municipal Bond Fund. *See* Securities Exchange Act Release No. 63176 (October 25, 2010), 75 FR 66815 (October 29, 2010) (SR–NYSEArca–2010–94). The Commission has approved for Exchange listing and trading of shares of actively managed funds of that principally hold municipal bonds. *See, e.g.,* Securities Exchange Act Release Nos. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing and trading of shares of the PIMCO Short-Term Municipal Bond Strategy Fund and PIMCO Intermediate Municipal Bond Strategy Fund); 79293 (November 10, 2016), 81 FR 81189 (November 17, 2016) (SR–NYSEArca–2016–107) (order approving listing and trading of shares of Cumberland Municipal Bond ETF). The Commission also has approved listing and trading on the Exchange of shares of the SPDR Nuveen S&P High Yield Municipal Bond Fund under Commentary .02 of NYSE Arca Equities Rule 5.2(j)(3). *See* Securities Exchange Act Release No. 63881 (February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120).

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The Commission approved continued listing and trading of Shares of the Funds in Securities Exchange Act Release Nos. 82295 (December 12, 2017), 82 FR 60056 (December 18, 2017) (SR–NYSEArca–2017–56) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to List and Trade Shares of Twelve Series of Investment Company Units Pursuant to NYSE Arca Rule 5.2–E(j)(3) (''Municipal Bond ETF Order''). In that filing, the Exchange proposed to facilitate the listing and trading of Shares of the Funds, in addition to other series of Units based on municipal bond indexes notwithstanding the fact that the indices on which they are based do not meet the requirements of Commentary .02(a)(2) to Rule 5.2–E(j)(3). *See* ''Application of the Generic Listing Criteria'', *infra.*

[9] The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Indexes.

[10] On November 7, 2014, S&P Dow Jones Indices (''S&P'') issued a press release announcing methodology changes for the Indexes to be implemented prior to the February 2015 month-end rebalances for such indexes (''S&P Announcement''). On April 3, 2015, S&P issued a

Continued

future changes to the methodologies applicable to the Indexes have been announced by the Index Provider, the Exchange is proposing continued listing criteria to accommodate continued listing and trading of Shares of the Funds in accordance with possible future changes to the CA Index and NY Index methodologies, as described below, in the event such changes were to be implemented.[11]

The Funds and the Indexes

The iShares California AMT-Free Muni Bond ETF

The CA Fund currently seeks to track the investment results of the CA Index, which measures the performance of the investment-grade segment of the California municipal bond market. As of December 29, 2017, the CA Index included 2,229 component fixed income municipal bond securities from 206 distinct municipal bond issuers in the State of California. The most heavily weighted security in the index represented approximately 0.56% of the total weight of the index and the aggregate weight of the top five most heavily weighted securities in the index represented approximately 2.52% of the total weight of the index. Approximately 39.15% of the weight of the components in the index had a minimum original principal amount outstanding of $100 million or more. In addition, the total dollar amount outstanding of issues in the index was approximately $148,688,995,000 and the average dollar amount outstanding of issues in the index was approximately $66,706,593.

Under normal market conditions,[12] the CA Fund invests at least 90% of its assets in the component securities of the CA Index. With respect to the remaining 10% of its assets, the CA Fund may invest in short-term debt instruments issued by state governments, municipalities or local authorities, cash, exchange-traded U.S. Treasury futures and municipal money market funds, as well as in municipal bond securities not included in the CA Index, but which the Adviser believes will help the CA Fund track the CA Index. The CA Index is a subset of the S&P National AMT-Free Municipal Bond Index™ and is comprised of municipal bonds issued in the State of California. The CA Index includes municipal bonds from issuers in the State of California that are California state or local governments or agencies whose interest payments are exempt from U.S. federal and California state income taxes and the federal alternative minimum tax (''AMT''). Each bond in the current CA Index must be a constituent of an offering where the original offering amount of the constituent bonds in the aggregate was at least $100 million. The bond must have a total minimum par amount of $25 million to be eligible for inclusion. To remain in the CA Index, bonds must maintain a total minimum par amount greater than or equal to $25 million as of the next ''Rebalancing Date''.

iShares New York AMT-Free Muni Bond ETF

The NY Fund seeks to track the investment results of the NY Index, which measures the performance of the investment-grade segment of the New York municipal bond market. As of December 29, 2017, the NY Index included 2,404 component fixed income municipal bond securities from 42 distinct municipal bond issuers in the State of New York. The most heavily weighted security in the NY Index represented approximately 1.02% of the total weight of the index and the aggregate weight of the top five most heavily weighted securities in the NY Index represented approximately 2.17% of the total weight of the index. Approximately 30.95% of the weight of the components in the index had a minimum original principal amount outstanding of $100 million or more.

In addition, the total dollar amount outstanding of issues in the index was approximately $140,192,465,000 and the average dollar amount outstanding of issues in the index was approximately $58,389,198.

Under normal market conditions, the NY Fund invests at least 90% of its assets in the component securities of the NY Index. With respect to the remaining 10% of its assets, the NY Fund may invest in short-term debt instruments issued by state governments, municipalities or local authorities, cash, exchange-traded U.S. Treasury futures and municipal money market funds, as well as in municipal bond securities not included in the NY Index, but which the Adviser believes will help the NY Fund track the NY Index.

The NY Index also is a subset of the S&P National AMT-Free Municipal Bond Index™ and is comprised of municipal bonds issued in the State of New York. The NY Index includes municipal bonds from issuers in the State of New York that are New York state or local governments or agencies whose interest payments are exempt from U.S. federal and New York state income taxes and the federal AMT. Each bond in the NY Index must be a constituent of an offering where the original offering amount of the constituent bonds in the aggregate was at least $100 million. The bond must have a minimum total par amount of $25 million to be eligible for inclusion. To remain in the NY Index, bonds must maintain a minimum total par amount greater than or equal to $25 million as of the next Rebalancing Date.

Requirements for the CA Index and NY Index

The Adviser wishes to position the Funds to accommodate continued listing and trading of Shares of the Funds in the event that changes, consistent with those described below, are implemented in the Index methodologies.[13]

On a continuous basis, the CA Index and NY Index will contain at least 500 component securities.[14] In addition, at

press release cancelling the proposed methodology change. S&P would be expected to issue a press release prior to implementing any future material changes to the methodology that would include the implementation date for such changes. Any future material changes to the Indexes for the Funds would be reflected in an amendment to the Funds' Registration Statement.

[11] The Commission has approved the Exchange's proposed rule change to facilitate the continued listing and trading of shares of the Funds notwithstanding the fact that the indices on which they are based do not meet the requirements of Commentary .02(a)(2) to Rule 5.2(j)(3). Commentary .02 to Rule 5.2–E(j)(3) sets forth the generic listing requirements for an index of fixed income securities underlying a series of Units. One of the enumerated listing requirements is that component fixed income securities that, in the aggregate, account for at least 75% of the weight of the index each shall have a minimum principal amount outstanding of $100 million or more. (Commentary .02(a)(2) to NYSE Arca Rule 5.2–E(j)(3)). Each of the indices on which the Funds are based do not meet such requirement but meet all of the other requirements of such rule. *See also* Municipal Bond ETF Order, note 8, *supra.*

[12] The term ''normal market conditions'' includes, but is 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.

[13] S&P announced changes to the Indexes in 2014, but such changes were not implemented. *See* note 10, *supra.* This proposed rule change is intended to accommodate continued listing and trading of the Funds based on the Indexes in the event the Indexes were to change consistent with the S&P Announcement.

[14] *See* Municipal Bond ETF Order, *supra,* note 8, in which the Commission approved continued listing and trading of Shares of the Funds and ten other series of Units where the applicable underlying bond index did not satisfy Commentary .02(a)(2) of Rule 5.2–E(j)(3), provided that such municipal bond index contained at least 500 component securities on a continuous basis, in addition to satisfying other specified criteria. *See also,* Securities Exchange Act Release No. 79767 (January 10, 2017), 82 FR 4950 (January 17, 2017) (SR–NYSEArca–2016–62) (order approving proposed rule change relating to the listing and

least 90% of the weight of the CA Index will consist of securities that have an outstanding par value of at least $15 million and were issued as part of a transaction of at least $100 million; and at least 90% of the weight of the NY Index will consist of securities that have an outstanding par value of at least $5 million and were issued as part of a transaction of at least $20 million.[15] At each monthly rebalancing, no one issuer can represent more than 25% of the weight of the applicable Index, and the aggregate weight of those issuers representing at least 5% of such Index cannot exceed 50% of the weight of the applicable Index.[16]

Application of the Generic Listing Criteria

The Exchange is submitting this proposed rule change to permit the continued listing and trading of Shares of each of the Funds in the event that the methodologies applicable to the Indexes are revised in a manner consistent with the descriptions above in ''Requirements for the CA Index and NY Index''.[17] The Indexes would satisfy all of the requirements of the generic listing criteria of NYSE Arca Rule 5.2–E(j)(3), except for those set forth in Commentary .02(a)(2).[18]

The Exchange believes that, notwithstanding that the CA Index would not satisfy the criterion in NYSE Arca Rule 5.2–E(j)(3), Commentary .02(a)(2), the CA Index would be sufficiently broad-based to deter potential manipulation. As of December 29, 2017, the CA Index included 2,229 component fixed income municipal bond securities from 206 distinct municipal bond issuers in the State of California. The Adviser anticipates that the number of CA Index components would increase significantly if the methodology changes described above were implemented in that a reduction in the minimum par amount required for inclusion in the CA Index would permit a larger number of municipal bond issues to be eligible for inclusion. In addition, the CA Index securities would be sufficiently large to deter potential manipulation in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of the CA Index issues, as referenced above.

The Exchange believes that, notwithstanding that the NY Index would not satisfy the criterion in NYSE Arca Rule 5.2–E(j)(3), Commentary .02(a)(2), the NY Index would be sufficiently broad-based to deter potential manipulation. As of December 29, 2017, the NY Index included 2,404 component fixed income municipal bond securities from 42 distinct municipal bond issuers in the State of New York. The Adviser anticipates that the number of NY Index components would increase significantly if the methodology changes described above were implemented in that a reduction in the minimum par amount required for inclusion in the NY Index would permit a larger number of municipal bond issues to be eligible for inclusion. In addition, the NY Index securities would be sufficiently large to deter potential manipulation in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of NY Index issues, as referenced above.

The Adviser represents that reducing the required par amount outstanding both allows for more diversity of issuers in an Index and would significantly expand the universe of municipal securities that a Fund could purchase, and, are a better representation of the securities that issuers bring to the municipal bond market in California and New York.

With respect to each of the Funds, the value of each Index would be calculated and disseminated via a major market data vendor at least once daily; further, the components and percentage weightings of each Index also would be available from major market data vendors. In addition, the portfolio of securities held by each Fund are disclosed daily on the Funds' website at *www.iShares.com.*

The Exchange represents that: (1) With respect to the Funds, except for Commentary .02(a)(2) to NYSE Arca Rule 5.2–E(j)(3), the Indexes currently satisfy all of the generic listing standards under NYSE Arca Rule 5.2–E(j)(3); (2) the continued listing standards under NYSE Arca Rules 5.2–E(j)(3) and 5.5(g)(2) applicable to Units shall apply to the Shares of the Funds; and (3) the Trust is required to comply with Rule 10A–3 [19] under the Act for the initial and continued listing of the Shares of the Funds. In addition, the Exchange represents that the Shares of the Funds will comply with all other requirements applicable to Units including, but not limited to, requirements relating to the dissemination of key information such as the value of the Indexes and the applicable Intraday Indicative Value (''IIV''),[20] rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the Information Bulletin to Equity Trading Permit Holders (''ETP Holders''), as set forth in Exchange rules applicable to Units and prior Commission orders approving the generic listing rules applicable to the listing and trading of Units.[21]

Each of the Indexes is sponsored by the Index Provider, which is independent of the Funds and the Adviser. The Index Provider determines the composition and relative weightings of the securities in the Indexes and

trading of the PowerShares Build America Bond Portfolio).

[15] For comparison purposes, the Exchange notes that, in the Municipal Bond ETF Order, the Commission approved the continued listing and trading of shares of the VanEck Vectors High-Yield Municipal Index ETF based on the Bloomberg Barclays Municipal Custom High Yield Composite Index, which is comprised of three total return, market size weighted benchmark indices with weights as follows: (i) 50% weight in Muni High Yield/$100 Million Deal Size Index, (ii) 25% weight in Muni High Yield/Under $100 Million Deal Size Index, and (iii) 25% weight in Muni Baa Rated/$100 Million Deal Size Index. At least 90% of the weight of the Muni High Yield/$100 Million Deal Size Index is comprised of securities that have an outstanding par value of at least $3 million and were issued as part of a transaction of at least $100 million. At least 90% of the weight of the Muni High Yield/Under $100 Million Deal Size Index is comprised of securities that have an outstanding par value of at least $3 million and were issued as part of a transaction of under $100 million but over $20 million. At least 90% of the weight of the Muni Baa Rated/$100 Million Deal Size Index is comprised of securities that have an outstanding par value of at least $7 million and were issued as part of a transaction of at least $100 million.

[16] The CA Index and NY Index would continue to meet the requirements of NYSE Arca Rule 5.2–E(j)(3), Commentary .02(a)(4), which provides that no component fixed-income security (excluding Treasury Securities and GSE Securities) shall represent more than 30% of the Fixed Income Securities portion of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the Fixed Income Securities portion of the weight of the index or portfolio.

[17] Specifically, in the event the NY Index methodology specifies a minimum par amount of between $5 million and $25 million with an original offering amount for bond components of $20 million or more; or, in the event the CA Index methodology specifies a minimum par amount of between $15 million and $25 million with an original offering amount for bond components of $100 million or more, such changes would be deemed consistent with the respective Index descriptions above.

[18] *See* note 11, *supra.*

[19] 17 CFR 240.10A–3.

[20] The IIV is widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session of 9:30 a.m. to 4:00 p.m., Eastern time. Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IIVs taken from the CTA or other data feeds.

[21] *See, e.g.,* Securities Exchange Act Release Nos. 55783 (May 17, 2007), 72 FR 29194 (May 24, 2007) (SR–NYSEArca–2007–36) (order approving NYSE Arca generic listing standards for Units based on a fixed income index); 44551 (July 12, 2001), 66 FR 37716 (July 19, 2001) (SR–PCX–2001–14) (order approving generic listing standards for Units and Portfolio Depositary Receipts); 41983 (October 6, 1999), 64 FR 56008 (October 15, 1999) (SR–PCX–98–29) (order approving rules for listing and trading of Units).

publishes information regarding the market value of the Indexes. The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Indexes. In the event the Index Provider becomes registered as a broker-dealer or affiliated with a broker-dealer, the Index Provider will implement and maintain a ''fire wall'' with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning changes and adjustments to the Indexes.

The current value of each of the Indexes is widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02(b)(ii). The IIVs for Shares of the Funds are disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02 (c), and Commentary .01(c), respectively.

With the exception of Commentary .02(a)(2) to NYSE Arca Rule 5.2–E(j)(3), the CA Index and NY Index will meet all other requirements of Commentary .02(a) to NYSE Arca Rule 5.2–E(j)(3).

Availability of Information

On each business day, before commencement of trading in Shares of each Fund in the Core Trading Session on the Exchange, a Fund discloses on its website the portfolio that will form the basis for a Fund's calculation of net asset value (''NAV'') at the end of the business day.[22]

On a daily basis, each Fund discloses for each portfolio security or other financial instrument of a Fund the following information on the Funds' website: Ticker symbol (if applicable), name of security and financial instrument, a common identifier such as CUSIP or ISIN (if applicable), number of shares (if applicable), and dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the applicable portfolio. The website information is publicly available at no charge.

The current value of the Indexes would be widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02 (b)(ii). The IIV for Shares of each Fund are disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02(c).

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Funds' Shareholder Reports, and their Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.* Information regarding market price and trading volume of the Shares of each Fund are continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares are available via the Consolidate Tape Association (''CTA'') high speed line. Price information regarding municipal bonds is available from major market data vendors and third party pricing services. Trade price and other information relating to municipal bonds is available through the Municipal Securities Rulemaking Board's Electronic Municipal Market Access (''EMMA'') system.

Trading Rules

The Exchange deems the Shares of each Fund to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m., Eastern time in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

With the exception of Commentary .02(a)(2) to Rule 5.2(j)(3), The [sic] Shares of the Funds conform to the initial and continued listing criteria under NYSE Arca Rules 5.2–E(j)(3) and 5.5–E(g)(2), respectively. The Exchange represents that the Funds are in compliance with Rule 10A–3[23] under the Act, as provided by NYSE Arca Rule 5.3–E. The Exchange has obtained a representation from the issuer of the Shares that the NAV per Share of each Fund is calculated daily and that the NAV per Share will be made available to all market participants at the same time.

All statements and representations made in this filing regarding (a) the description of the portfolio, or (b) limitations on portfolio holdings or reference assets shall constitute continued listing requirements for listing the Shares of the Funds on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Funds to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Trading Halts

The Exchange will halt trading in the Shares if the circuit breaker parameters of NYSE Arca Rule 7.12–E have been reached. In exercising its discretion to halt or suspend trading in the Shares, the Exchange may consider factors such as the extent to which trading in the underlying securities is not occurring or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present, in addition to other factors that may be relevant. If the IIV (as defined in Commentary .01 to Rule 5.2–E(j)(3)) or the value of an Index is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the Index value occurs. If the interruption to the dissemination of the IIV or the Index value persists past the trading day in which it occurred, the Exchange will halt trading.

Surveillance

The Exchange represents that trading in the Shares of each Fund will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority

[22] Under accounting procedures followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Funds will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[23] 17 CFR 240.10A–3.

(''FINRA'') on behalf of the Exchange, or by regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares of each Fund in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[24]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares 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 trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). FINRA also can access data obtained from the Municipal Securities Rulemaking Board (''MSRB'') relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

Information Bulletin

Prior to any implementation of changes to the Municipal Bond Index methodologies as described above, the Exchange would inform its ETP Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin would discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV will not be calculated or publicly disseminated; (4) how information regarding the IIV is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (6) trading information; and (7) changes to the Indexes.

In addition, the Bulletin would reference that each Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin would discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin would also disclose that the NAV for the Shares is calculated after 4:00 p.m., Eastern time each trading day.

Based on the characteristics of each Index as described above, the Exchange believes it is appropriate to facilitate the listing and trading of the Funds. Each Index satisfies all of the generic listing requirements for Units based on a fixed income index, except for the minimum principal amount outstanding requirement of Commentary .02(a)(2) to Rule 5.2–E(j)(3).

A fundamental purpose behind the minimum principal amount outstanding requirement is to ensure that component securities of an index are sufficiently liquid such that the potential for index manipulation is reduced. Each Index will be well-diversified to protect against index manipulation. On a continuous basis, each Index will contain at least 500 component securities. In addition, at least 90% of the weight of the CA Index will consist of securities that have an outstanding par value of at least $15 million and were issued as part of a transaction of at least $100 million; and at least 90% of the weight of the NY Index will consist of securities that have an outstanding par value of at least $5 million and were issued as part of a transaction of at least $20 million. At each monthly rebalancing, no one issuer can represent more than 25% of the weight of the applicable Index, and the aggregate weight of those issuers representing at least 5% of such Index cannot exceed 50% of the weight of the applicable Index.[25] The Exchange believes that this significant diversification and the lack of concentration among constituent securities provide a strong degree of protection against Index manipulation.

In addition, the Exchange represents that: (1) Except for Commentary .02(a)(2) to Rule 5.2–E(j)(3), each Index will satisfy all of the generic listing standards under Rule 5.2–E(j)(3); (2) the continued listing standards under Rules 5.2–E(j)(3) (except for Commentary .02(a)(2)) and 5.5–E(g)(2) applicable to Units will apply to the Shares of each Fund; and (3) the issuer of each Fund is required to comply with Rule 10A–3[26] under the Act for the initial and continued listing of the Shares of each Fund.

In addition, the Exchange represents that the Shares of each Fund will comply with all other requirements applicable to Units including, but not limited to, requirements relating to the dissemination of key information such as the value of the underlying Index and the applicable rules governing the trading of equity securities, trading hours, trading halts, surveillance, information barriers and the Information Bulletin to ETP Holders, as set forth in Exchange rules applicable to Units and prior Commission orders approving the generic listing rules applicable to the listing and trading of Units.[27]

The current value of each Index is widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02(b)(ii). The IIV for Shares of each Fund is disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02(c). In addition, the portfolio of securities held by each Fund is disclosed daily on each Fund's

[24] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[25] The Commission has previously approved a proposed rule change relating to the listing and trading on the Exchange of a series of Units based on a municipal bond index that did not satisfy Commentary .02(a)(2) of Rule 5.2–E(j)(3) provided that such municipal bond index contained at least 500 component securities on a continuous basis. *See* Securities Exchange Act Release No. 79767 (January 10, 2017), 82 FR 4950 (January 17, 2017) (SR–NYSEArca–2016–62) (order approving proposed rule change relating to the listing and trading of the PowerShares Build America Bond Portfolio). The total dollar amount of issues in the index underlying the PowerShares Build America Bond Portfolio was approximately $281,589,346,769 and the average dollar amount outstanding of issues in the index was approximately $27,808,547. Those metrics are comparable to the metrics of the indices underlying the Funds.

[26] 17 CFR 240.10A–3.

[27] *See* note 21, *supra.*

website. Further, the website for each Fund will contain the applicable fund's prospectus and additional data relating to net asset value (''NAV'') and other applicable quantitative information. The Exchange has obtained a representation from each Fund issuer that the applicable NAV per Share will be calculated daily and will be made available to all market participants at the same time. The Indexes are not maintained by a broker-dealer.

The Exchange notes that each of the Funds has been listed on the Exchange or on the American Stock Exchange, Inc. (now NYSE American LLC) for over ten years and that, during such time, the Exchange has not become aware of any potential manipulation of the Indexes. Further, the Exchange's existing rules require that the Funds notify the Exchange of any material change to the methodology used to determine the composition of each Index.[28] Therefore, if the methodology of an Index was changed in a manner that would materially alter its existing composition, the Exchange would have advance notice and would evaluate such Index, as modified, to determine whether it was sufficiently broad-based and well diversified.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[29] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 5.2–E(j)(3). The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. 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. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's TRACE.

The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Indexes. In the event the Index Provider becomes registered as a broker-dealer or affiliated with a broker-dealer, the Index Provider will implement and maintain a ''fire wall'' with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning changes and adjustments to the Indexes.

The Index values, calculated and disseminated at least once daily, as well as the components of the Indexes and their respective percentage weightings, will be available from major market data vendors. In addition, the portfolio of securities held by the Funds will be disclosed on the Funds' website. The IIV for Shares of the Funds will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session.

Based on the characteristics of each Index as described above, the Exchange believes it is appropriate to facilitate the listing and trading of the Funds. Each Index satisfies all of the generic listing requirements for Units based on a fixed income index, except for the minimum principal amount outstanding requirement of Commentary .02(a)(2) to Rule 5.2–E(j)(3).

Each Index will be well-diversified to protect against index manipulation. On a continuous basis, each Index will contain at least 500 component securities. In addition, at least 90% of the weight of the CA Index will consist of securities that have an outstanding par value of at least $15 million and were issued as part of a transaction of at least $100 million; and at least 90% of the weight of the NY Index will consist of securities that have an outstanding par value of at least $5 million and were issued as part of a transaction of at least $20 million. At each monthly rebalancing, no one issuer can represent more than 25% of the weight of the applicable Index, and the aggregate weight of those issuers representing at least 5% of such Index cannot exceed 50% of the weight of the applicable Index. The Exchange believes that this significant diversification and the lack of concentration among constituent securities provides a strong degree of protection against Index manipulation.

The Adviser anticipates that the number of CA Index components would increase significantly if the methodology changes described above were implemented in that a reduction in the minimum par amount required for inclusion in the CA Index would permit a larger number of municipal bond issues to be eligible for inclusion. In addition, the CA Index securities would be sufficiently large to deter potential manipulation in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of the CA Index issues.

The Exchange believes that, notwithstanding that the NY Index would not satisfy the criterion in NYSE Arca Rule 5.2–E(j)(3), Commentary .02(a)(2), the NY Index would be sufficiently broad-based to deter potential manipulation. As of December 29, 2017, the NY Index included 2,404 component fixed income municipal bond securities from 42 distinct municipal bond issuers in the State of New York. The Adviser anticipates that the number of NY Index components would increase significantly if the methodology changes described above were implemented in that a reduction in the minimum par amount required for inclusion in the NY Index would permit a larger number of municipal bond issues to be eligible for inclusion. The Adviser represents that reducing the required par amount outstanding both allows for more diversity of issuers in an Index and would significantly expand the universe of municipal securities that a Fund could purchase, and are a better representation of the securities that issuers bring to the municipal bond market in California and New York. In addition, the NY Index securities would be sufficiently large to deter potential manipulation in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of NY Index issues.

On a continuous basis, each Index will (i) contain at least 500 component securities and (ii) comply with the parameters described under the heading ''Requirements for the CA Index and NY Index'' set forth above. The requirement that no one issuer can represent more than 25% of the weight of the applicable

[28] *See* NYSE Arca Rule 5.3–E(i)(1)(i)(P).

[29] 15 U.S.C. 78f(b)(5).

Index, and individual issuers that represent at least 5% of the weight of the applicable Index cannot account for more than 50% of the weight of such Index in the aggregate will help assure that Index constituents are not unduly concentrated among a relatively small number of individual issuers. In addition, the Exchange represents that: (1) Except for Commentary .02(a)(2) to Rule 5.2–E(j)(3), each Index currently satisfies all of the generic listing standards under Rule 5.2–E(j)(3); (2) the continued listing standards under Rules 5.2–E(j)(3) (except for Commentary .02(a)(2)) and 5.5–E(g)(2) applicable to Units will apply to the Shares of each Fund; and (3) the issuer of each Fund is required to comply with Rule 10A–3 [30] under the Act for the initial and continued listing of the Shares of each Fund. In addition, the Exchange represents that the Shares of each Fund will comply with all other requirements applicable to Units including, but not limited to, requirements relating to the dissemination of key information such as the value of each Index, IIV, the applicable rules governing the trading of equity securities, trading hours, trading halts, surveillance, information barriers and the Information Bulletin to ETP Holders, as set forth in Exchange rules applicable to Units and prior Commission orders approving the generic listing rules applicable to the listing and trading of Units.[31]

The current value of each Index is widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02(b)(ii). The IIV for Shares of each Fund is disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Rule 5.2–E(j)(3), Commentary .02(c). In addition, the portfolio of securities held by each Fund is disclosed daily on each Fund's website. Further, the website for each Fund will contain the applicable Fund's prospectus and additional data relating to NAV and other applicable quantitative information.

In support of its proposed rule change, the Exchange notes that the Commission has previously approved a rule change to facilitate the listing and trading of series of Units based on an index of municipal bond securities that did not otherwise meet the generic listing requirements of NYSE Arca Rule 5.2–E(j)(3). As noted above, the Commission has approved listing and trading of Shares of the Funds, in addition to ten other series of Units based on municipal bond indexes notwithstanding the fact that the indices on which they are based do not meet the requirements of Commentary .02(a)(2) to Rule 5.2–E(j)(3).[32] Each of the indices on which the Funds and other series of Units are based meet all other requirements of such rule. In its order approving continued listing and trading of Shares of the Funds and the other series of Units, the Commission stated that, based on the Exchange's representations, the Commission believes that the indexes underlying such funds are sufficiently designed to deter potential manipulation. In addition, the Commission previously approved the listing and trading of the PowerShares Insured California Municipal Bond Portfolio, PowerShares Insured National Municipal Bond Portfolio and the PowerShares Insured New York Municipal Bond Portfolio, notwithstanding the fact that the index underlying each fund did not satisfy the criteria of Commentary .02(a)(2) to Rule 5.2–E(j)(3).[33] In finding such proposal to be consistent with the Act and the rules regulations thereunder, the Commission noted that each underlying index was sufficiently broad-based to deter potential manipulation. The Exchange believes that each of the CA Index and NY Index shares comparable characteristics to the series of Units that are the subject of the Commission's order approving listing and trading of Shares of the Funds and ten other series of Units,[34] and the Commission's order approving listing and trading of shares of the PowerShares Municipal Bond Funds.[35] The Exchange, therefore, believes, the CA Index and NY Index are sufficiently broad-based to deter potential manipulation.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest. In addition, a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. The Funds' portfolio holdings will be disclosed on the Funds' website daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the IIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. The current value of the Index will be disseminated by one or more major market data vendors at least once per day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The website for the Funds will include the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. If the Exchange becomes aware that the NAV is not being disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. If the IIV or the Index values are not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the applicable IIV or an Index value occurs. If the interruption to the dissemination of the applicable IIV or an Index value persists past the trading day in which it occurred, the Exchange will halt trading. Trading in Shares of the Funds will be halted if the circuit breaker parameters in NYSE Arca's Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. In addition, investors will have ready access to information regarding the IIV, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of exchange-traded products based on municipal bond indexes that will enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange has in place surveillance procedures relating to trading in the

[30] 17 CFR 240.10A–3.

[31] *See* note 21, *supra.*

[32] *See* note 8, *supra.*

[33] *See* Securities Exchange Act Release No. 72464 (June 25, 2014), 79 FR 37373 (July 1, 2014) (SR–NYSEArca–2014–45).

[34] *See* notes 8 and 14, *supra.*

[35] *See* note 14, *supra.*

Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, investors will have ready access to information regarding the IIV and quotation and last sale information for the Shares. Trade price and other information relating to municipal bonds is available through the MSRB's EMMA system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the continued listing and trading of exchange-traded products that hold municipal securities and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–38 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–NYSEArca–2018–38. 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–NYSEArca–2018–38 and should be submitted on or before July 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12430 Filed 6–8–18; 8:45 am]

BILLING CODE 8011–01–P

[36] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Securities Exchange Act of 1934; Release No. 83378/June 5, 2018]

Order Affirming Action by Delegated Authority Approving SR–NYSE–2016–55 and Discontinuing Stay

In the Matter of the New York Stock Exchange LLC

For an Order Granting the Approval of Proposed Rule Change Adopting Maximum Fees Member Organizations May Charge in Connection with the Distribution of Investment Company Shareholder Reports Pursuant to Any Electronic Delivery Rules Adopted by the Securities and Exchange Commission

I.

On August 15, 2016, the New York Stock Exchange LLC (''NYSE'') 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 maximum fees NYSE member organizations may charge in connection with the distribution of investment company shareholder reports pursuant to any ''notice and access'' electronic delivery rules adopted by the Commission. The proposed rule change was published for comment in the Federal Register on August 22, 2016.[3] The Commission received fourteen comment letters on the proposal. On October 5, 2016, the Commission extended the time period for Commission action on the proposal to November 20, 2016.[4]

On November 18, 2016, the Division of Trading and Markets took action, pursuant to delegated authority, 17 CFR 200.30–3(a)(12), approving the proposed rule change (''Approval Order'').[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *Notice of Filing of Proposed Rule Change Adopting Maximum Fees Member Organizations may Charge in Connection with the Distribution of Investment Company Shareholder Reports Pursuant to Any Electronic Delivery Rules Adopted by the Securities and Exchange Commission,* Securities Exchange Act Release No. 78589 (August 16, 2016), 81 FR 56717 (August 22, 2016) (SR–NYSE–2016–55).

[4] *Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Adopting Maximum Fees Member Organizations May Charge in Connection with the Distribution of Investment Company Shareholder Reports Pursuant to Any Electronic Delivery Rules Adopted by the Securities and Exchange Commission,* Securities Exchange Act Release No. 79051 (October 5, 2016), 81 FR 70449 (October 12, 2016).

[5] *Order Granting Approval of Proposed Rule Change Adopting Maximum Fees Member*

Pursuant to Exchange Act Section 4A [6] and Commission Rule of Practice 431,[7] the Approval Order has been stayed, and the Commission has reviewed the delegated action.

On November 21, 2016, the Commission issued an Order Scheduling Filing of Statements on Review of the Approval Order (''Order for Review'').[8] The Order for Review ordered that the Approval Order remain stayed pending further order by the Commission and that by December 7, 2016, any party or other person may file any additional statement.[9] The Commission received no additional statements.

II.

On review, the Commission affirms the issuance of the Approval Order and adopts the findings and reasoning set forth in the Approval Order. The Commission also is ordering that the stay of the Approval Order be discontinued.

Accordingly, IT IS ORDERED that the Approval Order be, and hereby is, affirmed.[10]

It is further ORDERED that the stay of the Approval Order be, and hereby is, discontinued.[11]

By the Commission.

Brent J. Fields,

Secretary.

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34–79355; File No. SR–NYSE–2016–55)

November 18, 2016

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Granting Approval of Proposed Rule Change Adopting Maximum Fees Member Organizations May Charge in Connection with the Distribution of Investment Company Shareholder Reports Pursuant to Any Electronic Delivery Rules Adopted by the Securities and Exchange Commission

I. *Introduction*

On August 15, 2016, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 maximum fees NYSE member organizations may charge in connection with the distribution of investment company shareholder reports pursuant to any ''notice and access'' electronic delivery rules adopted by the Commission. The proposed rule change was published for comment in the *Federal Register* on August 22, 2016.[3] The Commission received fourteen comment letters on the proposal.[4] On October 5, 2016, the Commission extended the time period for Commission action on the proposal to November 20, 2016.[5] This order approves the proposed rule change.

II. *Description of the Proposed Rule Change*

A. *Background*

Pursuant to NYSE Rule 451, NYSE member organizations that hold securities in street name [6] are required to deliver, on behalf of an issuer, proxy and other materials to beneficial owners if they are assured they will receive reasonable reimbursement of expenses for such distributions from the issuer.[7] For this service, issuers reimburse NYSE member organizations for all out-of-pocket expenses, including reasonable clerical expenses, as well as actual postage costs and other actual costs incurred for a particular distribution.[8]

NYSE Rule 451 establishes the maximum approved rates [9] that a member organization can charge an issuer for distribution of proxies and other materials absent prior notification to and consent of the issuer.[10] Although

Organizations May Charge in Connection with the Distribution of Investment Company Shareholder Reports Pursuant to Any Electronic Delivery Rules Adopted by the Securities and Exchange Commission, Securities Exchange Act Release No. 79355 (November 18, 2016), 81 FR 85291 (November 25, 2016).

[6] 15 U.S.C. 78d–1

[7] 17 CFR 201.431.

[8] *In the Matter of the New York Stock Exchange LLC for an Order Granting the Approval of Proposed Rule Change Adopting Maximum Fees Member Organizations May Charge in Connection With the Distribution of Investment Company Shareholder Reports Pursuant to Any Electronic Delivery Rules Adopted by the Securities and Exchange Commission; Order Scheduling Filing of Statements on Review,* Securities Exchange Act Release No. 79370 (November 21, 2016), 81 FR 85655 (November 28, 2016).

[9] *See* 17 CFR 201.431(d).

[10] *See* 17 CFR 201.431(a). The Approval Order is attached.

[11] *See* 17 CFR 201.431(e).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 78589 (August 16, 2016), 81 FR 56717 (''Notice'').

[4] *See* letters to Brent J. Fields, Secretary, Commission from: James R. Rooney, Chief Financial Officer and Treasurer, Ariel Investment Trust, dated September 8, 2016 (''Ariel Letter''); Mortimer J. Buckley, Chief Investment Officer, Vanguard, dated September 12, 2016 (''Vanguard Letter''); Barbara Novick, Vice Chairman, and Benjamin Archibald, Managing Director, BlackRock, Inc., dated September 12, 2016 (''BlackRock Letter''); Charles V. Callan, SVP Regulatory Affairs, Broadridge Financial Solutions, Inc., dated September 12, 2016 (''Broadridge Letter''); John Zerr, Managing Director and General Counsel, Invesco Advisers, Inc., dated September 12, 2016 (''Invesco Letter''); Amy B.R. Lancellotta, Managing Director, Independent Directors Council, dated September 12, 2016 (''IDC Letter''); David G. Booth, President and Co-Chief Executive Officer, Dimensional Fund Advisers LP, dated September 12, 2016 (''Dimensional Letter''); David W. Blass, General Counsel, Investment Company Institute, dated September 12, 2016 (''ICI Letter''); Darrell N. Braman, Vice President & Managing Counsel, T. Rowe Price Associates, Inc., dated September 12, 2016 (''T. Rowe Letter''); Mark N. Polebaum, Executive Vice President and General Counsel, MFS Investment Management, dated September 12, 2016 (''MFS Letter''); Thomas E. Faust Jr., Chairman and Chief Executive Officer, Eaton Vance Corp., dated September 12, 2016 (''Eaton Vance Letter''); Ellen Greene, Managing Director, Securities Industry and Financial Markets Association, dated September 15, 2016 (''SIFMA Letter''); Christopher O. Petersen, President, Columbia Mutual Funds, Columbia Threadneedle Investments, dated September 15, 2016 (''Columbia Letter''); and Rodney D. Johnson, Chairman, The Independent Directors of the Blackrock Equity-Liquidity Funds, dated September 27, 2016 (''Blackrock Directors Letter'').

[5] *See* Securities Exchange Act Release No. 79051 (October 5, 2016), 81 FR 70449 (October 12, 2016).

[6] The ownership of shares in street name means that a shareholder, or ''beneficial owner,'' holds the shares through a broker-dealer or bank, also known as a ''nominee.'' In contrast to registered ownership (also known as record holders), where shares are registered in the name of the shareholder, shares held in street name are registered in the name of the nominee, or in the nominee name of a depository, such as the Depository Trust Company. For more detail regarding share ownership, *see* Securities Exchange Act Release No. 62495 (July 14, 2010), 75 FR 42982 (July 22, 2010) (Concept Release on the U.S. Proxy System) (''Proxy Concept Release'').

[7] In this order, we refer to ''issuer'' to mean an investment company registered under the Investment Company Act of 1940 (the ''Investment Company Act'') and an issuer of a class of securities registered pursuant to Section 12 of the Exchange Act.

[8] *See* NYSE Rules 451(a)(2) and 451.90. *See also infra* note 9.

[9] In addition to the specified charges discussed in this order and as set forth in NYSE Rule 451, member organizations also are entitled to receive reimbursement for: (i) actual postage costs (including return postage at the lowest available rate); (ii) the actual cost of envelopes (provided they are not furnished by the person soliciting proxies); and (iii) any actual communication expenses (excluding overhead) incurred in receiving voting returns either telephonically or electronically. *See* NYSE Rule 451.90.

[10] *See* NYSE Rules 451.90 (schedule of approved charges by member organizations in connection

Continued

member organizations may seek reimbursement from an issuer for less than the established rates,[11] the Commission understands that in practice most issuers are billed at the established rates.[12]

The vast majority of broker-dealers that distribute issuer proxy and other materials to beneficial owners are entitled to reimbursement at the NYSE fee schedule rates because most are NYSE members, and those that are not are members of the Financial Industry Regulatory Authority (''FINRA''), which has similar rules.[13] Over time, NYSE member organizations increasingly have outsourced their proxy delivery and other distribution obligations to third-party service providers, which are generally called ''intermediaries,'' rather than handling this processing internally.[14]

In addition to the distribution of proxy materials, the reimbursement rates set forth in NYSE Rule 451 apply to the distribution of annual and semi-annual shareholder reports.[15] In this regard, the reimbursement rates set forth in Rule 451 apply to the distribution of investment company (''fund'') shareholder reports and other materials to the beneficial owners of fund shares.[16] For example, as the Exchange noted, a fund pays an interim report fee of 15 cents per account when a broker distributes an annual or semi-annual report to the accounts of shareholders holding its shares as beneficial owners. Funds also pay a preference management fee of 10 cents for every account with respect to which a member organization has eliminated the need to send paper materials.[17]

While NYSE Rule 451 also establishes the fees that member firms can charge issuers for proxy materials distributed through the notice and access method,[18] those fees would not apply to the electronic distribution of investment company shareholder reports. With respect to notice and access distributions of proxy materials, NYSE Rule 451 sets forth an incremental, tiered fee structure based on the number of nominee broker-dealer accounts through which the issuer's securities are beneficially owned.[19]

On May 20, 2015, the Commission proposed new Rule 30e–3 under the Investment Company Act, which, among other things, would permit, but not require, funds to satisfy their annual and semi-annual shareholder report delivery obligations by making shareholder reports available electronically on a website.[20] Funds relying on this provision would be required, among other things, to meet conditions relating to the provision of notice to shareholders of the internet availability of shareholder reports.[21]

B. *Proposed Changes to NYSE Rule 451.90(5)*

Accordingly, the Exchange has proposed to amend Rule 451.90(5) to specify that the notice and access fees set forth therein for distribution of proxy materials also will be charged with respect to distributions of fund shareholder reports pursuant to any notice and access rules adopted by the Commission in relation to such distributions.[22] The Exchange noted that the notice and access process under proposed Rule 30e–3 is similar to the existing proxy notice and access process for which the Exchange has already adopted a fee schedule in Rule 451, and thus the Exchange believes that it would be appropriate to apply the existing notice and access fees, with certain modifications, to fund shareholder report distributions, if the Commission ultimately adopts proposed Rule 30e–3.[23]

The Exchange also has proposed to set forth in Rule 451 that the notice and access fee will not be charged for any account with respect to which a fund pays a ''preference management fee'' in connection with a distribution of fund reports.[24] As a result, funds would be charged notice and access fees only with respect to accounts that actually receive a notice and access mailing.[25]

with proxy solicitations and the processing of proxy and other material) and 451.93 (stating that a member organization may request reimbursement of expenses at less than the approved rates; however, no member organization may seek reimbursement at rates higher than the approved rates without the prior notification and consent of the person soliciting proxies or the company). In adopting the direct shareholder communications rules in the early 1980s, the Commission left the determination of reasonable costs to the self-regulatory organizations (''SROs'') (subject to submission of an SRO rule proposal to the Commission pursuant to Section 19(b) of the Exchange Act), stating that ''the Commission continues to believe that, because the [SROs] represent the interests of both issuers and brokers, they are in the best position to make a fair allocation of all the expenses associated with the amendments, including start-up and overhead costs.'' *See* Securities Exchange Act Release No. 20021 (July 28, 1983), 48 FR 35082 (August 3, 1983); *see also* Securities Exchange Act Release No. 45644 (March 25, 2002), 67 FR 15440, 15440, n.8 (April 1, 2002) (order approving NYSE program revising reimbursement rates) (''2002 Approval Order'').

[11] *See* NYSE Rule 451.93.

[12] *See* Securities Exchange Act Release No. 70720 (October 18, 2013), 78 FR 63530, 63531 (October 24, 2013) (order approving an amendment to the fees set forth in NYSE Rules 451 and 465).

[13] *See* FINRA Rule 2251. *See also* Proxy Concept Release, 75 FR at 42995, n.110.

[14] *See* 2002 Approval Order, 67 FR at 15540. According to the NYSE, this shift was attributable to the fact that NYSE member firms believed that these distributions were not a core broker-dealer business and that capital could be better used elsewhere. *Id.* At the present time, a single intermediary, Broadridge Financial Solutions, Inc. (''Broadridge''), handles almost all processing and distribution of proxy and other material to beneficial owners holding shares in the United States. *See* Notice, 81 FR at 56719; *see also* Proxy Concept Release, 75 FR at 42988, n. 57, and at 42996, n.129.

[15] *See* NYSE Rules 451.10 and 451.90(3); *see also* NYSE Rule 465 (Processing and Transmission of Interim Reports and Other Material).

[16] *See* Notice, 81 FR at 56718. In its filing, NYSE stated that mutual funds are not listed on NYSE but that the fees in Rule 451 are applied by NYSE members in relation to distributions in beneficial owners of mutual funds and operating company shares. *See also* 402.07 (A) under the NYSE's Listed Company Manual, which states that Exchange Rules 450–460 apply to both listed and unlisted securities unless the context otherwise limits application.

[17] *See* NYSE Rule 451.90(4); *see also* Notice, 81 FR at 56718. The preference management fee applies to each shareholder account for which the nominee has eliminated the need to send materials in paper format through the mails or by courier service. *See* NYSE Rule 451.90(4); *see also* Notice, 81 FR at 56719.

[18] *See* NYSE Rule 451.90(3); *see also* Notice, 81 FR at 56718. Pursuant to Rule 14a–16 under the Exchange Act, issuers may distribute proxy material electronically through the ''notice and access'' method. *See* 17 CFR 240.14a–16; *see also* Proxy Concept Release, 75 FR at 42986, n.32. The ''notice and access'' method for proxy distributions permits issuers to send shareholders what is called a ''Notice of Internet Availability of Proxy Materials'' in lieu of the traditional paper mailing of proxy materials. *See* Proxy Concept Release, 75 FR at 42986, n.32. The notice and access model works in tandem with electronic delivery—although an issuer electing to send a notice in lieu of a full proxy package would be required to send a paper copy of that notice, it may send that notice electronically to a shareholder who has provided to its broker an affirmative consent to electronic delivery. *Id.*

[19] Specifically, when an issuer elects to utilize notice and access for a proxy distribution, there is an incremental fee based on all nominee accounts through which the issuer's securities are beneficially owned as follows: (1) 25 cents for each account up to 10,000 accounts; (2) 20 cents for each account over 10,000 accounts, up to 100,000 accounts; (3) 15 cents for each account over 100,000 accounts, up to 200,000 accounts; (4) 10 cents for each account over 200,000 accounts, up to 500,000 accounts; (5) 5 cents for each account over 500,000 accounts. Under this schedule, every issuer will pay the tier one rate for the first 10,000 accounts, or portion thereof, with decreasing rates applicable only on additional accounts in the additional tiers. *See* NYSE Rule 451.90(5).

[20] *See* Notice, 81 FR at 56718; *see also* Securities Act Release No. 9776, Securities Exchange Act Release No. 75002, Investment Company Act Release No. 316180, 80 FR 33590 (June 12, 2015) (Investment Company Reporting Modernization; Proposed Rule).

[21] *See* Notice, 81 FR at 56718

[22] *See* proposed NYSE Rule 451.90(5).

[23] *See* Notice, 81 FR at 56718–19. The Exchange stated that the proposed notice and access fees for fund distributions will be effective only if the Commission adopts Rule 30e–3. *See* Notice, 81 FR at 56718, n.8.

[24] *See* proposed Rule 451.90(5).

[25] *See* Notice, 81 FR at 56719. The Exchange stated that this is a departure from the current practice under NYSE Rule 451.90(5), where an issuer utilizing notice and access for proxy distributions pays the notice and access fee for all

In addition, because funds often issue multiple classes of shares, the Exchange believes it is necessary to be clear how the pricing tiers in Rule 451 would be applied to fund shareholder reports.[26] Specifically, the Exchange has proposed to set forth in Rule 451 that, in calculating the rates at which a fund will be charged notice and access fees for shareholder report distributions, all accounts holding shares of any class of stock of the fund eligible to receive the same report distribution will be aggregated in determining the appropriate pricing tier.[27]

III. *Summary of Comments Received*

As noted above, the Commission received a total of fourteen comment letters on the Exchange's proposed rule change.[28] In general, commenters broadly supported the proposed rule change.[29] Two commenters, however, expressed concern about making a determination on the fees without a final Commission rule in place that permitted notice and access for fund report distributions.[30]

Several commenters took the position that the proposed rates set forth in NYSE's proposal would help realize the cost savings meant to be achieved through notice and access delivery of fund shareholder reports.[31] Some pointed out that shareholder report delivery is an expense that fund shareholders bear, and asserted that the cost savings would directly benefit fund shareholders.[32] One commenter also noted that the three changes being proposed by the NYSE would resolve ambiguity in the NYSE's fee schedule as it would apply to notice and access delivery of fund shareholder reports, potentially paving the way for the Commission to move forward with its proposal.[33] According to this commenter, the NYSE's proposal would ensure significant cost savings for fund shareholders if the Commission were to adopt a notice and access proposal.[34] This commenter also suggested that, absent NYSE's proposed rule change, these cost savings could be erased.[35] Similarly, another commenter asserted that, absent adoption of NYSE's proposal, Rule 451 would be applied in a manner that diminished Rule 30e–3 shareholder cost savings, or even increased shareholder costs.[36] In addition, this commenter was of the view that each element of proposed Rule 451.90(5) was logical and fair.[37] Another commenter believed that the proposed rule would ensure cost savings under proposed Rule 30e–3 and provide needed explanation on how Rule 451 would apply to electronic delivery of fund shareholder reports.[38]

Two commenters, however, expressed concerns about commenting on the NYSE fee proposal before proposed Rule 30e–3 was finally adopted. One commenter indicated that it could not definitively conclude whether the proposed fee structure was appropriate without a final rule specifying the details of the broker-dealer processing requirements for notice and access delivery.[39] Another commenter, the largest provider of shareholder communication services, stated that it performed an analysis in order to estimate the costs of a notice and access distribution of fund shareholder reports, but noted that it had to make certain assumptions that could change based on the final requirements of proposed Rule 30e–3.[40]

Finally, several commenters commented on issues concerning the fees and the Exchange's role in setting those fees that are outside the scope of the Exchange's proposal.[41]

IV. *Discussion and Commission Findings*

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and rules and regulations thereunder applicable to a national securities exchange.[42] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(4) of the Exchange Act,[43] which requires that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members, issuers and other persons using its facilities; Section 6(b)(5) of the Exchange Act,[44] which requires that the rules of an exchange be designed, among other things, 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, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers; and Section 6(b)(8) of the Exchange Act,[45] which prohibits any exchange rule from imposing a burden on competition that is not necessary or appropriate in furtherance of the Exchange Act.

Under the Exchange's proposal, the reimbursement rates set forth in NYSE Rule 451.90(5), which currently only apply to proxy distributions where the issuer elects to use notice and access, would become applicable to distributions of fund shareholder reports, pursuant to any notice and access rules adopted by the Commission.[46] Although the

shareholder accounts, including those for which it also pays a preference management fee. *Id. See also supra* note 17 (describing the current application of the preference management fee).

[26] *See* Notice, 81 FR at 56719.

[27] *See* proposed Rule 451.90(5).

[28] *See supra* note 4.

[29] *Id.*

[30] *See* SIFMA Letter; Broadridge Letter.

[31] *See* ICI Letter; Eaton Vance Letter; Vanguard Letter; Blackrock Letter; Invesco Letter; IDC Letter; Dimensional Letter; MFS Letter; Blackrock Directors Letter.

[32] *See* ICI Letter; Blackrock Directors Letter; Blackrock Letter; Invesco Letter; Colombia Letter.

[33] *See* ICI Letter. *See also* MFS Letter (stating that NYSE's proposal would clarify certain ambiguities of Rule 451 and provide a reasonable means of conformance to proposed Rule 30e–3).

[34] *See* ICI Letter.

[35] *Id. See also* Eaton Vance Letter.

[36] *See* MFS Letter.

[37] *Id.*

[38] *See* Vanguard Letter.

[39] *See* SIFMA Letter.

[40] *See* Broadridge Letter. While the commenter stated that NYSE's proposal would generally support the development of notice and access services for annual and semi-annual fund reports held by beneficial owners, the commenter noted that ultimately the work and costs involved are dependent on several factors including the final requirements of proposed Rule 30e–3, the number and size of fund distributions pursuant to a notice and access method, and the number and mode of investor requests for hard copy reports.

[41] Several commenters supported the transition of responsibility for setting shareholder distribution fees from the NYSE to FINRA. *See* ICI Letter; Ariel Letter; T. Rowe Letter; MFS Letter; Invesco Letter; Dimensional Letter; Columbia Letter. The other comments outside the scope of the proposal are as follows: Invesco Letter (the reasonableness and application of the current fee structure); Ariel Letter (reasonableness of the current fee structure); Columbia Letter (reasonableness of the current fee structure); MFS Letter (preference management fee in the context of managed accounts); Dimensional Letter (due to a virtual monopoly in the market for third-party service providers, funds have little to no control over the fees incurred for shareholder report distribution). Further, the Blackrock Directors Letter commented about providing a one year or reasonable transition period for to shift to on-line delivery of reports and providing a phone number for shareholders to call if they prefer to receive paper. We note that this comment also does not refer to the NYSE fee proposal being considered herein.

[42] In approving the proposed rule changes, the Commission has considered their impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[43] 15 U.S.C. 78f(b)(4).

[44] 15 U.S.C. 78f(b)(5).

[45] 15 U.S.C. 78f(b)(8).

[46] *See* proposed NYSE Rule 451.90(5). The Commission notes that the proposed fees for notice and access delivery of fund shareholder reports would only become applicable if the Commission adopts rules providing for notice and access delivery of investment company shareholder reports. Such rules could be in the form of Rule 30e–3, if adopted, or another Commission rulemaking establishing notice and access as an

Continued

Commission has not adopted a notice and access rule, the Commission believes that it is appropriate and consistent with the Exchange Act to have in place rules that set forth the maximum reimbursement rates that funds may be charged for notice and access distributions should the Commission adopt a notice and access rule for fund shareholder reports.

The Commission believes that the application of the currently approved reimbursement rates for notice and access proxy distributions to fund shareholder report distributions, with the proposed amendments described herein, should establish a reasonable and practical reimbursement structure, if notice and access distribution of fund shareholder reports is authorized. In this regard, the Commission notes that the notice and access process for proxy distributions is similar in many respects to the notice and access process for fund shareholder report distributions proposed under Rule 30e–3.[47] In addition, the approval of the NYSE's fee proposal should facilitate any future Commission consideration of notice and access distributions for fund shareholder reports, by providing clarity on the maximum reimbursement rates for such distributions.

The Commission also believes that it is reasonable and appropriate for proposed Rule 451.90(5) to specify that funds utilizing notice and access will not be charged a notice and access fee for any account with respect to which they are being charged a preference management fee in connection with a distribution of shareholder reports. Today under NYSE Rule 451.90(4), issuers, including funds, are charged a preference management fee for each account for which the need to send materials in paper format through the mails (or by courier service) has been eliminated.[48] In the context of notice and access distributions of proxy materials under Rule 451.90(5), however, issuers are charged a notice and access fee for *all* accounts through which the issuer's securities are beneficially owned, with the result that issuers could be charged both preference management fees and notice and access fees with respect to the same account. The Exchange's proposal would eliminate this potential double-charging in the context of fund distributions of shareholder reports, in that the notice and access fee will not be charged for any account for which a preference management fee is already paid due to the elimination of the need for a paper mailing.[49] The Commission understands that the preference management fee generally is intended to reimburse intermediaries for the processing work and costs involved in keeping track of each account holder's election to eliminate paper mailings.[50] Accordingly, as the Exchange noted, funds will only pay notice and access fees with respect to accounts that actually receive notice and access mailings.[51] The Commission believes that this result is consistent with Section 6(b) of the Exchange Act.

In addition, the Commission believes that it is consistent with the Exchange Act for proposed Rule 451.90(5) to clarify that, in determining the appropriate pricing tier for notice and access fees in connection with investment company shareholder report distributions, all accounts holding shares of any share class that is eligible to receive the same report distribution will be aggregated. This clarification should resolve the ambiguity as to whether pricing tiers would be calculated by share class, resulting in potentially higher fees than if the accounts are aggregated as proposed. The Commission further believes this clarification is reasonable because it recognizes the unique nature of the fund industry in treating distributions with respect to a common group of shareholders as a single distribution for purposes of the fee tiers.

The Commission understands that, in setting the reimbursement rates in Rule 451.90, the Exchange balances the competing interests of issuers who must pay for distributions of shareholder reports and brokers who need assurance of adequate reimbursement for making such distributions on their behalf.[52] The Commission notes that all commenters broadly supported NYSE's proposal.[53] As discussed above, two commenters expressed some concern with assessing the details of the NYSE's proposal before a final decision is made on proposed Rule 30e–3. However, given that the Exchange's rule is applicable to the ''distribution of investment company shareholder reports pursuant to any 'notice and access' rules adopted by the [Commission] in relation to such distributions'' as well as the functional similarities between notice and access processing for proxy and investment company report distributions,[54] the Commission believes, for the reasons discussed above, that it is appropriate at this time to approve substantially similar reimbursement rates, with the proposed amendments described herein, which should establish a reasonable and practical reimbursement structure, if notice and access distribution of investment company shareholder reports is authorized.

For the reasons discussed above, the Commission believes that the proposed rule change is consistent with the Exchange Act.

V. *Conclusion*

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Exchange Act[55] that the proposed rule change (SR–NYSE–2016–55) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[56]

Brent J. Fields,

Secretary

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acceptable distribution method for fund reports, should Rule 30e–3 not be adopted.

[47] *See* Notice, 81 FR at 56718–19.

[48] *See* Notice, 81 FR at 56719; *see also* NYSE Rule 451.90(4); Securities Exchange Act Release No. 68936 (February 15, 2013), 78 FR 12381, 12386 (''2013 Proxy Fee Notice'').

[49] *See supra* note 17. For example, if a beneficial account holder has affirmatively consented to receive fund shareholder material electronically, such accounts would, under the NYSE's proposal, be charged a preference management fee, but not a notice and access fee, since no paper mailings of a notice of internet availability would be sent to such account holder.

[50] *See* 2013 Proxy Fee Notice, 78 FR at 12386.

[51] *See* Notice, 81 FR at 56719.

[52] The Commission notes that the Exchange and certain commenters suggested that FINRA may be better positioned than the Exchange to perform the regulatory role of setting the reimbursement rates for mutual fund report distributions. *See* Notice, 81 FR at 56718; *see also* ICI Letter; Ariel Letter; T. Rowe Letter; MFS Letter; Invesco Letter; Dimensional Letter; Columbia Letter. The issue of whether FINRA would be better positioned than the Exchange to perform this regulatory role is outside the scope of the Commission's consideration of whether to approve the Exchange's proposed rule change. *See* Section 19(b)(2)(C) of the Exchange Act (''The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations applicable to such organization.'').

[53] *See supra* note 4.

[54] *See* Broadridge Letter (stating that processing work for investment company shareholder report distribution using notice and access is functionally similar in many respects to proxy report distribution through notice and access, although many of the underlying systems and production operations would be different).

[55] 15 U.S.C. 78f(b)(2).

[56] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83383; File No. SR–NASDAQ–2017–087]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Withdrawal of Proposed Rule Change To Modify the Listing Requirements Related to Special Purpose Acquisition Companies Listing Standards To Reduce Round Lot Holders on Nasdaq Capital Market for Initial Listing From 300 to 150 and Eliminate Public Holders for Continued Listing From 300 to Zero, Require $5 Million in Net Tangible Assets for Initial and Continued Listing on Nasdaq Capital Market, and Impose a Deadline To Demonstrate Compliance With Initial Listing Requirements on All Nasdaq Markets Within 30 Days Following Each Business Combination

June 5, 2018.

On September 20, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the listing requirements for securities of Special Purpose Acquisition Companies (''SPACs'') listed on the Nasdaq Capital Market by reducing the number of round lot holders required for initial listing from 300 to 150, and eliminating the continued listing requirement for a minimum number of holders, which is also currently 300, that applies until the SPAC completes one or more business combinations.[3] Nasdaq also proposed to require that a SPAC maintain at least $5 million net tangible assets for initial and continued listing of its securities on the Nasdaq Capital Market. Finally, Nasdaq proposed to allow SPACs listed on any of its three listing tiers (Nasdaq Global Select Market, Nasdaq Global Market, and Nasdaq Capital Market) 30 days to demonstrate compliance with initial listing requirements following each business combination.[4]

The proposed rule change was published for comment in the **Federal Register** on October 11, 2017.[5] In response, the Commission received six comments on the proposal.[6] On November 22, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change, to January 9, 2018.[7] On January 9, 2018, the Commission issued an order instituting proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change (''OIP'').[8] The Commission received three additional comments, one of which included a response from Nasdaq.[9] On April 6, 2018, the Commission designated a longer period for the Commission to issue an order approving or disapproving the proposed rule change.[10] On June 1, 2018, the Exchange withdrew the proposed rule change (SR–NASDAQ–2017–087).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Nasdaq Rule IM–5101–2(b).

[4] The Exchange also proposed to delete a duplicative paragraph from the rule text and alter the paragraph's formatting within certain provisions in order to enhance the rule's readability.

[5] *See* Securities Exchange Act Release No. 81816 (October 4, 2017), 82 FR 47269 (October 11, 2017) (''Notice'').

[6] *See* Letters to Brent J. Fields, Secretary, Commission, from Jeffrey M. Solomon, Chief Executive Officer, Cowen and Company, LLC, dated October 19, 2017 (''Cowen Letter''); Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated October 25, 2017 (''CII Letter''); Sean Davy, Managing Director, Capital Markets Division, SIFMA, dated October 31, 2017 (''SIFMA Letter''); Akin Gump Strauss Hauer & Feld LLP, dated November 1, 2017 (''Akin Gump Letter''); Steven Levine, Chief Executive Officer, EarlyBirdCapital, Inc., dated November 3, 2017 (''EarlyBird Letter''); and Christian O. Nagler and David A. Curtiss, Kirkland & Ellis LLP, dated November 9, 2017 (''Kirkland Letter'').

[7] *See* Securities Exchange Act Release No. 82142 (November 22, 2017), 82 FR 56293 (November 28, 2017).

[8] *See* Securities Exchange Act Release No. 82478 (January 9, 2018), 83 FR 2278 (January 16, 2018).

[9] *See* Letters to Brent J. Fields, Secretary, Commission, from Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated January 25, 2018 (''CII Letter II''); Paul D. Tropp, Freshfields Bruckhaus Deringer US LLP, dated January 30, 2018 (''Freshfields Letter''); and Arnold Golub, Deputy General Counsel, Nasdaq, dated February 23, 2018 (''Nasdaq Response Letter'' or ''Response Letter'').

[10] *See* Securities Exchange Act Release No. 83010 (April 6, 2018), 83 FR 15880 (April 12, 2018).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 12:00 p.m. on Wednesday, June 13, 2018.

PLACE: SEC's Atlanta Regional Office, Multipurpose Room 1061.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Jackson, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: June 6, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–12547 Filed 6–7–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10505; 34–83379; IC–33114; File No. S7–13–18]

Request for Comments on the Processing Fees Charged by Intermediaries for Distributing Materials Other Than Proxy Materials To Fund Investors

AGENCY: Securities and Exchange Commission.

ACTION: Request for comment.

SUMMARY: The Securities and Exchange Commission is seeking public comment on the framework under which intermediaries may charge fees for distributing certain non-proxy disclosure materials to fund investors, such as shareholder reports and

prospectuses (''Fund Materials''), particularly where those fees may be borne by the fund and, in turn, its investors.

DATES: Comments should be received by October 31, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. S7–13–18 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–13–18. 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 of submission. The Commission will post all comments on the Commission's website (*http://www.sec.gov*). Comments are also 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. 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 publicly available.

FOR FURTHER INFORMATION CONTACT: J. Matthew DeLesDernier and John Lee, Senior Counsels, or Michael C. Pawluk, Senior Special Counsel, at (202) 551–6792, Investment Company Regulation Office, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (''Commission'') is seeking public comment on the framework for fees charged by intermediaries for the distribution of Fund Materials to investors that are beneficial owners of registered investment company (''fund'') shares held in ''street name'' through an intermediary.

I. Introduction

In a contemporaneous release, the Commission adopted rule 30e–3 under the Investment Company Act of 1940 (''Investment Company Act'').[1] The rule provides certain funds with the ability to satisfy their obligations under the Investment Company Act to transmit shareholder reports by making the report and other materials accessible at a website address specified in a notice to investors.

In connection with the proposal of rule 30e–3,[2] some commenters expressed concerns about the rules of the New York Stock Exchange (''NYSE'') and other self-regulatory organizations (''SROs'') such as the Financial Industry Regulatory Authority (''FINRA'') under which intermediaries are permitted to seek reimbursement for forwarding shareholder reports and other fund materials to investors that are beneficial owners of shares held in ''street name'' through the intermediary.[3] One commenter particularly noted that the NYSE rules could result in increased processing fees that could negate potential costs savings related to the implementation of rule 30e–3.[4] In light of these concerns, in 2016 the NYSE submitted certain amendments to its rules concerning the application of these processing fees.[5] As part of that submission, the NYSE stated that the amendments were intended solely to facilitate the new delivery method for fund shareholder reports permitted by rule 30e–3 as proposed by the Commission.[6] The NYSE did not, at that time, propose to make additional changes to its rules to address the other concerns expressed by the commenter and further stated that those concerns should be given separate consideration.[7]

In the past when we have approved changes to the NYSE's rules governing processing fees, we have emphasized that we expected the NYSE to continue to periodically review these fees to ensure they are related to reasonable expenses.[8] In particular, we observed that such monitoring is essential because technological advances should help to reduce processing costs in the future.[9]

With the adoption of rule 30e–3, we believe it is appropriate to consider more broadly the overall framework for the fees that broker-dealers and other intermediaries charge funds, as reimbursement for distributing Fund Materials to investors. A number of industry participants have expressed views regarding the appropriateness of the current framework as it relates to Fund Materials—which was designed primarily for delivery of operating company proxy materials. Specifically, commenters have raised issues including the clarity of SRO rules as they apply to Fund Materials; the value of the services provided in exchange for the processing fees assessed; the degree

[1] 15 U.S.C. 80a–1 *et seq.*; Optional internet Availability of Investment Company Shareholder Reports, Investment Company Act Release No. 33115 (June 5, 2018).

[2] Investment Company Reporting Modernization, Investment Company Act Release No. 31610 (May 20, 2015) [80 FR 33590 (June 12, 2015)].

[3] FINRA has noted that its rules ''correspond, in virtually identical language'' to NYSE rules already adopted. FINRA Regulatory Notice 14–03 (Jan. 2014), *available at http://finra.complinet.com/net_file_store/new_rulebooks/f/i/FINRANotice_14_03.pdf.* As discussed below, these rules establish the maximum amount that a member of the respective organization may receive for distributing fund materials to beneficial owners as ''reasonable expenses'' eligible for reimbursement under rules 14b–1 and 14b–2 under the Exchange Act of 1934 (''Exchange Act'') [15 U.S.C. 78a *et seq.*]. *See infra* Part II.B. Rules of other SROs also correspond to NYSE rules 451 and 465 and FINRA rule 2251 governing the maximum reimbursement that intermediaries are permitted to seek for forwarding Fund Materials, and throughout this Release unless the context requires otherwise, when referring to NYSE and/or FINRA rules, we are also referring to these related SRO rules. *See, e.g.,* NASDAQ rule 2251; NYSE MKT rule 576. Historically when NYSE initiates a rule change with respect to these fees, other SROs, including FINRA, follow with corresponding changes. Additionally, non-broker intermediaries, such as banks, generally rely on the NYSE rule 451 fee schedule. *See* internet Availability of Proxy Materials, Securities Exchange Act Release No. 55146 (Jan. 22, 2007) [72 FR 4147, 4157 n.118 (Jan. 29, 2007)].

[4] *See* Comment Letter of the Investment Company Institute (Mar. 14, 2016) on File No. S7–08–15, *available at http://www.sec.gov/comments/s7-08-15/s70815.shtml* (''2016 ICI Comment Letter''). Stakeholders have also discussed many of the concerns raised in connection with proposed rule 30e–3 in connection with other Commission releases. *See infra* Parts II–III.

[5] *See* Exchange Act Release No. 78589 (Aug. 16, 2016) [81 FR 56717 (Aug. 22, 2016)] (Notice) (''2016 Amendments Notice''). We discuss below the changes made to the NYSE rule. *See infra* note 30 and accompanying text.

[6] 2016 Amendments Notice, *supra* note 5, at 56720.

[7] *Id.; see also infra* note 10 and accompanying text.

[8] *See* Order Approving Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. Amending Its Rules Regarding the Transmission of Proxy and Other Shareholder Communication Material and the Proxy Reimbursement Guidelines, Exchange Act Release No. 45644 (Mar. 25, 2002) [67 FR 15440, 15444 (Apr. 1, 2002)] (''2002 Amendments Approval''); Order Granting Approval to Proposed Rule Change Amending NYSE Rules 451 and 465, and the Related Provisions of Section 402.10 of the NYSE Listed Company Manual, Which Provide a Schedule for the Reimbursement of Expenses by Issuers to NYSE Member Organizations for the Processing of Proxy Materials and Other Issuer Communications Provided to Investors Holding Securities in Street Name, and to Establish a Five-Year Fee for the Development of an Enhanced Brokers internet Platform, Exchange Act Release No. 70720 (Oct. 18, 2013) [78 FR 63530, 63531 (Oct. 24, 2013)] (''2013 Amendments Approval'').

[9] 2002 Amendments Approval, *supra* note 8, at 63531.

to which SROs have tailored fees to reflect delivery of Fund Materials—as distinct from operating company proxy or other materials; the degree to which competition or its absence may affect the amount of the fees assessed; and the appropriate SRO to maintain oversight of such fees.[10]

The SRO rules governing processing fees and related out-of-pocket expenses are meant to reimburse intermediaries for the ''reasonable expenses'' they incur in forwarding materials to beneficial shareholders. These reimbursable amounts include the amounts intermediaries pay under contract to third-party service providers who deliver shareholder materials on their behalf. We understand that funds generally pay these reimbursements from their own assets as expenses of the fund.[11] We are seeking public comment and additional data on the framework for the fees charged by broker-dealers and other intermediaries for the distribution of Fund Materials to investors to better understand the potential effects on funds and their investors.

[10] *See, e.g.,* 2016 ICI Comment Letter, *supra* note 4; Comment Letter of Ariel Investment Trust (Sept. 8, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 Ariel Letter''); Comment Letter of AST Fund Solutions (May 16, 2013) on File No. SR–NYSE–2013–07, *available at https://www.sec.gov/comments/sr-nyse-2013-07/nyse201307.shtml* (''2013 AST Letter''); Comment Letter of Columbia Mutual Funds (Sept. 15, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 Columbia Letter''); Comment Letter of Dimensional Fund Advisors LP (Sept. 12, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 Dimensional Letter''); Comment Letter of Invesco Advisers, Inc. (Sept. 12, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 Invesco Letter''); Comment Letter of the Investment Company Institute (Sept. 12, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 ICI Letter II''); Comment Letter of the Investment Company Institute (Mar. 15, 2013) on File No. SR–NYSE–2013–07, *available at https://www.sec.gov/comments/sr-nyse-2013-07/nyse201307.shtml* (''2013 ICI Letter''); Comment Letter of MFS Investment Management (Sept. 12, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 MFS Letter''); Comment Letter of T. Rowe Price Associates (Sept. 12, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml* (''2016 T. Rowe Letter'').

[11] *See* Comment Letter of the Independent Directors of the BlackRock Equity-Liquidity Funds (Sept. 27, 2016) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655.shtml*; 2016 ICI Letter II, *supra* note 10.

II. Overview of Current Framework for Forwarding Fund Materials

A. ''Street Name'' Account Arrangements

Today, most fund investors are beneficial owners of shares held in ''street name'' through a ''securities intermediary,'' such as a broker-dealer or bank.[12] When investors hold shares directly with their fund as registered or ''record'' owners, the fund's transfer agent maintains the names and addresses of the investors in its records. On the other hand, when an investor's shares are held in street name through an intermediary, the intermediary maintains the records of beneficial ownership. Such an investor has the ability to instruct its intermediary to withhold his or her personally identifying information from the issuers of securities that he or she owns.

A fund required or wishing to communicate with those investors has to rely on the intermediary to either forward the materials to the investor or, at the fund's request, the intermediary provides a list of non-objecting investors to the fund so that it may do so. To promote direct communication between funds (and other issuers of securities) and their investors, we have adopted rules to require intermediaries to provide funds, at their request, with lists of the names and addresses of investors who did not object to having such information provided to issuers, often referred to as ''non-objecting beneficial owners'' (or ''NOBOs'').[13] However, many investors whose shares are held in street name accounts are ''objecting beneficial owners'' (or ''OBOs'') and may be contacted only through the intermediary (or its agent) that has the relationship with and is servicing the investor.[14]

Intermediaries generally outsource their fund delivery obligations to a third-party service provider that provides fulfillment services.[15] The fulfillment service provider enters into a contract with the intermediary and acts as a billing and collection agent for that intermediary.

B. Current Commission Rules Concerning Delivery or Transmission of Issuer Materials to Intermediated Accounts

Under Exchange Act rules 14b–1 and 14b–2, respectively, broker-dealers and banks must distribute certain materials received from an issuer or other soliciting party to their customers who are beneficial owners of securities of that issuer only if the broker-dealers and banks are assured reimbursement of reasonable expenses, both direct and indirect, from the issuer. These rules provide that such materials may include proxy statements, information statements, annual reports, proxy cards, and other proxy soliciting materials.[16] In addition, NYSE rule 465 requires NYSE member firms to forward interim reports and other material being sent to stockholders by issuers if the member firm is assured it will be reimbursed for all out-of-pocket costs, including reasonable clerical expenses.[17] In the

[12] For purposes of this release, we use the terms ''intermediary'' to refer to a ''securities intermediary'' and ''investors'' to refer to beneficial owners of fund shares held through intermediaries. *See* 17 CFR 240.17Ad–20; Concept Release on the U.S. Proxy System, Exchange Act Release No. 62495 (July 14, 2010) [75 FR 42982, 42985 n.30 (July 22, 2010)] (''Proxy Mechanics Concept Release''); *compare* rule 22c–2 under the Investment Company Act (recognizing a number of different types of ''financial intermediaries,'' such as broker-dealers, banks, insurance companies, and retirement plan administrators).

Approximately 75 percent of accounts in mutual funds are estimated to be held in street name. *See* Comment Letter of the Securities Industry and Financial Markets Association (Aug. 11, 2015) on Investment Company Reporting Modernization, File No. S7–08–15, *available at http://www.sec.gov/comments/s7-08-15/s70815.shtml.* In 2010, we estimated that 70 to 80 percent of all public issuers' shares are held in street name. Proxy Mechanics Concept Release, at 42999.

[13] 17 CFR 240.14b–1(b); 17 CFR 240.14b–2(b).

[14] *See* Proxy Mechanics Concept Release, *supra* note 12, at 42999. Estimates of shares held by OBOs range from 52 to 60 percent of all shares. *Id.*

Rule 22c–2 under the Investment Company Act, which we adopted to help address abuses associated with short-term trading of fund shares, generally requires funds to enter into shareholder information agreements with certain intermediaries that submit orders to purchase or redeem fund shares on behalf of beneficial owners, but the rule and such agreements do not require the information that would be necessary to enable the fund to deliver or transmit materials directly to beneficial owners. 17 CFR 270.22c–2(a)(2)(i). These agreements provide the fund with certain limited information about transactions by beneficial owners whose shares are held in street name or ''omnibus'' accounts through those financial intermediaries. 17 CFR 270.22c–2(c)(5). However, the rule does not require this information provided under the terms of a shareholder information agreement to include, for example, the name and address of the beneficial owner. We excepted money market funds, funds that issue securities that are listed on a national securities exchange, and funds that affirmatively permit short-term trading of their securities from the requirements of 22c–2 unless they elect to impose a redemption fee under the rule. 17 CFR 270.22c–2(b).

[15] In the proxy context, these service providers are sometimes characterized as ''proxy service providers.'' *See* 2013 Amendments Approval, *supra* note 8. Because the scope of this Request for Comment does not include delivery of fund proxy materials, we generally refer to this type of service provider as a ''fulfillment service provider.''

[16] 17 CFR 240.14b–1(b); 17 CFR 240.14b–2(b).

[17] *See* NYSE rule 465 of listed company manual.

fund context, we understand that industry participants have used the framework established by the Exchange Act rules and NYSE rules to deliver materials including prospectuses, summary prospectuses, and annual and semiannual reports to investors.

In adopting our rules, we did not determine what constituted ''reasonable expenses'' that were eligible for reimbursement.[18] Rather, as discussed below, the rules of SROs set forth these amounts.[19] We believed at the time that SROs would be best positioned to make a fair evaluation and allocation of the costs associated with the distribution of shareholder materials.[20] Accordingly, it is the SRO rules that establish the maximum amount that an SRO member may receive for distributing materials to beneficial owners.

C. Current NYSE Regulation of Fees for Forwarding Fund Materials to Investors

Currently, NYSE rules 451 and 465 establish the fee structure for which an NYSE member organization may be reimbursed for expenses incurred in connection with the forwarding of certain issuer materials to investors. Under these rules, members may request reimbursement of expenses at less than the approved rates; however, no member may seek reimbursement at rates higher than the approved rates or for items or services not specifically listed without the prior notification to and consent of the issuer.[21] Issuers reimburse the vast majority of firms that distribute their material to investors at the NYSE fee schedule rates because the vast majority of the intermediaries are NYSE members or members of FINRA, which has a rule that is similar to the NYSE's rules.[22]

Currently, the NYSE rules set forth the following processing and other fees that are applied to the forwarding of Fund Materials:

- *Interim Report Fee.* A processing fee up to 15 cents for each account for fund annual reports processed separately from proxy materials, for ''interim reports,'' and for ''other material.'' [23] In the fund context, we understand that this rule has been interpreted to apply, for example, to each distribution of fund annual and semiannual reports, as well as annual mailings of summary prospectuses, statutory prospectuses, and other materials sent to investors that are not proxy distributions.
- *Preference Management Fee.* A fee of up to 10 cents per distribution of Fund Materials listed above for each ''suppressed'' account for which the intermediary has eliminated the need to send the materials in paper format through the mails.[24] This may include, for example, documents delivered electronically [25] and ''householded'' accounts where no distribution takes place.[26] This fee is in addition to, and not in lieu of, other fees permitted under the NYSE rule, including the interim report fee.[27] Thus, the aggregate processing fee for distributing Fund Materials to suppressed accounts is 25 cents per distribution (15 cents for an interim report fee plus 10 cents for a preference management fee).
- *Notice and Access Fee.* When a fund elects to send proxy materials via the notice and access method, the rules permit an additional notice and access fee.[28] The notice and access fee is a tiered fee based on the number of accounts per distribution with a schedule that begins at 25 cents per account and ultimately declines to 5 cents per account.[29] The Commission approved amendments specifying the applicability of notice and access fees to distributions of fund shareholder reports under Investment Company Act rule 30e–3.[30] For distribution of fund shareholder reports under rule 30e–3, an intermediary may not charge a notice and access fee for any account with respect to which a fund pays a preference management fee for the same distribution.[31]

In addition to the processing, preference management, and notice and access fees described above, the NYSE rules provide for reimbursement for actual postage costs, the actual cost of envelopes unless they are provided by the fund, and any actual communication expenses incurred in receiving voting returns (in the case of proxy distributions).

The NYSE rules also provide for the form of a billing document to be used

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[18] Proxy Mechanics Concept Release, *supra* note 12, at 42995.

[19] *See, e.g.,* NYSE rule 451.90(3); Supplementary Material .01(a)(4) to FINRA rule 2251.

[20] *See* Order Granting Accelerated Approval to Amendment No. 1 to Proposed Rule Change Relating to a One-Year Pilot Program for Transmission of Proxy and Other Shareholder Communication Material, Exchange Act Release No. 38406 (Mar. 14, 1997) [62 FR 13922 (Mar. 24, 1997)]. This belief was in part attributed to SRO exchanges acting as ''representatives of both issuers and brokers,'' however we recognize that FINRA, as the sole national securities association, has often led in promulgating fund-specific SRO rules in certain areas that govern broker-dealers. *See id.; infra* note 36 and accompanying text.

[21] *See* NYSE Supplementary Material to rule 451.93. Since 1937, the NYSE has required issuers, as a matter of policy, to reimburse its members for out of pocket costs of forwarding materials. *See* Proxy Mechanics Concept Release, *supra* note 12, at 42995. Rules formally established reimbursement rates in 1952, and such rules have been revised periodically since then. *Id.*

[22] *See* Proxy Mechanics Concept Release, *supra* note 12, at 42995.

[23] *See* NYSE rule 451.90(3); Supplementary Material .01(a)(4) to FINRA rule 2251.

[24] *See* NYSE rule 451.90(4); Supplementary Material .01(a)(5) to FINRA rule 2251. For additional discussion of the preference management fee, see *infra* Part III.D. The preference management fee is, however, higher—up to 32 cents—for certain proxy materials. NYSE rule 451.90(4).

[25] *See, e.g.,* Use of Electronic Media for Delivery Purposes, Investment Company Act Release No. 21399 (Oct. 6, 1995) [60 FR 53458 (Oct. 13, 1995)] (providing Commission views on the use of electronic media to deliver information to investors, with a focus on electronic delivery of prospectuses, annual reports, and proxy solicitation materials); Use of Electronic Media by Broker-Dealers, Transfer Agents, and Investment Advisers for Delivery of Information, Investment Company Act Release No. 21945 (May 9, 1996) [61 FR 24644 (May 15, 1996)] (providing Commission views on electronic delivery of required information by broker-dealers, transfer agents, and investment advisers); Use of Electronic Media, Investment Company Act Release No. 24426 (Apr. 28, 2000) [65 FR 25843 (May 4, 2000)] (providing updated interpretive guidance on the use of electronic media to deliver documents on matters such as telephonic and global consent, issuer liability for website content, and legal principles that should be considered in conducting online offerings).

[26] *See, e.g.,* rule 154 under the Securities Act of 1933 (permitting householding of prospectuses) [17 CFR 230.154]; rules 30e–1(f) and 30e–2(b) under the Investment Company Act (permitting householding of shareholder reports); rules 14a–3(e) and 14c–3(c) under the Exchange Act (permitting householding of annual reports to security holders, proxy statements and information statements, and Notices of internet Availability of Proxy Statements) [17 CFR 240.14a–3(e); 17 CFR 240.14c–3(c)]. *See generally* Delivery of Disclosure Documents to Households, Investment Company Act Release No. 24123 (Nov. 4, 1999) [64 FR 62540 (Nov. 16, 1999)] (adopting householding rules with respect to prospectuses and shareholder reports); Delivery of Proxy Statements and Information Statements to Households, Investment Company Act Release No. 24715 (Oct. 27, 2000) [65 FR 65736 (Nov. 2, 2000)] (adopting householding rules with respect to proxy statements and information statements).

[27] *See* NYSE rule 451.90(4); Supplementary Material .01(a)(5) to FINRA rule 2251.

[28] *See* NYSE rule 451.90(5); Supplementary Material .01(a)(6) to FINRA rule 2251. The notice and access model for the delivery of proxy materials permits issuers to send investors a ''notice of internet availability of proxy materials'' in lieu of the traditional paper mailing of proxy materials. *See* 2013 Amendments Approval, *supra* note 15, at 63535.

[29] *See* NYSE rule 451.90(5); Supplementary Material .01(a)(6) to FINRA rule 2251. Under the schedule, every fund will pay the highest rate (*i.e.,* 25 cents) for the first 10,000 accounts, or portion thereof, with decreasing rates applicable only on additional accounts in the additional tiers, with rates gradually falling to the fee of 5 cents for each account over 500,000 accounts. *See id.*

[30] *See* Exchange Act Release Nos. 83378 (June 5, 2018) (Order Affirming Action by Delegated Authority Approving SR–NYSE–2016–55 and Discontinuing Stay); 79370 (Nov. 21, 2016) [81 FR 85655 (Nov. 28, 2016)] (Stay Order); 79355 (Nov. 18, 2016) [81 FR 85291 (Nov. 25, 2016)] (Approval Order) (''2016 Amendments Approval''); *supra* note 5. For purposes of calculating rates for distribution of fund shareholder reports under rule 30e–3, all accounts holding shares of any class of stock of the applicable fund are aggregated in determining the appropriate pricing tier. *See* NYSE rule 451.90(5).

[31] *Id.*

by its members to seek reimbursement.[32] For each category of distribution, such as ''interim reports,'' the NYSE member specifies the number of reports mailed, the service fee, the number of envelopes not supplied by the issuer used, the U.S. postage, the foreign postage, the cost of mail, and the total cost assessed.

III. Discussion and Request for Comment

A. General Framework

As discussed above, we are seeking public comment and additional data on the framework for fees charged by intermediaries for the distribution of shareholder reports and other Fund Materials to investors.

Request for Comment

- Should the current rules regulating processing fees for distributing materials to beneficial owners apply to forwarding Fund Materials? Do the differences between proxy distributions and non-proxy distributions create significant differences in the costs? Would considering those types of fees separately help improve the evaluation of what constitutes ''reasonable expenses'' in situations other than proxy distributions?
- Are our rules under Section 14 of the Exchange Act (*e.g.,* rules 14b–1 and 14b–2) well-tailored for the distribution of Fund Materials? Would additional or other Commission rules be preferable? If so, what should they provide? For example, should there be a different set of rules that applies to the distribution of all types of fund materials, including proxy materials? Should these rules apply only to certain materials such as shareholder reports and/or prospectuses?
- We understand that processing fees and other expenses connected with distributing Fund Materials to investors are considered and treated as direct fund expenses. Is our understanding correct? If not, who pays these fees and expenses and under what circumstances? How are fund payments for forwarding material to beneficial shareholders different from similar payments made by operating companies? Are fund investors more directly affected by the payments than operating company investors?
- Is the current fee and remittance structure for the distribution of Fund Materials to investors reasonable? Should the fees be presented differently to better explain how they are applied and allow funds to verify that they are correct?
- Does the current fee framework encourage, discourage, or not affect fund communications with investors beyond those communications that are required?
- Do intermediaries and their agents provide funds with invoices for processing fees assessed on Fund Material distributions? If so, are they sufficiently detailed and transparent for the fund to be able to evaluate their accuracy and whether they have been assessed in a manner consistent with SRO rules? If such invoices are not sufficiently detailed or transparent, what additional information should be provided? Does a fund need information about any remittances that the fulfillment service provider will pay to the intermediary in connection with the services encompassed by the invoice?
- Do funds challenge fees assessed by intermediaries or their agents for distribution of Fund Materials on the basis that the fees are not reasonable? If so, under what circumstances? If not, what are the impediments, if any, to doing so? How, if at all, would withholding fees deemed to be unreasonable affect the fund or its investors?
- With what frequency do funds make requests for the names and addresses of NOBOs? What percentage of fund beneficial accounts are NOBO accounts? Would low percentages of NOBOs relative to all fund beneficial owners be a disincentive to use such lists? With what frequency do funds make such requests to facilitate the distribution of Fund Materials, or for other purposes? How can more direct communication between funds and NOBOs be facilitated? Do funds currently rely on intermediaries to forward materials to investors rather than requesting a list of NOBOs? Does the current NYSE NOBO fee structure discourage funds from directly sending Fund Materials to NOBOs?

B. SRO Rules

Although the NYSE's rules currently apply to the forwarding of Fund Materials to investors, the NYSE has observed that it ''has no involvement in the mutual fund industry'' and that it ''may not be best positioned to take on the regulatory role in setting fees for mutual funds.'' [33] The NYSE and some commenters have recommended that FINRA should take on this role.[34] As noted above, FINRA has adopted rules that generally mirror the previously adopted NYSE rules.[35] FINRA also has adopted rules governing broker-dealers' sales practices and other conduct with respect to funds.[36]

Request for Comment

- Should FINRA be the SRO for setting the structure and level of processing fees for funds? If not, should another entity other than an SRO be responsible? If so, who?
- Are there particular areas of expertise such as funds' operations, distribution methods, and sales practices that would be most relevant in setting processing fees? If so, what expertise and does this expertise vary from one SRO to another?

C. Fulfillment Service Providers

We understand that while the fund typically pays the processing fees charged by an intermediary's fulfillment service provider, the fund has little or no control over the process by which the fulfillment service provider is selected, the terms of the contract between the intermediary and the service provider, or the fees that are ultimately incurred and billed for the distribution of Fund Materials to investors.[37]

It remains our understanding that the fulfillment service provider generally bills funds the maximum fees allowed by the NYSE rules, and in some cases, the fulfillment service provider is contractually *obligated* to its intermediary clients to do so. However, commenters have stated that the fees that the fulfillment service provider charges certain intermediary clients for its services sometimes are less than the fees charged to funds on the intermediaries' behalf. The result is a remittance or rebate from the fulfillment service provider to those intermediaries.[38] Some commenters

[32] NYSE rule 465.30.

[33] 2016 Amendments Notice, *supra* note 5, at 56718.

[34] *Id.; see also* 2016 Ariel Letter, *supra* note 10; 2016 Columbia Letter, *supra* note 10; 2016 Dimensional Letter, *supra* note 10; 2016 Invesco Letter, *supra* note 10; 2016 ICI Comment Letter, *supra* note 4; 2016 ICI Letter II, *supra* note 10; 2016 MFS Letter, *supra* note 10; 2016 T. Rowe Letter, *supra* note 10.

[35] *Compare* FINRA rule 2251 *with* NYSE rule 451; *see supra* note 19 and accompanying text.

[36] For example, FINRA rules bar broker-dealers who are members from selling funds that impose combined sales charges that exceed certain limits, including ''asset-based sales charges'' and shareholder servicing fees. FINRA rule 2341; *see also* Mutual Fund Distribution Fees, Investment Company Act Release No. 29367 (July 21, 2010) [75 FR 47064, 47069 (Aug. 4, 2010)]. FINRA also requires the filing of certain fund advertising material. FINRA rule 2210.

[37] *See* Proxy Mechanics Concept Release, *supra* note 12, at 42997.

[38] *See* 2013 ICI Letter, *supra* note 10; Comment Letter of the Securities Transfer Association (Mar. 4, 2013) on File No. SR–NYSE–2013–07, *available at https://www.sec.gov/comments/sr-nyse-2013-07/nyse201307.shtml* (''2013 STA Letter''); *but see*

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have asserted that fees charged for distribution of materials to intermediated accounts ''far exceed'' the costs a fund incurs for distributing the same materials to investors whose shares are registered directly with the fund's transfer agent.[39]

We are interested in commenters' views on such remittance and rebate practices.

Request for Comment

- Is the current framework for the distribution of Fund Materials to fund investors—in which the fulfillment service provider is selected by an intermediary but costs incurred are paid by the fund—appropriate? Does the current framework encourage intermediaries to reduce costs for funds? Should funds have more control over the selection of, services billed to, and payments made to fulfillment service providers? What are the potential benefits and drawbacks of such alternatives?
- How do fees charged to funds on an intermediary's behalf for delivery of Fund Materials compare with fees negotiated for comparable services between funds and their service providers for distributions of similar materials to investors holding shares directly with the fund or NOBOs known to the fund? If they are different, are they higher or lower, and by how much? If they are different, why are they different? For example, are the services provided also different, such as in quality or complexity? If so, is the magnitude of the difference in processing methods or services provided commensurate with the difference in fees? Does the magnitude of the difference vary depending on the manner in which the materials are delivered, such as in paper through the mail, by electronic delivery, or through a notice and access system?
- What factors may affect the level of competition in the market for fulfillment service providers and their fees? Does the presence or absence of competition affect the level of fees assessed or the size of remittances?
- What steps, if any, should the Commission take to promote competition in the market for the distribution of Fund Materials to investors?
- To what extent do intermediaries receive remittances or rebates from fulfillment service providers for non-proxy deliveries? What, if any, additional related costs do intermediaries incur in connection with non-proxy distributions? Do intermediaries and/or their fulfillment service providers inform funds as to the amounts and related costs and services associated with such remittances?

D. Preference Management Fee

Under the current framework, once a paper mailing is suppressed, the intermediary, or its agent, collects a preference management fee for each distribution of Fund Materials, even though the continuing role of the intermediary, or its agent, with respect to subsequent delivery of documents to investors, is limited to keeping track of the investor's election. While corporate issuers typically only incur this fee annually in connection with soliciting proxies for their annual meeting, funds often pay this fee multiple times per year for the distribution of a fund's annual and semiannual reports to shareholders, prospectuses, and other Fund Materials.

We understand that tracking an investor's preferences or elections typically occurs at the account level for all securities held for all types of issuers. The elections, moreover, may also apply to other customer communications, including account statements, confirmation statements, tax documents, and other materials. The costs of maintaining customer elections for those latter materials would not generally be subject to reimbursement by issuers under Exchange Act rules 14b–1 and 14b–2 and NYSE rules 451 and 465, but would instead be borne by the intermediaries themselves.[40] In addition, we understand that this fee is applied for each distribution of Fund Materials, not only where the need to send materials in paper format has been eliminated due to the procurement by the intermediary of affirmative consent to electronic delivery of those materials, but also when our rules concerning ''householding'' are relied upon.

Request for Comment [41]

- Should the application of the preference management fee for Fund Materials be eliminated on an ongoing basis once an investor elects electronic delivery? Should the fee continue to be permitted to be assessed on a per-distribution basis or with some other frequency, such as annually? How often does a typical investor change a delivery preference once paper deliveries have stopped with respect to that investor? Do delivery preferences depend on type of document? Does the difference in frequency between proxy deliveries and non-proxy deliveries justify separating preference management fees for forwarding of proxy materials from preference management fees for forwarding non-proxy materials?
- How, if at all, does the application of the preference management fee affect overall electronic delivery rates for Fund Materials distributions? How, if at all, does it affect the level of processing fees and aggregate costs that funds pay? Is it appropriate that aggregate processing fees (exclusive of expenses such as printing and mailing) are greater for Fund Materials that are ''suppressed'' (*e.g.,* sent by email or not sent at all in the case of householded accounts) than for those delivered in paper?
- What proportion of the total expense of maintaining delivery preference elections is reimbursed by issuers in the context of individual distributions of forwarded materials? What proportion of those total expenses does the securities intermediary bear in the course of sending its own materials to its customers? Are those proportions commensurate with the effort and expense involved in carrying out each type of distribution?
- Compared with other issuers, do funds pay more in preference management fees on either a per-account or per-distribution basis? If so, why?

E. Processing Fees to Managed Accounts

For certain ''managed accounts,'' the processing fees are assessed for all accounts, even though the fund materials are only required to be distributed to the investment manager.[42] The NYSE rules apply a smaller preference management fee for distributions of certain proxy materials to managed accounts than they do to other types of intermediated accounts. Also, the rules prohibit the application of any fees, including a preference

Comment Letter of Broadridge Financial Solutions (Sep. 12, 2106) on File No. SR–NYSE–2016–55, *available at https://www.sec.gov/comments/sr-nyse-2016-55/nyse201655-8.pdf.* Under rule 14b–1 under the Exchange Act, intermediaries are permitted to seek reimbursement of not only ''direct'' reasonable expenses but also ''indirect'' reasonable expenses. *See* 17 CFR 240.14b–1(c)(2)(i).

[39] *See supra* note 38.

[40] Rules 14b–1 and 14b–2 also do not require reasonable reimbursement for activities related to sending these materials.

[41] None of the questions in this release should be interpreted to reflect any conclusion regarding the appropriate role, if any, of the Commission in setting fees in this area.

[42] *See* Proxy Mechanics Concept Release. The NYSE rules provide that, for this purpose a ''managed account'' ''shall mean an account at [an intermediary] which is invested in a portfolio of securities selected by a professional advisor, and for which the account holder is charged a separate asset-based fee for a range of services which may include ongoing advice, custody[,] and execution services.'' *See* NYSE rule 451.90(6).

management fee, for managed accounts with five or fewer shares.[43]

Request for Comment

- How are processing fees for Fund Materials assessed with respect to managed accounts? Should certain kinds of accounts, such as separately managed accounts, where multiple investors may delegate their investment decisions to a single investment manager, be eligible for further different treatment under the current fee structure? If so, why and how should they be treated differently?
- Is the current application of processing fees for distributions of Fund Materials to managed account investors appropriate? Should such distributions to managed accounts be charged at a reduced rate as they are in the proxy distribution context?[44] If so, what rate?
- What services do intermediaries or fulfillment service providers typically provide to managed account investors?

F. Other Arrangements Between a Fund and Intermediary

As discussed above, unlike in the operating company context, a ''securities intermediary'' through which shares are held in street name is also generally a ''financial intermediary'' under Investment Company Act rule 22c–2. Therefore, a fund is required to contract with the financial intermediary to share information about the submission of purchase and redemption orders.[45] In some cases, financial intermediaries may enter into ''sub-transfer agent'' or ''sub-accounting'' servicing arrangements with funds to provide administrative or shareholder services to investors whose shares are held in ''omnibus accounts.'' Many funds also have ''selling'' agreements with certain intermediaries for the distribution of fund shares.[46] An operating company, by contrast, may have no direct relationship with the intermediary. Some commenters have questioned whether fund payments under the SRO rules may be duplicative of payments made for similar services under contractual arrangements between a fund and an intermediary.[47]

Request for Comment

- Do funds present facts and circumstances that merit differentiating them from other types of issuers as to appropriate levels of processing fees for the distribution of Fund Materials to beneficial owners? How, if at all, are fund payments to intermediaries pursuant to plans adopted by funds pursuant to rule 12b–1 under the Investment Company Act (''12b–1 plans''), shareholder service agreements, or other similar arrangements with intermediaries relevant considerations in differentiating Fund Material distributions from distributions of operating company materials?
- Does this framework result in duplicative payments from a fund to an intermediary for the same services? Does the presence of any such arrangement bear on the appropriateness of the practice of paying remittances?
- Do operating companies have arrangements with intermediaries similar to agreements related to 12b–1 plans?
- How does the presence of sub-transfer agent, sub-accounting, or selling arrangements affect the appropriateness of the payment of a preference management fee or notice and access fees? Are such payments duplicative?
- Would some funds be more adversely impacted by potential fee duplication than others?
- Are the costs of distributing shareholder reports and other materials to fund investors covered by administrative services, recordkeeping, or other similar contractual arrangements? If the fee schedule did not apply in such cases, would the costs of distributing Fund Materials to fund investors increase or decrease? Why?

IV. General Request for Comment

This request for comment is not intended to limit the scope of comments, views, issues, or approaches to be considered. In addition to investors and funds, we welcome comment from other market participants and particularly welcome statistical, empirical, and other data from commenters that may support their views or support or refute the views or issues raised by other commenters.

By the Commission.

Dated: June 5, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–12422 Filed 6–8–18; 8:45 am]

BILLING CODE 8011–01–P

[43] The preference management fee, which is otherwise permitted to be up to 32 cents for each such distribution per ''suppressed'' account, is 16 cents instead. NYSE rule 451.90(4). The preference management fee for distributing interim reports, annual reports mailed separately and other material is 10 cents irrespective of whether it is being charged for a regular account or a managed account.

[44] *See id.*

[45] *See supra* note 12. *See* rule 22c–2 under the Investment Company Act [17 CFR 270.22c–2] (permitting certain funds to impose redemption fees for holders redeeming securities within seven calendar days after purchase). We understand, however, that certain funds whose shares are traded in the secondary market, such as exchange-traded funds and closed-end funds, may be intermediated in the same manner as operating companies and thus do not have the same contractual relationships with the intermediary that many open-end funds do.

[46] *See generally* Division of Investment Management Guidance Update No. 2016–01 (Jan. 2016) (discussing mutual fund distribution and sub-accounting fees); rule 12b–1 under the Investment Company Act [17 CFR 270.12b–1].

[47] *See, e.g.,* 2013 ICI Letter, *supra* note 10 (questioning, ''for example, the extent to which preference management fees might be duplicative in light of contractual arrangements between [funds] and broker-dealers holding street name accounts that already provide for compensation to the broker-dealer to maintain distribution preferences'').

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83384; File No. SR–NYSEAMER–2018–05]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Establish an Electronic Price Improvement Auction for Complex Orders

June 5, 2018.

I. Introduction

On February 15, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new Exchange Rule 971.2NY to establish the Complex Customer Best Execution Auction (''Complex CUBE Auction'' or ''Auction''), a price improvement auction for Electronic Complex Orders (referred to herein as ''Complex Orders''), and to make related changes to other rules.[3] The proposed rule change was published for comment in the **Federal Register** on March 7, 2018.[4] On April 18, 2018, pursuant to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] An Electronic Complex Order is any Complex Order, as defined in Exchange Rule 900.3NY(e), that is entered into the Exchange's electronic order delivery, execution and reporting System. *See* Exchange Rules 980NY and 900.2NY(48). A Complex Order is ''any order involving the simultaneous purchase and/or sale of two or more different option series in the same underlying security, for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purpose of executing a particular investment strategy.'' *See* Exchange Rule 900.3NY(e).

[4] *See* Securities Exchange Act Release No. 82802 (March 2, 2018), 83 FR 9769 (''Notice'').

Section 19(b)(2) of the Act,[5] the Commission extended the time for Commission action on the proposal until June 5, 2018.[6] The Commission received no comments regarding the proposal. On May 15, 2018, the Exchange filed Amendment No. 1 to the proposed rule change.[7] The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

I. Description of the Proposal, as Modified by Amendment No. 1

A. Background

NYSE American currently provides a CUBE Auction for single-leg option orders (the ''Single-Leg CUBE'').[8] As described more fully in the Notice, the Exchange proposes to adopt new Exchange Rule 971.2NY, ''Complex Electronic Cross Transactions,'' to establish a Complex CUBE Auction for Complex Orders that will operate in a manner that is substantially similar to the Single-Leg CUBE, with differences to account for the different processing of and priority rules for Complex Orders.[9] NYSE American states that the Complex CUBE Auction will operate in a manner consistent with the electronic price improvement auctions for complex orders that are available on other options exchanges.[10]

B. Initiation of a Complex CUBE Auction

To initiate a Complex CUBE Auction, an ATP Holder (the ''Initiating Participant'') electronically submits into the Complex CUBE Auction a Complex Order that the Initiating Participant represents as agent on behalf of a public customer, broker dealer, or other entity.[11] The Initiating Participant guarantees the execution of the Complex CUBE Order by submitting a contra-side order (the ''Complex Contra Order'') representing principal interest or non-Customer interest the Initiating Participant has solicited to trade solely with the CUBE Order at either a single stop price or an auto-match limit price, as discussed below.[12]

The Complex CUBE Order must be priced better than the interest resting on the Consolidated Book.[13] In particular, a Complex CUBE Order must have a net debit/credit price that is equal to or better than the ''CUBE BBO'' on the same side of the market as the Complex CUBE Order (the ''same-side CUBE BBO'').[14] The CUBE BBO is the more aggressive of (i) the Complex BBO improved by $0.01,[15] or (ii) the Derived BBO improved by $0.01 multiplied by the smallest leg of the complex order strategy.[16] A Complex CUBE Order that does not meet this requirement will be rejected, along with the Complex Contra Order.[17] The CUBE BBO may be updated during the Auction.[18] If the CUBE BBO updates during the Auction (the ''updated CUBE BBO''), the range of permissible executions for the Complex CUBE Order will adjust in accordance with the updated CUBE BBO, unless the

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 83061, 83 FR 17869 (April 24, 2018).

[7] Amendment No. 1 revises the proposal to: (1) Add Exchange Rules 971.1NY, Commentary .01, and 971.2NY, Commentary .03 to specify that a Single-Leg CUBE Auction for a single series may occur concurrently with a Complex CUBE Auction for a Complex Order that includes that series, and to describe the processing of such concurrent auctions; (2) add definitions of ''single stop price'' and ''auto-match limit price,'' add examples to the defined terms in proposed Exchange Rule 971.2NY, Commentary .02, and clarify that in both the Single-Leg and Complex CUBE Auctions, a Contra Order will trade solely with the CUBE Order; (3) indicate that after a Complex CUBE Order has been filled, RFR Responses, including Complex GTX Orders, may trade with Complex Orders on the same side of the market as the Complex CUBE Order; (4) further explain the rationale for not allowing customer interest on a Contra Order; (5) further explain the reasons for early Auction terminations when the same-side CUBE BBO crosses RFR Responses or a single stop price; (6) provide an example showing the allocation of a Complex CUBE Order guaranteed with an auto-match limit price; (7) modify the description of the proposed changes to Exchange Rules 980NY(e)(6)(A) and (B); and (8) provide further support for the Exchange's argument that the proposal is consistent with Section 11(a) of the Act and the rules thereunder. To promote transparency of its proposed amendment, when NYSE American filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its website and placed in the public comment file for SR–NYSEAMER–2018–05 (available at *https://www.sec.gov/comments/sr-nyseamer-2018-05/nyseamer201805-3649246-162408.pdf).* The Exchange also posted a copy of its Amendment No. 1 on its website (available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/rule-filings/filings/2018/NYSEAmer-2018-05,%20Pt.%20Am.%201.pdf*).

[8] *See* Exchange Rule 971.1NY.

[9] *See* Notice, 83 FR at 9769. NYSE American notes that the Complex CUBE Auction follows the fundamental principles of the Single-Leg CUBE mechanism but with the priority and allocation rules used in auctions for Complex Orders. *See id.* at 9779 (citing Exchange Rule 980NY(e)).

[10] *See id.* (citing Chicago Board Options Exchange, Inc. (''CBOE'') Rule 6.74A; Nasdaq PHLX, LLC (''Phlx'') Rule 1087; BOX Options Exchange LLC (''BOX'') Rule 7245; Nasdaq ISE, LLC (''ISE'') Rule 723; and Miami International Securities Exchange, LLC (''MIAX'') Rule 515A, Interpretation and Policy .12).

[11] *See* proposed Exchange Rule 971.2NY(a). An ''ATP Holder'' is a natural person, sole proprietorship, partnership, corporation, limited liability company or other organization, in good standing, that has been issued an American Trading Permit (''ATP'') issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities. An ATP Holder must be a registered broker or dealer pursuant to Section 15 of the Act and has status as a ''member'' of the Exchange, as defined in Section 3 of the Act. *See* Exchange Rules 900.2NY(4) and (5).

[12] *See* proposed Exchange Rule 971.2NY(a)(1). Requiring the Complex Contra Order to include only principal interest or non-Customer interest will preserve the intended allocation methodology for the Auction. *See* Amendment No. 1. NYSE American notes that a Complex Contra Order is guaranteed to trade with at least 40% of the Complex CUBE Order if RFR Responses do not improve the guaranteed price(s). *See* proposed Exchange Rules 971.2NY(c)(4)(B)(i)(b) and (ii)(b). NYSE American also notes that, because Customer interest on the Exchange is afforded first priority at a price, allowing Customer interest on the Complex Contra Order would disrupt the intended allocation methodology for the Auction because the Complex Contra Order would be entitled to 100% of the Complex CUBE Order rather than 40% of the order. NYSE American further notes that allowing customer interest on the Complex Contra Order could reduce competition in the Auction and undermine its price improvement aim if other market participants choose not to participate in the Auction because they believe it is unlikely that they would receive an allocation in the Auction. *See id.* NYSE American states that it will file a proposed rule change if it intends to establish a customer-to-customer cross mechanism in the future. *See id.* The proposal likewise revises the Single-Leg CUBE rules to indicate that the Contra Order in a Single-Leg CUBE Auction must represent principal or non-Customer Interest. *See* Exchange Rule 971.1NY(a) and Amendment No. 1.

[13] *See* Notice, 83 FR at 9771, and proposed Exchange Rule 971.2NY(b)(2). The Consolidated Book (''Book'') is ''the Exchange's electronic book of limit orders for the accounts of Customers and broker-dealers, and Quotes with Size. All orders and Quotes with Size that are entered into the Book will be ranked and maintained in accordance with the rules of priority as provided in Rule 964NY.'' *See* Exchange Rule 900.2NY(14).

[14] *See* proposed Exchange Rule 971.2NY(b)(2).

[15] *See* proposed Exchange Rule 971.2NY(a)(2). The proposal revises the current definition of ''Complex BBO'' to define the Complex BBO as the complex orders with the lowest-priced (*i.e.,* the most aggressive) net debit/credit price on each side of the Consolidated Book for the same complex order strategy. *See* proposed Exchange Rule 971.2NY(b).

[16] The BBO is the best bid or offer in the System. *See* Exchange Rule 900.2NY(7)(a). The ''Derived BBO'' is calculated using the BBO from the Consolidated Book for each of the options series comprising a given complex order strategy. *See* proposed Exchange Rule 900.2NY(7)(c). The definition of Derived BBO, which does not change the manner in which the Exchange determines what was formerly referred to as the ''Complex BBO,'' is designed to make clear that the Derived BBO is derived from the BBO of the leg markets. *See* Notice, 83 FR at 9771. The proposal makes conforming amendments to Exchange Rule 980NY to replace references to the ''Complex BBO'' with the ''Derived BBO.'' *See id.*

[17] *See* proposed Exchange Rule 971.2NY(b)(2). NYSE American notes that a Complex CUBE Order that is not priced equal to or better than the same-side CUBE BBO is not the best-priced interest available and should not trade ahead of better-priced interest on the same side of the market. *See* Notice, 83 FR at 9773. A Complex CUBE Order and the Complex Contra Order also will be rejected if they are submitted before the opening of trading, during the final second of the trading session in the component series, or during a trading halt. *See* proposed Exchange Rules 971.2NY(b)(3), (4), and (5).

[18] *See* proposed Exchange Rule 971.2NY(a)(2).

interest that updated the CUBE BBO would cause the Auction to conclude early pursuant to proposed Exchange Rule 971.2NY(c)(3).[19]

C. Auction Process

An Initiating Participant must guarantee the execution of a Complex CUBE Order by submitting a Complex Contra Order with either a single stop price or an auto-match limit price, which must be executable against the initiating price of the Auction.[20] If the single stop price crosses the same-side CUBE BBO (*i.e.,* would be outside the range of permissible executions), the Complex CUBE Order is not eligible to initiate an Auction and will be rejected along with the Complex Contra Order.[21] A Complex Contra Order with an auto-match limit price may trade with the Complex CUBE Order at prices that are better than or equal to the initiating price until trading at the auto-match limit price.[22] If the auto-match limit price crosses the same-side CUBE BBO, the Complex Contra Order will be priced back to lock the same-side CUBE BBO.[23]

The time at which the Auction is initiated will be considered the time of execution for the Complex CUBE Order.[24] Only one Complex CUBE Auction may be conducted at a time in any given complex order strategy and, once commenced, the Complex CUBE Order (as well as the Complex Contra Order) may not be cancelled or modified. [25]

Upon receipt of a Complex CUBE Order, NYSE American will send a Request for Responses (''RFR'') identifying the complex order strategy, the side and size of the Complex CUBE Order, and the initiating price to all ATP Holders who subscribe to receive RFR messages.[26] ATP Holders may submit responses to the RFR during the Response Time Interval, which will last for a random period of time within parameters that NYSE American determines and announces by Trader Update.[27] Any ATP Holder may respond to the RFR, provided the response is properly marked specifying price, size, and side of the market (''RFR Response'').[28] The Auction will accept the following RFR Responses: (i) A Complex GTX Order, defined as an Electronic Complex Order with a time-in-force contingency for the Response Time Interval, which must specify the price, size, and side of the market; [29] and (ii) unrelated Complex Orders, including Complex Order Auction (''COA'')-eligible orders, on the opposite side of the market as the Complex CUBE Order that are received during the Response Time Interval, provided the unrelated orders can participate within the range of permissible executions specified pursuant to proposed Exchange Rule 971.2NY(a)(4).[30] NYSE American believes that considering unrelated Complex Orders to be RFR Reponses would increase the number of orders against which the Complex CUBE Order could execute and thus should maximize price improvement opportunities for the Complex CUBE Order.[31]

D. Early Termination of a Complex CUBE Auction

An Auction will conclude at the end of the Response Time Interval unless there is a trading halt in any component series of the Complex CUBE Order or an early conclusion event, as provided in proposed Exchange Rule 971.2NY(c)(3).[32] NYSE American states that ending the Auction early, as provided in proposed Exchange Rule 971.2NY(c)(3), will preserve the priority of incoming interest and allow a Complex CUBE Auction to operate seamlessly with the Consolidated Book.[33] Proposed Exchange Rule 971.2NY(c)(3) provides that an Auction will conclude early if, during the Response Time Interval:

(A) The Exchange receives a new Complex CUBE Order in the same complex order strategy that meets the conditions of proposed Exchange Rule 971.2NY(b);

(B) the Exchange receives interest that adjusts the same-side CUBE BBO to be better than the initiating price;

(C) the Exchange receives interest that adjusts the same-side CUBE BBO to cross any RFR Response(s);

(D) the Exchange receives interest that adjusts the same-side CUBE BBO to cross the single stop price specified by the Initiating Participant;

(E) the Exchange receives interest that crosses the same-side CUBE BBO; or

(F) the Exchange receives interest in the leg market that causes the contra-side CUBE BBO to be better than the stop price or auto-match limit price.

E. Allocations at the Conclusion of a Complex CUBE Auction

Proposed Exchange Rule 971.2NY(c)(4) describes the allocation of trading interest at the conclusion of an Auction. NYSE American notes that if RFR Responses can fill the Complex CUBE Order at a price or prices better than the stopped price or auto-match limit price, the Complex CUBE Order will be matched against the better-priced RFR Responses to provide the Complex CUBE Order the maximum amount of price improvement possible.[34] If there are no RFR Responses, a Complex Contra Order with a single stop price will execute against the Complex CUBE Order at the stop price, and a Complex Contra Order with an auto-match limit price will execute against the Complex CUBE Order at the initiating price.[35] If there

[19] *See* proposed Exchange Rule 971.2NY(a)(4)(A). The ''range of permissible executions'' for a Complex CUBE Order is all prices equal to or between the initiating price and the same-side CUBE BBO. *See* proposed Exchange Rule 971.2NY(a)(4). The ''initiating price'' for a Complex CUBE Order is the less aggressive of the net debit/credit price of the order or the price that locks the contra-side CUBE BBO. *See* proposed Exchange Rule 971.2NY(a)(3).

[20] *See* proposed Exchange Rules 971.2NY(b)(1)(A) and (B). A single stop price is the price at which the Initiating Participant guarantees the Complex CUBE Order. An auto-match limit price is the most aggressive price at which the Initiating Participant is willing to trade with the Complex CUBE Order.

[21] *See* proposed Exchange Rule 971.2NY(b)(1)(A) and Notice, 83 FR at 9772.

[22] *See* proposed Exchange Rule 971.2NY(b)(1)(B).

[23] *See id.*

[24] *See* proposed Exchange Rule 971.2NY(c).

[25] *See id.*

[26] *See* proposed Exchange Rule 971.2NY(c)(1)(A).

[27] *See* proposed Exchange Rule 971.2NY(c)(1)(B). The minimum/maximum parameters for the Response Time Interval will be no less than 100 milliseconds and no more than one second. *See id.* The proposed Response Time Interval provisions are the same as the Response Time Interval provisions for the Single-Leg CUBE Auction. *See* Exchange Rule 971.1NY(c)(2)(B).

[28] *See* proposed Exchange Rule 971.2NY(c)(1)(C).

[29] A Complex GTX Order will not be displayed on the Consolidated Book or disseminated to any participants, and a Complex GTX Order that is not fully executed will be cancelled at the conclusion of the Auction. Complex GTX Orders with a size greater than the size of the Complex CUBE Order will be capped at the size of the Complex CUBE Order. Complex GTX Orders may be cancelled or modified, and a Complex GTX Order on the same side of the market as the CUBE Order will be rejected. *See* proposed Exchange Rule 971.2NY(c)(1)(C)(i). NYSE American notes that because Complex GTX Orders can only trade against a Complex CUBE Order or an unrelated order on the same side as the Complex CUBE Order, same-side Complex GTX Orders are unnecessary to the Complex CUBE Auction. *See* Notice, 83 FR at 9774.

[30] *See* proposed Exchange Rule 971.2NY(c)(1)(C)(ii).

[31] *See* Notice, 83 FR at 9775. NYSE American notes that quotes and orders in the leg markets for a complex strategy underlying a Complex CUBE Order will not be eligible to participate in the Auction, although updates to the leg markets may cause an Auction to conclude early to preserve the priority of interest at that price. NYSE American states that limiting participation in the Complex CUBE Auction to Complex Orders, but allowing certain updates to the leg markets to cause an Auction to conclude early, is consistent with the manner in which the Exchange treats interest in the COA process, as described in Exchange Rule 980NY(e)(7)(B). *See id.*

[32] *See* proposed Exchange Rule 971.2NY(c)(2).

[33] *See* Notice, 83 FR at 9776.

[34] *See id.*

[35] *See* proposed Exchange Rules 971.2NY(c)(4)(B)(i)(c) and (ii)(c).

are RFR Responses, any Customer orders that arrive during an Auction as RFR Responses will have first priority to execute at each price level, and they will be allocated on a size pro rata basis pursuant to Exchange Rule 964NY(b)(3).[36] After Customer interest at a price level has been satisfied, any remaining size of a Complex CUBE Order will be allocated first to RFR Responses within the permissible range of executions that are priced better than the stop price or the auto-match limit price, as applicable.[37] The allocation of any remaining size of the Complex CUBE Order varies, depending on whether the Complex Contra Order has a single stop price [38] or an auto-match limit price.[39]

F. Concurrent Single-Leg and Complex CUBE Auctions

Although there will be only one Complex CUBE Auction at a time for a particular Complex Order strategy, a Single-Leg CUBE Auction for a series may occur concurrently with a Complex CUBE Auction for a strategy that includes that series, as provided in proposed Exchange Rules 971.1NY, Commentary .01, and 971.2NY, Commentary .03.[40] Thus, the Exchange will accept orders designated for the CUBE on a single option series when a Complex CUBE Auction in a Complex Order strategy that includes that series is in progress.[41] The Exchange will also accept Complex Orders designated for the Complex CUBE Auction when a Single-Leg CUBE Auction in any of the component series is in progress.[42] The Exchange believes that providing for these concurrent auctions could reduce the potential for an Auction to be terminated early by other incoming orders designated for CUBE in the same single options series and that this could, in turn, reduce order cancelations.[43]

G. Conduct Inconsistent With Just and Equitable Principles of Trade

NYSE American also proposes to adopt rules identifying conduct that would be considered inconsistent with just and equitable principles of trade with respect to a Complex CUBE Auction to discourage ATP Holders from attempting to misuse or manipulate the Auction process.[44]

NYSE American notes that proposed Exchange Rule 971.2NY, Commentary .01 is based on Exchange Rule 971.1NY, Commentary, 02 relating to the Single-Leg CUBE, and is consistent with the rules of other options exchanges that offer electronic price improvement auction mechanisms.[45]

H. Order Exposure Requirements

Current Exchange Rule 935NY prohibits Users [46] from executing as principal any orders they represent as agent unless (i) agency orders are first exposed on the Exchange for at least one second; (ii) the User has been bidding or offering on the Exchange for at least one second prior to receiving an agency order that is executable against such bid or offer; (iii) the User utilizes the Single-Leg CUBE Auction pursuant to Exchange Rule 971.1.NY; or (iv) the User utilizes the COA auction process pursuant to Exchange Rule 980NY(e). NYSE American proposes to amend Exchange Rule 935NY to provide that a User may execute as principal an order that the User represents as agent, provided that the User utilizes the Complex CUBE Auction process. Such a Complex CUBE Order would not be subject to the one-second order exposure requirement of Exchange Rule 935NY.[47] NYSE American believes that the proposed Response Time Interval, with a random length of no less than 100 milliseconds and no greater than one second (as determined and announced by the Exchange), is of sufficient length to permit ATP Holders time to respond to a Complex CUBE Auction, thereby enhancing opportunities for competition among participants and increasing the likelihood of price improvement for the Complex CUBE Order.[48]

I. Changes to the Single-Leg CUBE Auction and COA Rules

The proposal revises the title of Exchange Rule 971.1NY to ''Single-Leg

[36] *See* proposed Exchange Rule 971.2NY(c)(4)(A). Any RFR Response that exceeds the size of the Complex CUBE Order will be capped at the Complex CUBE Order size for purposes of size pro rata allocation of the Complex CUBE Order. *See* proposed Exchange Rule 971.2NY(c)(4). In addition, a single RFR Response will not be allocated a volume that is greater than its size. *See* proposed Exchange Rule 971.2NY(c)(4)(C).

[37] *See* proposed Exchange Rules 971.2NY(c)(4)(B)(i)(a) and (ii)(a). The Complex CUBE Order will be allocated among RFR Responses pursuant to the size pro rata algorithm in Exchange Rule 964NY(b)(3) at each price point. *See id.*

[38] For a Complex Contra Order with a single stop price, the remaining size of the Complex CUBE Order will execute at the stop price, and the Complex Contra Order will receive an allocation of the greater of 40% of the original Complex CUBE Order size or one contract, or the greater of 50% of the original Complex CUBE Order size or one contract if there is only one RFR Response. Any remaining size of the Complex CUBE Order at the stop price will be allocated among the remaining RFR Responses on a size pro rata basis pursuant to Exchange Rule 964NY(b)(3). If all RFR Responses are filled, any remaining size of the Complex CUBE Order will be allocated to the Complex Contra Order. *See* proposed Exchange Rule 971.2NY(c)(4)(B)(i)(b).

[39] For a Complex Contra Order with an auto-match limit price, the remaining size of the Complex CUBE Order will execute at the Complex Contra Order's auto-match limit price and, if volume remains, at prices worse than the auto-match limit price. At each price point equal to or worse than the auto-match limit price, the Complex Contra Order will receive an allocation equal to the aggregate size of all other RFR Responses starting with the best price at which an execution against an RFR Response occurs within the range of permissible executions until a price point is reached where the balance of the CUBE Order can be fully executed (the ''clean-up price''). At the clean-up price, if there is sufficient size of the Complex CUBE Order still available after executing at better prices or against Customer interest, the Complex Contra Order will be allocated additional volume required to achieve an allocation of the greater of 40% of the original Complex CUBE Order size or one contract or the greater of 50% of the original Complex CUBE Order size or one contract if there is only one RFR Response. If the Complex Contra Order meets its allocation guarantee at a price better than the clean-up price, it will cease matching RFR Responses that may be priced worse than the price at which the Complex Contra Order received its allocation guarantee. If there are other RFR Responses at the clean-up price, the remaining size of the Complex CUBE Order will be allocated to such interest pursuant to the size pro rata algorithm set forth in Rule 964NY(b)(3). Any remaining portion of the Complex CUBE Order will be allocated to the Complex Contra Order at the initiating price. *See* proposed Exchange Rule 971.2NY(c)(4)(B)(ii)(b).

[40] The proposed rules indicate that to the extent that Single-Leg and Complex CUBE Auctions involving the same option series occur concurrently, each CUBE Auction will be processed sequentially based on the time each CUBE Auction commenced. At the time each CUBE Auction concludes, including when it concludes early, it will be processed pursuant to Exchange Rule 971.1NY(c)(5) or proposed Exchange Rule 971.2NY(c)(4), as applicable. *See* proposed Exchange Rules 971.1NY, Commentary .01, and 971.2NY, Commentary .03.

[41] *See* Notice, 83 FR at 9780.

[42] *See id.*

[43] *See* Amendment No. 1.

[44] *See* proposed Exchange Rule 971.2NY, Commentary .01, and Notice, 83 FR at 9777. Proposed Exchange Rule 971.2NY, Commentary .01 provides that the following conduct would be inconsistent with just and equitable principles of trade: (a) An ATP Holder entering RFR Responses to an Auction for which the ATP Holder is the Initiating Participant; (b) engaging in a pattern and practice of trading or quoting activity for the purpose of causing an Auction to conclude before the end of the Response Time Interval; (c) an Initiating Participant that breaks up an agency order into separate Complex CUBE Orders for the purpose of gaining a higher allocation percentage than the Initiating Participant would have otherwise received in accordance with the allocation procedures contained in proposed Exchange Rule 971.2NY(c)(5); and (d) engaging in a pattern and practice of sending multiple RFR Responses at the same price that in the aggregate exceed the size of the Complex CUBE Order.

[45] *See id.* at 9777 n.47 (citing PHLX Rule 1087(c)–(e); ISE Rule 723, Supplementary Material .01; and BOX Rule 7150, IM–7150–2(a) and (b)). NYSE American also proposes to correct a typographical error in Exchange Rule 971.1NY, Commentary .02, by adding the word ''of'' to the rule text, which was inadvertently omitted.

[46] A User is any ATP Holder that is authorized to obtain access to the System. *See* Exchange Rule 900.2NY(87).

[47] *See* Notice, 83 FR at 9778.

[48] *See id.*

Electronic Cross Transactions,'' to distinguish Exchange Rule 971.1NY from proposed Exchange Rule 971.2NY, ''Complex Electronic Cross Transactions.'' The proposal revises also revises Exchange Rule 971.1NY to indicate, as discussed above, that an Initiating Participant that solicits interest to trade with a Single-Leg CUBE Order may solicit only non-Customer interest to be the Contra Order.[49] In addition, the proposal amends Exchange Rule 971.1NY to clarify that the Contra Order will trade solely with the CUBE Order and to indicate that a CUBE Order and Contra Order submitted during a trading halt will be rejected.[50] The proposal revises the auto-match provisions in Exchange Rule 971.1NY(c)(1)(C) to indicate that the auto-match limit price for a CUBE Order that is outside of the range of permissible executions may be repriced so that it is within the range of permissible executions.[51] The proposal modifies Exchange Rule 971.1NY(c)(2)(i)(d) to indicate that a GTX Order may be modified, as well as cancelled. Finally, as discussed above, the proposal adds new Commentary .01 to Exchange Rule 971.1NY, which addresses concurrent CUBE Auctions for a single option series and for a Complex Order that includes that series.

The proposal also amends Exchange Rule 980NY(e)(6)(A) and (B) to indicate that incoming Complex CUBE Orders are among the incoming Complex Orders that could cause a COA Auction to end early.[52] The Exchange notes that this is consistent with the principle that the Exchange will conduct only one auction in a given Complex Order strategy at a time, as provided in proposed Exchange Rule 971.2NY(c) and Exchange Rule 980NY(e)(3).[53]

J. Additional Changes

The proposal revises the definition of ''Professional Customer'' in Exchange Rule 900.2NY(18A) to add the Complex CUBE Auction provisions in proposed Exchange Rule 971.2NY to the existing list of Exchange rules for which a Professional Customer will be treated in the same manner as a Broker/Dealer (or non-Customer) in securities. NYSE American notes that this is consistent with the treatment of Professional Customer Orders in the Single-Leg CUBE Auction.[54] NYSE American also proposes to add Commentary .02 to proposed Exchange Rule 971.2NY to further explain the defined terms used in proposed Rule 971.2NY.[55] NYSE American believes that these definitions will help to clarify how the Auction will operate.[56]

K. Implementation

NYSE American will announce the implementation date of the proposed rule change in a Trader Update to be published no later than 60 days following Commission approval of the proposal.[57] The implementation date would be no later than 60 days following publication of the Trader Update announcing Commission approval.[58] The Exchange believes that this implementation schedule will provide ATP Holders with adequate notice of the Complex CUBE Auction and allow time for ATP Holders that intend to participate in Complex CUBE Auctions to prepare their systems for participation in the Auctions.[59]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[60] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[61] 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 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; and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission notes that NYSE American's Complex CUBE Auction mechanism is similar to rules on other options exchanges that permit the entry of complex orders into an electronic price improvement auction mechanism.[62] In addition, NYSE American states that the Complex CUBE Auction will operate in a manner that is substantially similar to the Single-Leg CUBE Auction, with differences to account for the different processing of and priority rules for Complex Orders.[63] The Commission believes that allowing ATP Holders to enter orders into the Complex CUBE Auction mechanism may provide additional opportunities for Complex Orders to receive price improvement.

The Commission notes that Initiating Participant must enter a Complex CUBE Order with a net debit/credit price that is equal to or better than the same-side CUBE BBO (*i.e.,* the more aggressive of the Complex BBO improved by $0.01 or the Derived BBO improved by $0.01 multiplied by the smallest leg of the complex order strategy), and that the Initiating Participant must submit a Complex Contra Order for the full size of the Complex CUBE Order.[64] Once the Complex CUBE Auction begins, the Complex CUBE Order and the Complex

[49] *See* Exchange Rule 971.1NY(a). Alternatively, the Contra Order may represent principal interest.

[50] *See* Exchange Rule 971.1NY(a) and proposed Exchange Rule 971.1NY(b)(10).

[51] In particular, NYSE American proposes to specify in Exchange Rule 971.1NY(c)(1)(C) that it would adjust the auto-match limit price to within the range of permissible executions by adding a new sentence stating that: ''An auto-match limit price specified for a CUBE Order to buy (sell) that is below (above) the lower (upper) bound of the range of permissible executions will be repriced to the lower (upper) bound.'' *See* Notice, 83 FR at 9773.

[52] Exchange Rule 980NY(e)(6)(A)(i), as amended by the current proposal, will provide that an incoming Complex Order, including an incoming Complex CUBE Order, or a COA-eligible order on the opposite side of the market as the initiating COA-eligible order, that locks or crosses the initial Derived BBO will cause the COA to end early. Exchange Rule 980NY(e)(6)(B)(i), as amended by the current proposal, will provide that an incoming Complex Order, including a Complex CUBE Order, or COA-eligible order that is priced equal to or lower (higher) than the initiating COA-eligible order to buy (sell), and also locks or crosses the contra-side initial Derived BBO, will cause the COA to end early. As noted above, the proposal also revises Exchange Rule 980NY(e)(6) to replace references to the ''Complex BBO'' with references to the ''Derived BBO.''

[53] *See* Amendment No. 1.

[54] *See* Notice, 83 FR at 9780, and Exchange Rule 900.2NY(18A).

[55] Proposed Exchange Rule 971.2NY, Commentary .02 provides definitions and examples of ''better-priced'' and ''more aggressive'' interest, and ''worse-priced'' and ''less aggressive'' interest; interest that ''improves the BBO;'' interest that ''locks'' contra-side interest; interest that ''crosses'' contra-side interest; and ''executable'' interest. The Exchange notes that the definitions use the term ''interest'' because they apply to any interest that could interact with a Complex Order, including quotes and orders in the leg markets that comprise the complex order strategy. *See* Notice, 83 FR at 9771.

[56] *See id.*

[57] *See id.* at 9779.

[58] *See id.*

[59] *See id.*

[60] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[61] 15 U.S.C. 78f(b)(5).

[62] *See, e.g.,* Phlx Rule 1080(n); MIAX Rule 515A, Interpretation and Policy .12(a); CBOE Rule 6.74A; BOX Rule 7245; and ISE Rule 723, Supplementary Material .09.

[63] *See* Notice, 83 FR at 9769.

[64] *See* proposed Exchange Rules 971.2NY(b)(2) and (a)(1).

Contra Order may not be cancelled or modified.[65] Therefore, a Complex CUBE Order submitted to the Complex CUBE Auction will be guaranteed price improvement over the Complex BBO or the Derived BBO at the time the Complex CUBE Order was entered into the System, and will be given an opportunity for further price improvement by being exposed to ATP Holders during the Complex CUBE Auction.

IV. Section 11(a) of the Act

Section 11(a)(1) of the Act[66] prohibits a member of a national securities exchange from effecting transactions on that exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises discretion (collectively, ''covered accounts''), unless an exception applies. Section 11(a)(1) and the rules thereunder contain a number of exceptions for principal transactions by members and their associated persons, including the exceptions set forth in Rule 11a2–2(T) under the Act.[67] The Exchange has represented that it has analyzed its rule proposed hereunder, and believes that they are consistent with the requirements of Section 11(a) of the Act and rules thereunder.[68] For the reason set forth below, the Commission believes that the proposed Complex CUBE Auction rules are consistent with the requirements of Section 11(a) of the Act and the rules thereunder.

A. Rule 11a2–2(T) Under the Act (''Effect Versus Execute'' Rule)

Rule 11a2–2(T) under the Act,[69] known as the ''effect versus execute'' rule, provides exchange members with an exception from the Section 11(a)(1) prohibition. Rule 11a2–2(T) permits an exchange member, subject to certain conditions, to effect transactions for covered accounts by arranging for an unaffiliated member to execute the transactions on the exchange. To comply with the conditions of Rule 11a2–2(T), a member: (1) May not be affiliated with the executing member; (2) must transmit the order from off the exchange floor; (3) may not participate in the execution of the transaction once it has been transmitted to the member performing the execution; [70] and (4) with respect to an account over which the member has investment discretion, neither the member nor its associated person may retain any compensation in connection with effecting the transaction except as provided in the Rule. The Exchange believes that orders sent by off-floor ATP Holders, for covered accounts, to the proposed Complex CUBE Auction would qualify for this ''effect versus execute'' exception.[71]

Rule 11a2–2(T) requires that the order be executed by an exchange member who is unaffiliated with the member initiating the order. The Commission has stated that the requirement is satisfied when automated exchange facilities, such as the Exchange's Complex CUBE Auction, are used, as long as the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the Exchange.[72] The Exchange represents that the design of the Complex CUBE Auction ensures that ATP Holders do not have any special or unique trading advantages in the handling of their orders after transmission.[73] Based on the Exchange's representations, the Commission believes that the Complex CUBE Auction's rules satisfy this requirement.

Second, Rule 11a2–2(T) requires orders for covered accounts be transmitted from off the exchange floor. The Exchange represents that orders for covered accounts sent to the Complex CUBE Auction from off-floor ATP Holders will be transmitted from remote terminals directly to the Complex CUBE Auction by electronic means.[74] In the context of other automated trading systems, the Commission has found that the off-floor transmission requirement is met if a covered account order is transmitted from a remote location directly to an exchange's floor by electronic means.[75] With respect to such orders transmitted electronically from remote terminals directly to the Complex CUBE Auction, the Commission believes that the Complex CUBE Auction's rules satisfy the off-floor transmission requirement.[76] The Commission believes that, based on the foregoing, the proposal satisfies the off-floor transmission requirement for the purposes of ''effect versus execute'' rule.

Third, Rule 11a2–2(T) requires that the member not participate in the execution of its order once it has been transmitted to the member performing the execution. The Exchange represents that, upon submission to the Complex CUBE Auction, an order will be executed automatically pursuant to the proposed rules set forth for the Auction.[77] The Exchange states that, in particular, execution of an order sent to the Auction depends not on the ATP Holder entering the order, but rather on what other orders are present and the priority of those orders. Thus, at no time following the submission of an order is an ATP Holder able to acquire control or influence over the result or timing of order execution.[78] Accordingly, the Commission believes that an ATP Holder does not participate in the execution of an order submitted into the

[65] *See* proposed Exchange Rule 971.2NY(c).

[66] 15 U.S.C. 78k(a)(1).

[67] 17 CFR 240.11a2–2(T).

[68] *See* Notice, 83 FR at 9778–79, and Amendment No. 1.

[69] *Id.*

[70] The member may, however, participate in clearing and settling the transaction. *See* Securities Exchange Act Release No. 14563 (March 14, 1978), 43 FR 11542 (March 17, 1978) (regarding the Designated Order Turnaround System of the New York Stock Exchange (''1978 Release'')).

[71] *See* Notice, 83 FR at 9778.

[72] In considering the operation of automated execution systems operated by an exchange, the Commission has noted that, while there is no independent executing exchange member, the execution of an order is automatic once it has been transmitted into each system. Because the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange, the Commission has stated that executions obtained through these systems satisfy the independent execution requirement of Rule 11a2–2(T). *See* Securities Exchange Act Release No. 15533 (January 29, 1979), 44 FR 6084 (January 31, 1979) (regarding the American Stock Exchange's Post Execution Reporting System and Switching System, the Intermarket Trading System, the Multiple Dealer Trading Facility of the Cincinnati Stock Exchange, the PCX Communications and Execution System, and the Philadelphia Stock Exchange Automated Communications and Execution System (''1979 Release'')).

[73] *See* Notice, 83 FR at 9779.

[74] *See id.* at 9778.

[75] *See, e.g.,* Securities Exchange Act Release Nos. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48) (approving, among other things, the equity rules of the Boston Stock Exchange (''BSE'')); 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080) (approving rules governing the trading of options on The NASDAQ Options Market); 49068 (January 13, 2004), 69 FR 2775 (January 20, 2004) (SR–BSE–2002–15) (approving the Boston Options Exchange as an options trading facility of BSE); the 1979 Release; and the 1978 Release.

[76] The Exchange further represents that there may be instances of orders for a covered account that may be sent by an off-floor ATP Holder to an unaffiliated Floor Broker for entry into the Complex CUBE Auction mechanism. The Exchange represents that at the current time, Exchange-sponsored Floor Broker systems are not enabled to accept orders into the Complex CUBE Auction mechanism from Floor Brokers. The Exchange further represents that, if a Floor Broker were to gain access to the Complex CUBE Auction mechanism via a third-party system, that Floor Broker may not rely on any exceptions found in Section 11(a) of the Act or rules thereunder to enter orders for their own covered accounts into the Auction mechanism from on the floor, or transmit such orders from on the floor to off of the floor for entry into the Complex CUBE Auction mechanism. *See* Amendment No. 1.

[77] *See* Notice, 83 FR at 9778–79.

[78] *See* Notice, 83 FR at 9779. The Exchange notes that the Initiating Participant may not cancel or modify a Complex CUBE Order once a Complex CUBE Auction has started. *See id.* at 9779 n.60 and proposed Exchange Rule 971.2NY(c).

Complex CUBE Auction. Based on the Exchange's representations, the Commission believes that the proposal satisfies the non-participation requirement of Rule 11a2–2(T).

Fourth, in the case of a transaction effected for an account with respect to which the initiating member or an associated person thereof exercises investment discretion, neither the initiating member nor any associated person thereof may retain any compensation in connection with effecting the transaction, unless the person authorized to transact business for the account has expressly provided otherwise by written contract referring to Section 11(a) of the Act and Rule 11a2–2(T).[79] The Commission notes that ATP Holders trading for covered accounts over which they exercise investment discretion must comply with this condition in order to rely on the rule's exemption.

V. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2018–05 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–NYSEAMER–2018–05. 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–NYSEAMER–2018–05, and should be submitted on or before July 2, 2018.

VI. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 1 in the **Federal Register**. As discussed above, Amendment No. 1 revises the proposal to: (1) Add Exchange Rules 971.1NY, Commentary .01, and 971.2NY, Commentary .03 to specify that a Single-Leg CUBE Auction for a single series may occur concurrently with a Complex CUBE Auction for a Complex Order that includes that series, and to describe the processing of such concurrent auctions; (2) add definitions of ''single stop price'' and ''auto-match limit price,'' add examples to the defined terms in proposed Exchange Rule 971.2NY, Commentary .02, and clarify that in both the Single-Leg and Complex CUBE Auctions, a Contra Order will trade solely with the CUBE Order; (3) indicate that after the Complex CUBE Order has been filled, RFR Responses, including Complex GTX Orders, may trade with Complex Orders on the same side of the market as the Complex CUBE Order; (4) further explain the rationale for not allowing customer interest on a Contra Order; (5) further explain the reasons for early Auction terminations when the same-side CUBE BBO crosses RFR Responses or a single stop price; (6) provide an example showing the allocation of a Complex CUBE Order guaranteed with an auto-match limit price; (7) modify the description of the proposed changes to Exchange Rules 980NY(e)(6)(A) and (B); and (8) provide further support for the Exchange's argument that the proposal is consistent with Section 11(a) of the Act and the rules thereunder.

With respect to the processing of Single-Leg and Complex CUBE Auctions, NYSE American believes that the new rule language describing the sequential processing of these auctions is consistent with the handling by Cboe EDGX Exchange, Inc. (''EDGX'') of orders executed in concurrent complex order auctions (''COAs'') involving the same complex order strategy.[80] Thus, NYSE American believes that its proposed rules describing the processing of Single-Leg and Complex CUBE Auctions do not raise new or novel regulatory issues.[81] NYSE American also notes that none of the proposed changes that provide additional details regarding the operation of the Single-Leg and Complex CUBE Auctions alter the functionality of the proposed Complex CUBE mechanism (or Single-Leg CUBE), as described in the original filing, but rather, provide additional details regarding the operation of the Auctions.[82] In addition, the Commission believes that Amendment No. 1 provides additional clarity in the rule text and additional analysis of several aspects of the proposal, thus facilitating the Commission's ability to make the findings set forth above to approve the proposal. For these reasons, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[83] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

[79] 17 CFR 240.11a2–2(T)(a)(2)(iv). In addition, Rule 11a2–2(T)(d) requires a member or associated person authorized by written contract to retain compensation, in connection with effecting transactions for covered accounts over which such member or associated person thereof exercises investment discretion, to furnish at least annually to the person authorized to transact business for the account a statement setting forth the total amount of compensation retained by the member in connection with effecting transactions for the account during the period covered by the statement. *See* 17 CFR 240.11a2–2(T)(d). *See also* 1978 Release (stating ''[t]he contractual and disclosure requirements are designed to assure that accounts electing to permit transaction-related compensation do so only after deciding that such arrangements are suitable to their interests'').

[80] *See* Amendment No. 1. *See also* EDGX Rule 21.20, Interpretation and Policy .02. Although the EDGX COA Auction is distinct from the CUBE Auctions in that the EDGX COA Auction is not an auction of paired orders, NYSE American believes that its proposed rules describing the sequential processing of Single-Leg and Complex CUBE Auctions are consistent with the sequential processing of COAs described in EDGX's rules. *See* Amendment No. 1.

[81] *See id.*

[82] *See id.*

[83] 15 U.S.C. 78s(b)(2).

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[84] that the proposed rule change (SR–NYSEAMER–2018–05), as modified by Amendment No. 1, is approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[85]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12432 Filed 6–8–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10440]

U.S. National Commission for UNESCO Notice of Teleconference Meeting

The U.S. National Commission for UNESCO will hold a conference call on Thursday, June 28, 2018, from 11:00 a.m. until 12:00 p.m. Eastern Daylight Time. This will be a teleconference meeting to consider the recommendations of the Commission's National Committee for the Intergovernmental Oceanographic Commission (IOC). The Commission will accept brief oral comments during a portion of this conference call. The public comment period will be limited to approximately 10 minutes in total, with two minutes allowed per speaker. For more information, or to arrange to participate in the conference call, individuals must make arrangements with the Executive Director of the National Commission by June 26, 2018.

The National Commission may be contacted via email at *DCUNESCO@state.gov.*

Paul T. Mungai,

Acting Executive Director, U.S. National Commission for UNESCO, Department of State.

[FR Doc. 2018–12504 Filed 6–8–18; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice: 10439]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''The History of the Bible—in the Beginning'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''The History of the Bible—in the Beginning,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Museum of the Bible, Washington, District of Columbia, from on or about June 20, 2018, until on or about June 1, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–12491 Filed 6–8–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 280–2]

Delegation by the Secretary of State to the Under Secretary for Political Affairs of Authorities Regarding Congressional Reporting

By virtue of the authority vested in the Secretary of State by the laws of the United States, including 22 U.S.C. 2651a, I hereby delegate to the Under Secretary of State for Political Affairs, to the extent authorized by law, the authority to approve submission of reports to the Congress.

This delegation covers the decision to submit to the Congress both one-time reports and recurring reports. However, this delegation shall not be construed to authorize the Under Secretary to make waivers, certifications, determinations, findings, or other such statutorily required substantive actions that may be called for in connection with the submission of a report. The Under Secretary shall be responsible for referring to the Secretary or the Deputy Secretary any matter on which action would appropriately be taken by such official.

Any authority covered by this delegation may also be exercised by the Deputy Secretary, to the extent authorized by law, or by the Secretary of State. This delegation does not repeal or amend any other delegation currently in effect.

This delegation of authority shall be published in the **Federal Register**.

Dated: May 17, 2018.

Michael R. Pompeo,

Secretary of State.

[FR Doc. 2018–12450 Filed 6–8–18; 8:45 am]

BILLING CODE 4710–10–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0013]

Dispute Number WT/DS545; WTO Dispute Settlement Proceeding: United States—Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on May 14, 2018, the Government of the Republic of Korea requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* concerning a safeguard measure the United States implemented on imports of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products (solar products). That request is available at *www.wto.org* in a document designated as WT/DS545/1. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments during the course of the dispute settlement proceedings, you should submit your comment on or before July 11, 2018, to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://*

[84] *Id.*

[85] 17 CFR 200.30–3(a)(12).

www.regulations.gov. Follow the instructions for submitting comments in section III below. The docket number is USTR–2018–0013. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: Assistant General Counsel Dax Terrill at (202) 395–4739.

SUPPLEMENTARY INFORMATION:

I. Background

USTR is providing notice that consultations have been requested pursuant to the World Trade Organization (WTO) *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU). If these consultations do not resolve the matter, Korea could request that the WTO establish a dispute settlement panel pursuant to the DSU, which would hold its meetings in Geneva Switzerland, and issue a report on its findings.

II. Major Issues Raised by Korea

On May 14, 2018, Korea requested consultations concerning a safeguard measure the United States implemented on solar products under section 201 of the Trade Act of 1974 (19 U.S.C. 2251 *et seq.*) following a determination of the U.S. International Trade Commission that solar products are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly competitive with the imported article.

Korea alleges that United States has implemented a safeguard measure that does not comply with Articles 1, 2.1, 3.1, 3.2, 4.1, 4.2, 5.1, 5.2, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the *Agreement on Safeguards* and Articles X, XIII, and XIX of the *General Agreement on Tariffs and Trade 1994.*

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0013 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''notice'' under ''document type'' on the left side of the search-results page, and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use *Regulations.gov*'' on the bottom of the home page.

The *www.regulations.gov* website allows users to provide comments by filling in a ''type comment'' field, or by attaching a document using an ''upload file'' field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''type comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact Sandy McKinzy at (202) 395–9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than business confidential information, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as ''SUBMITTED IN CONFIDENCE'' at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2018–0013, accessible to the public at *www.regulations.gov.* The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, USTR will make the following documents publicly available at *www.ustr.gov:* The U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at *www.wto.org.*

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement, Office of the U.S. Trade Representative.

[FR Doc. 2018–12446 Filed 6–8–18; 8:45 am]

BILLING CODE 3290–F8–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0014; Dispute Number WT/DS546]

WTO Dispute Settlement Proceeding Regarding United States—Safeguard Measure on Imports of Large Residential Washers

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on May 14, 2018, the Republic of Korea requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* (WTO Agreement) concerning the safeguard measure in effect on imports of large residential washers. That request is available at *www.wto.org* in a document designated as WT/DS546/1. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, you should submit your comment on or before Friday, June 22, 2018, to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://*

www.regulations.gov. Follow the instructions for submitting comments in section III below. The docket number is USTR–2018–0014. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: Assistant General Counsel Juli Schwartz at (202) 395–3150.

SUPPLEMENTARY INFORMATION:

I. Background

USTR is providing notice that Korea has requested consultations pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), the *General Agreement on Tariffs and Trade 1994,* and the *Agreement on Safeguards* (SGA). If these consultations do not resolve the matter, Korea could request that the WTO establish a dispute settlement panel pursuant to the DSU, which would hold its meetings in Geneva, Switzerland, and issue a report on its findings.

II. Major Issues Raised by Korea

On May 14, 2018, Korea requested consultations concerning the safeguard measure in effect pursuant to Proclamation 9594 of January 23, 2018—To Facilitate a Positive Adjustment to Competition from Imports of Large Residential Washers, 83 FR 3553 (Jan. 25, 2018). Korea alleges that the United States' safeguard action is inconsistent with Articles I:1, II, X:3, and XIX:1 of the GATT 1994 and Articles 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 5.1, 7.1, 7.4, 8.1, 12.1, 12.2, and 12.3 of the SGA.

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0014 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''notice'' under ''document type'' on the left side of the search-results page, and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use Regulations.gov'' on the bottom of the home page.

The *www.regulations.gov* website allows users to provide comments by filling in a ''type comment'' field, or by attaching a document using an ''upload file'' field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''type comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact Sandy McKinzy at (202) 395–9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than business confidential information, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as ''SUBMITTED IN CONFIDENCE'' at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2018–0014, accessible to the public at *www.regulations.gov.* The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal of a panel report, USTR will make the following documents publicly available at *www.ustr.gov:* The U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, the report of the panel, and, in the event of an appeal of a panel report, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at *www.wto.org.*

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement Office of the U.S. Trade Representative.

[FR Doc. 2018–12447 Filed 6–8–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0030]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 41 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

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

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0030 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t.,

Monday through Friday, except Federal Holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 41 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Gerardo Arredondo

Mr. Arredondo, 56, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Arredondo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Arredondo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Texas.

Ammar H. Atieh

Mr. Atieh, 22, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Atieh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Atieh meets the requirements of the vision standard at 49 CFR

391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Robert P. Baker, Jr.

Mr. Baker, 37, has had ITDM since 2002. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Baker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's from Indiana.

Jose A. Barron

Mr. Barron, 62, has had ITDM since 2008. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Barron understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barron meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Michael D. Cash

Mr. Cash, 51, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cash understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cash meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Travis A. Chandler

Mr. Chandler, 31, has had ITDM since 1998. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Chandler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chandler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Tennessee.

Curtis D. Dement

Mr. Dement, 63, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dement understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dement meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Mark A. Duncan

Mr. Duncan, 56, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Duncan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Duncan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Hugh J. Gallagher

Mr. Gallagher, 57, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gallagher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gallagher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Charles Gant

Mr. Gant, 48, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gant understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gant meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Gary D. Gudeman

Mr. Gudeman, 60, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist

certifies that Mr. Gudeman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gudeman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Richard D. Hawkins

Mr. Hawkins, 43, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hawkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hawkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Indiana.

Michael A. Hayes

Mr. Hayes, 43, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hayes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hayes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.4

Brent M. Howard

Mr. Howard, 55, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Howard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Howard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

Herbert O. Jenkins

Mr. Jenkins, 55, has had ITDM since 1992. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jenkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jenkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Kentucky.

Scott A. Kiel

Mr. Kiel, 52, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kiel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kiel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Barry T. Koch

Mr. Koch, 59, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Koch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Koch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

Jose Lares

Mr. Lares, 59, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lares understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lares meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Arizona.

John A. Larson

Mr. Larson, 67, has had ITDM since 2011. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Larson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Larson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Brian T. Lewis

Mr. Lewis, 52, has had ITDM since 2017. His endocrinologist examined him

in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lewis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lewis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from California.

Mark J. Longtin

Mr. Longtin, 66, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Longtin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Longtin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Dakota.

Christopher A. Marquette

Mr. Marquette, 37, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Marquette understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Marquette meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Kasey J. Martin

Mr. Martin, 28, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Martin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

David A. Martin

Mr. Martin, 60, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Martin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Ryan J. Matthews

Mr. Matthews, 39, has had ITDM since 1995. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Matthews understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Matthews meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Ohio.

Gion H. Mersha

Mr. Mersha, 44, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mersha understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mersha meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Iowa.

Phillip A. Nass

Mr. Nass, 65, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nass understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nass meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Frank T. Piper, Jr.

Mr. Piper, 65, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Piper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Piper meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

James P. Renaud

Mr. Renaud, 49, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Renaud understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Renaud meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Charles D. Robison

Mr. Robison, 56, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Robison understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Robison meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Michael A. Roosa

Mr. Roosa, 53, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Roosa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Roosa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Alan Sang

Mr. Sang, 48, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sang understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sang meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Florida.

James M. Sanicola

Mr. Sanicola, 61, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sanicola understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sanicola meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Wisconsin.

Michael J. Torrez

Mr. Torrez, 58, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Torrez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Torrez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Gerard N. Tremblay, Jr.

Mr. Tremblay, 48, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tremblay understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tremblay meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

John H. Turner

Mr. Turner, 73, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Turner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Turner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Marcus D. Wade

Mr. Wade, 24, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or

more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wade understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wade meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

James A. White

Mr. White, 55, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. White understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. White meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Louisiana.

Theodore M. Wicks

Mr. Wicks, 66, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wicks understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wicks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wyoming.

Raymond L. Williamson

Mr. Williamson, 66, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Williamson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williamson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Steve B. Winger

Mr. Winger, 60, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Winger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Winger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0030 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0030 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: June 5, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–12473 Filed 6–8–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before June 26, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.* Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 4, 2018.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
11447–M	SAES PURE GAS, INC		To modify the special permit to authorize an increase in the amount of nickel content from 5,200 pounds to 12,500 pounds. (modes 1, 3, 4)
12412–M	CLEAR VIEW ENTERPRISES LLC.		To modify the special permit to authorize transporting hazmat in manifolded IBCs on a flatbed trailer. (mode 1)
14154–M	CARLETON TECHNOLOGIES, INC.		To modify the special permit to authorize additional Division 2.2 gases. (modes 1, 2, 3, 4, 5)
14603–M	YIWU HAUNQIU CANS MANUFACTURING CO., LTD. (FORMER GRANTEE: YI WU HAUN QIU CAN MANFACTURE).	173.304(d)	To modify the special permit to update technical drawings and to authorize higher distortion and minimum burst pressures. (modes 1, 2, 3, 4)
15507–M	YIWU JINYU MACHINERY FACTORY.	173.304(d)	To modify the special permit to authorize a new can design and increase the burst and equilibrium pressures. (modes 1, 2, 3, 4)
20323–M	JOHNSON CONTROLS ADVANCED POWER SOLUTIONS, LLC.		To modify the special permit to authorize additional packaging. (mode 4)
20546–M	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.159(d)	To modify the special permit to authorize the transportation in commerce of batteries in boxes as strong outer packagings. (modes 1, 2, 3, 4)
20597–M	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.220	To modify the special permit initially granted on an emergency basis to permanent and to authorize an increase in the amount of fuel to be transported in the remotely piloted vehicles which are fueled while in transportation. (modes 1, 2, 3, 4)

[FR Doc. 2018–12455 Filed 6–8–18; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

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

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 4, 2018.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
8009–M	FIBA TECHNOLOGIES, INC	173.302a(a)(4), 178.37(k)(1), 178.37(k)(2)(i).	To authorize alternative tensile test specimen for batch acceptance.
20608–N	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.302a(a)(1)	To authorize the transportation in commerce of compressed air in non-DOT specification cylinders.
20642–N	SUN CHEMICAL CORPORATION.	173.3	To authorize the one time movement of a DOT 407 cargo tank that was leaking hazmat for investigation/repair.
20643–N	KALITTA AIR, L.L.C	172.101(j), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3), 175.30(a)(1).	To authorize the transportation in commerce of certain explosives which are forbidden by cargo only aircraft.
20649–N	STERICYCLE, INC	172.600, 172.700(a), 172.400a, 172.200, 172.300, 173.185(f).	To authorize the transportation in commerce of electronic cigarette products that include a power unit containing a small lithium ion battery in support of a voluntary recall on behalf of R.J. Reynolds Vapor Company.
		Denied	
13173–M	LUXFER CANADA LIMITED	173.302a(a)	To modify the special permit to authorize periodic requalification of cylinders using a pneumatic proof pressure test.
20228–N	STRUCTURAL COMPOSITES INDUSTRIES LLC.	173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.302a(a)(1), 173.304a(a)(1), 175.501(e)(3).	To authorize the manufacture, marking, sale, and use of non-DOT specification fully wrapped carbon fiber reinforced steel lined cylinders for the transportation in commerce.
20564–N	ACE Pyro, LLC	177.848(g)(3)(vi)	To authorize the transportation in commerce of fireworks with explosive articles of compatibility group G.
20647–N	ADVANCED CHEMICAL TRANSPORT, INC.	173.242, 178.801(i)	To authorize the transportation in commerce of a non-spec bulk package (trap/canister/filter) containing a 4.2 hazmat.
		Withdrawn	
20435–M	ATIEVA USA INC	172.101(j), 173.185(a)	To modify the special permit to authorize the transportation in commerce of lithium ion batteries in excess of 35 kg by cargo-only aircraft. (modes 1,2,4)
20598–N	Cylinder Testing Solutions LLC	180.209(a), 180.209(b)	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders manufactured from aluminum alloy 6061–T6 that are requalified every ten years rather than every five years using 100% ultrasound examination.
20611–N	Deckload Aviation LLC	172.101(j)	To authorize the transportation in commerce of hazardous materials in excess of the quantity limits specified in Column (9B) of the 172.101 when transported via rotorcraft external load operations.

[FR Doc. 2018–12456 Filed 6–8–18; 8:45 am]
BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

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

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.* Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal

hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 4, 2018.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20655–N	UTAH STATE UNIVERSITY RESEARCH FOUNDATION.	173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries contained in equipment by cargo-only aircraft. (mode 4)
20656–N	THE SHERWIN-WILLIAMS MANUFACTURING COMPANY.	173.306(a)(3)(v)	To authorize the transportation in commerce of 2Q receptacles that have been tested in an alternative manner. (modes 1, 2, 3)
20657–N	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	173.302a(a)(1)	To authorize the transportation in commerce of non-DOT specification pressure vessels incorporated into spacecraft via cargo vessel. (mode 3)
20658–N	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	172.400, 172.300, 173.1	To authorize the transportation in commerce of non-DOT specification packagings containing explosive articles that are not required to be marked or labeled. (modes 1, 3)
20659–N	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	173.302a(a)(1)	To authorize the transportation in commerce of non-DOT specification pressure vessels that are incorporated into spacecraft. (modes 1, 2, 3, 4, 5)
20661–N	SAFT AMERICA INC	172.400, 172.300, 173.301(g), 173.301(h), 173.302a(a)(1), 173.185(b).	To authorize the transportation in commerce of large lithium battery assemblies mounted in ISO containers that incorporate non-DOT specification cylinders. (modes 1, 3)
20663–N	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.219(b)(6)	To authorize the transportation in commerce of life-saving appliances that contain Division 1.4C material. (modes 1, 2, 3)
20664–N	FLAMMAT DOO BEOGRAD	172.101(i)(1)	To authorize the transportation in commerce of firelighters as limited quantities. (mode 1)
20667–N	HAZ MAT SERVICES, INCORPORATED.	173.12(b)(3)	To authorize the transportation in commerce of cyanide compounds in lab packs. (mode 1)
20669–N	LOUISIANA ENERGY SERVICES, LLC.	173.420	To authorize the transportation in commerce of 48Y Uranium Hexafluoride cylinders which do not conform to ANSI N14.1–2012 specification for the cylinder valve cap gasket. (mode 1)
20670–N	Envases de Acero, S.A. de C.V.	172.203(a), 172.301(c), 180.209(a), 180.213.	To authorize the ultrasonic examination of DOT specification 3AX, 3AAX, 3T, 3A and 3AA cylinders in lieu of hydrostatic testing. (modes 1, 2, 3, 4, 5)
20671–N	STERICYCLE SPECIALTY WASTE SOLUTIONS, INC.	171.1	To authorize the transportation in commerce of certain materials authorized to be disposed of under 21 CFR part 1317, Subpart B by cargo vessel. (mode 3)
20673–N	Airopack B.V	173.306(a)	To authorize the manufacture, mark, sale, and use of non-DOT specification receptacles containing aerosols that are not subject to the requirements of the HMR. (modes 1, 2, 3, 4, 5)
20674–N	Pacific Tugboat Service	176.166(a)(5)	To authorize the transportation in commerce of articles in compatibility group B in excess of 5 kg by cargo vessel. (mode 3)
20675–N	COLEP PORTUGAL, S.A	178.33–7(a)	To authorize the manufacture, mark, sale, and use of non-DOT specification receptacles similar to 2Q receptacles with a reduced wall thickness. (modes 1, 2, 3, 4, 5)
20677–N	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.302a(a)(1)	To authorize the transportation in commerce of non-DOT specification cylinders. (modes 1, 2, 3, 4)

[FR Doc. 2018–12454 Filed 6–8–18; 8:45 am]
BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2018–0079]

Agency Information Collection: Activity for OMB Review: Agency Request for Reinstatement of a Previously Approved Information Collection: 2105–0009, Advisory Committee Candidate Biographical Information Request Form

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Department of Transportation invites the general public, industry and other governmental parties to comment on the information collection request (ICR) OMB No. 2105–0009 Committee Candidate Biographical Information Request Form. The information collection request previously approved by the Office of Management and Budget (OMB) expired on May 31, 2012. The collection is needed to facilitate background investigations of individuals seeking or currently appointed to a Department committee.

DATES: Written comments should be submitted by August 10, 2018.

FOR FURTHER INFORMATION CONTACT: David Freeman, Program Analyst, Executive Secretariat, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or telephone: (202) 366–2918. Refer to OMB Control No. 2105–0009.

ADDRESSES: You may submit comments to DOT–OST–2008–0320 through one of the following methods: Website: *https://www.regulations.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.

Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–001.

Hand Delivery: Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Wednesday and Federal Holidays.

Instructions: All comments must include the agency name and DOT–OST–2008–0320. Note that all comments received will be posted without change to *https://www.regulations.gov,* including personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

You may review the Department of Transportation's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *https://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *https://www.regulations.gov* at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 a.m., Monday through Friday, except Wednesday and Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on Docket DOT–OST–2008–0320.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT.

SUPPLEMENTARY INFORMATION:

Title: Committee Candidate Biographical Information Request.

OMB Control No.: 2105–0009.

Type of Review: Reinstatement with change of previously approved information collection.

Form No.: DOT F1120.1.

Abstract: The requested reintroduction of the approved control number expands the information collection request (ICR) OMB No. 2105–0009, ''Advisory Committee Candidate Biographical Information Request,'' to include all DOT committee candidates and will be used to gather information from individuals interested in appointment to a committee and individuals who have been recommended for a membership on a committee to ensure fair and balanced membership. DOT is also revising the name of the collection to ''Committee Candidate Biographical Information Request'' consistent with the scope of the collection.

Respondents: Individuals who have contacted DOT to indicate interest in appointment to a committee and individuals who have been recommended for membership on a committee. Only one collection is expected per individual.

Number of Respondents: 100 annually.

Frequency: One time.

Estimated Time per Response: 15 minutes.

Total Annual Burden: 25 hours.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will be have practical utility; (b) the accuracy of the Department's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information collection; and (d) ways to minimize the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology without reducing the quality of the information collected.

All comments will become a matter of public record.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC.

David Freeman,

Program Analyst, DOT Executive Secretariat.

[FR Doc. 2018–12516 Filed 6–8–18; 8:45 am]
BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[OCC Charter Number 701532]

Liberty Federal Savings Bank, Enid, Oklahoma; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that on April 16, 2018, the Office of the Comptroller of the Currency (OCC) approved the application of Liberty Federal Savings Bank, Enid, Oklahoma, to convert to the stock form of organization. Copies of the application are available on the OCC website at the FOIA Reading Room (*https://foia-pal.occ.gov/palMain.aspx*) under Mutual to Stock Conversion Applications. If you have any questions, please contact Licensing Activities at (202) 649–6260.

Dated: June 5, 2018.

By the Office of the Comptroller of the Currency.

Donald W. Dwyer,

Thrift Licensing Lead Expert.

[FR Doc. 2018–12451 Filed 6–8–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 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 Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; 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 (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*http://www.treasury.gov/ofac*).

Notice of OFAC Actions

On June 5, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. GONZALEZ RODRIGUEZ, Diosde, Bogota, Colombia; DOB 18 Apr 1957; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4196782 (Colombia) (individual) [SDNTK] (Linked To: INVERSIONES DE OCCIDENTE LTDA.). Designated pursuant to section 805(b)(3) of the Foreign Narcotics Kingpin Designation Act (''Kingpin Act''), 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

2. RINCON CASTILLO, Gustavo, Bogota, Colombia; DOB 03 Dec 1955; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4157507 (Colombia); Passport AO604019 (Colombia) (individual) [SDNTK] (Linked To: SOCIEDAD ESMERALDIFERA DE MARIPI LTDA.). Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

3. RINCON CASTILLO, Emerio, Simijaca, Cundinamarca, Colombia; DOB 04 Apr 1954; POB Caldas, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4157489 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

4. RINCON CASTILLO, Salvador, Maripi, Boyaca, Colombia; DOB 25 Aug 1952; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4157332 (Colombia) (individual) [SDNTK] (Linked To: COMERCIALIZADORA INTERNACIONAL AGRICOLA Y GANADERA RINCON CASTILLO LIMITADA). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

5. RINCON CASTILLO, Gilberto, Bogota, Colombia; DOB 08 Jan 1961; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4157904 (Colombia); Passport AM461080 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

6. RINCON CASTILLO, Pedro Nel (a.k.a. ''Pedro Orejas''), Ibague, Colombia; DOB 12 Feb 1967; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 79416383 (Colombia); Passport 79416383 (Colombia) (individual) [SDNTK] (Linked To: ESMERALDAS COLOMBIANAS CERRO GUALILO LTDA. C.I.). Identified pursuant to section 805(b)(1) of the Kingpin Act, 21 U.S.C. 1904(b)(1), as a significant foreign narcotics trafficker.

7. RINCON CASTILLO, Omar Josue, Bogota, Colombia; DOB 16 Dec 1969; POB Caldas, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 79488576 (Colombia) (individual) [SDNTK] (Linked To: DISTRIBUIDORA Y ELECTRICOS RINCON LTDA.; Linked To: ESMERALDAS NARAPAY LTDA). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

8. SOLANO CHAVES, Julio Rodolfo, Bogota, Colombia; DOB 17 Jan 1959; POB Pauna, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 19336948 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

9. TRIANA ROMERO, Horacio de Jesus, Maripi, Boyaca, Colombia; DOB 21 Nov 1956; POB Maripi, Boyaca, Colombia; citizen Colombia; Gender Male; Cedula No. 4157533 (Colombia) (individual) [SDNTK]. Identified pursuant to section 805(b)(1) of the Kingpin Act, 21 U.S.C. 1904(b)(1), as a significant foreign narcotics trafficker and designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION.

Entities

1. COMERCIALIZADORA INTERNACIONAL AGRICOLA Y GANADERA RINCON CASTILLO LIMITADA, Carrera 8A No. 2–38, Chiquinquira, Boyaca, Colombia; NIT #900345938–9 (Colombia) [SDNTK].

2. DISTRIBUIDORA Y ELECTRICOS RINCON LTDA., Carrera 68 No. 175–55 Ca 1, Bogota, Colombia; NIT #900132885–2 (Colombia) [SDNTK].

3. ESMERALDAS COLOMBIANAS CERRO GUALILO LTDA. C.I. (a.k.a. GUALILO LTDA. C.I.), Transversal 46 No. 152–46 Ofc. 276, Bogota, Colombia; NIT #830124149–2 (Colombia) [SDNTK].

4. ESMERALDAS NARAPAY LTDA, Transversal 40 No. 150–46 Ofc. 259, Bogota, Colombia; NIT #900022457–1 (Colombia) [SDNTK].

5. INVERSIONES DE OCCIDENTE LTDA., Carrera 14 No. 104–10, Bogota, Colombia; NIT #830071741–4 (Colombia) [SDNTK].

6. RINCON CASTILLO DRUG TRAFFICKING ORGANIZATION, Maripi, Boyaca, Colombia [SDNTK] (Linked To: ZULIANA DE ESMERALDAS C.I. S.A.S.).

7. SOCIEDAD ESMERALDIFERA DE MARIPI LTDA. (a.k.a. SOESMA LTDA.), Carrera 41 A No. 162–09, Bogota, Colombia; NIT #830076758–1 (Colombia) [SDNTK].

8. ZULIANA DE ESMERALDAS C.I. S.A.S. (f.k.a. ZULIANA DE ESMERALDAS LTDA. C.I.), Carrera 7 No. 12 C–28, Bogota, Colombia; NIT #900496677–9 (Colombia) [SDNTK].

Dated: June 5, 2018.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–12412 Filed 6–8–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of a New Matching Program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of the Internal Revenue Service Disclosure of Information to Federal, State and Local Agencies (DIFSLA) Computer Matching Program.

DATES: Comments on this matching notice must be received no later than 30 days after date of publication in the **Federal Register**. If no public comments are received during the period allowed for comment, the re-established agreement will be effective July 1, 2018, provided it is a minimum of 30 days after the publication date.

Beginning and completion dates: The matches are conducted on an ongoing basis in accordance with the terms of the computer matching agreement in effect with each participant as approved by the applicable Data Integrity Board(s). The term of these agreements is expected to cover the 18-month period, July 1, 2018 through December 31, 2019. Ninety days prior to expiration of the agreement, the parties to the agreement may request a 12-month extension in accordance with 5 U.S.C. 552a(o).

ADDRESSES: Inquiries may be sent through email to *Patricia.Grasela@irs.gov;* by mail to the Internal Revenue Service; Privacy, Governmental Liaison and Disclosure; Data Services; ATTN: Patricia Grasela, Acting Program Manager, 2970 Market Street, BLN: 2–Q08.124, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Internal Revenue Service; Privacy, Governmental Liaison and Disclosure; Data Services; ATTN: Patricia Grasela, Acting Program Manager, 2970 Market Street, BLN: 2–Q08.124, Philadelphia, PA 19104. Telephone: 267–466–5564 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The notice of the matching program was last published at 80 FR 59245–59246 (October 1, 2015). The West Virginia Department of Health and Human Services is no longer participating in the DIFSLA Computer Matching Program. Members of the public desiring specific information concerning an ongoing matching activity may request a copy of the applicable computer matching agreement at the address provided above.

Participating Agencies: Name of Recipient Agency: Internal Revenue Service.

Categories of records covered in the match: Information returns (*e.g.,* Forms 1099–DIV, 1099– INT and W–2G) filed by payers of unearned income in the Internal Revenue Service Information Returns Master File (IRMF) (Treasury/IRS 22.061).

Name of source agencies and categories of records covered in the match:

A. Federal agencies expected to participate and their Privacy Act systems of records are:

1. *Department of Veterans Affairs:* Veterans Benefits Administration—Compensation, Pension and Education and Rehabilitation Records-VA, 58 VA 21/22; and Veterans Health Administration—Healthcare Eligibility Records, 89VA19; and 2. Social Security Administration, Office of Systems Requirements— Supplemental Security Income Record and Special Veterans Benefits, (60–0103).

B. State agencies expected to participate using non-federal systems of records are:

1. Alabama Department of Human Resources
2. Alabama Medicaid Agency
3. Alaska Department of Health & Social Services, Division of Public Assistance
4. Arizona Department of Economic Security
5. Arkansas Department of Human Services
6. California Department of Social Services
7. Connecticut Department of Social Services
8. Delaware Department of Health & Social Services
9. DC Department of Human Services
10. Florida Department of Children & Families
11. Georgia Department of Human Services
12. Hawaii Department of Human Services
13. Idaho Department of Health & Welfare
14. Illinois Department of Human Services
15. Indiana Family & Social Services Administration
16. Iowa Department of Human Services
17. Kansas Department for Children and Families
18. Kentucky Cabinet for Health and Family Services
19. Louisiana Department of Health
20. Louisiana Department of Children and Family Services
21. Maine Department of Health & Human Services
22. Maryland Department of Human Services
23. Massachusetts Department of Transitional Assistance
24. Michigan Department of Health & Human Services
25. Minnesota Department of Human Services
26. Mississippi Department of Human Services
27. Mississippi Division of Medicaid
28. Missouri Department of Social Services
29. Montana Department of Public Health & Human Services
30. Nebraska Department of Health & Human Services
31. Nevada Division of Welfare & Supportive Services
32. New Hampshire Department of Health & Human Services, Division of Family Assistance
33. New Jersey Department of Human Services
34. New Mexico Human Services Department
35. New York State Office of Temporary & Disability Assistance
36. North Carolina Department of Health & Human Services
37. North Dakota Department of Human Services
38. Ohio Department of Job and Family Services
39. Ohio Department of Medicaid
40. Oklahoma Department of Human Services, Adult & Family Services
41. Oregon Health Authority, Department of Human Resources
42. Pennsylvania Department of Human Services
43. Rhode Island Department of Human Services
44. South Carolina Department of Social Services
45. South Dakota Department of Social Services
46. Tennessee Department of Human Services
47. Texas Health and Human Services Commission
48. Utah Department of Workforce Services
49. Vermont AHS/DCF Economic Services Division
50. Virginia Department of Social Services
51. Washington Department of Social & Health Services

52. Wisconsin Department of Children & Families

53. Wyoming Department of Family Services

Authority for Conducting the Matching Program: In accordance with section 6103(l)(7) of the Internal Revenue Code (IRC), the Secretary shall, upon written request, disclose current return information from returns with respect to unearned income from the Internal Revenue Service files to any federal, state or local agency administering a program listed below:

(i) A state program funded under part A of Title IV of the Social Security Act;

(ii) Medical assistance provided under a state plan approved under Title XIX of the Social

Security Act, or subsidies provided under section 1860D–14 of such Act;

(iii) Supplemental security income benefits provided under Title XVI of the Social Security Act, and federally administered supplementary payments of the type described in section 1616(a) of such Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66);

(iv) Any benefits provided under a state plan approved under Title I, X, XIV, or XVI of the

Social Security Act (as those titles apply to Puerto Rico, Guam, and the Virgin Islands);

(v) Unemployment compensation provided under a state law described in section 3304 of the IRC;

(vi) Assistance provided under the Food and Nutrition Act of 2008;

(vii) State-administered supplementary payments of the type described in section 1616(a) of the

Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66);

(viii)(I) Any needs-based pension provided under Chapter 15 of Title 38, United States Code, or under any other law administered by the Secretary of Veterans Affairs;

(viii)(II) Parents' dependency and indemnity compensation provided under section 1315 of Title 38, United States Code;

(viii)(III) Health-care services furnished under sections 1710(a)(2)(G), 1710(a)(3), and 1710(b) of such title.

Purpose: The purpose of this program is to prevent or reduce fraud and abuse in certain federally assisted benefit programs while protecting the privacy interest of the subjects of the match. Information is disclosed by the Internal Revenue Service only for the purpose of, and to the extent necessary in, determining eligibility for, and/or the correct amount of, benefits for individuals applying for or receiving certain benefit payments.

Categories of Individuals: Individuals applying for or receiving benefits under Federal and state administered programs.

Categories of Records: The source Agency will furnish the IRS with records in accordance with the current IRS Publication 3373, DIFSLA Handbook. The Agency may request return information on a monthly basis for new applicants. The Agency may request information with respect to all beneficiaries once per year. The requests from the Agency will include: The Social Security Number (SSN) and name control (first four characters of the surname) for each individual for whom unearned income information is requested. IRS will provide a response record for each individual identified by the Agency. The total number of records will be equal to or greater than the number of records submitted by the Agency. In some instances, an individual may have more than one record on file. When there is a match of individual SSN and name control, IRS will disclose the following to the Agency: Payee account number; payee name and mailing address; payee taxpayer identification number (TIN); payer name and address; payer TIN; and income type and amount.

System(S) of Records: Public Law 98–369, Deficit Reduction Act of 1984, requires the Agency administering certain Federally-assisted benefit programs under the Social Security Act, the Food and Nutrition Act of 2008 of 1977, Title 38 of the United States Code or certain Housing Assistance Programs to conduct income verification to ensure proper distribution of benefit payments. The records in this match are to be disclosed only for purposes of, and to the extent necessary in, determining eligibility for, or the correct amount of benefits under these programs.

IRS will extract return information with respect to unearned income from the Information Returns Master File (IRMF), Treas/IRS 22.061, as published at 80 FR 54081–082 (September 8, 2015), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

[FR Doc. 2018–12462 Filed 6–8–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 83 Monday,
No. 112 June 11, 2018

Part II

Regulatory Information Service Center

Semiannual Regulatory Agenda

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: Spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions.

Publication of the Spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order 12866 ''Regulatory Planning and Review'' (58 FR 51735) and Executive Order 13771 (82 FR 93390, January 30, 2017, Reducing Regulation and Controlling Regulatory Costs The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602).

In the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) agencies report regulatory actions upcoming in the next year. Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The Unified Agenda helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda. The complete publication of the spring 2018 Unified Agenda containing the regulatory agendas for 64 Federal agencies, is available to the public at *http://reginfo.gov.*

The Spring 2018 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, MVE, Room 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry. To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, MVE, Room 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *RISC@gsa.gov.*

SUPPLEMENTARY INFORMATION:

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Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?
II. Why is the Unified Agenda published?
III. How is the Unified Agenda organized?
IV. What information appears for each entry?
V. Abbreviations
VI. How can users get copies of the plan and the agenda?

Agency Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

Other Executive Agencies

Environmental Protection Agency
General Services Administration
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Reserve System
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://reginfo.gov.* The online Unified Agenda offers user-friendly flexible search tools and a vast historical database.

The Spring 2018 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov.*

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866. The complete online edition of the Unified Agenda includes regulatory agendas from Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov.*

Department of Education
Department of State
Agency for International Development
American Battle Monuments Commission
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Council on Environmental Quality

Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission
Institute of Museum and Library Science
National Aeronautics and Space Administration
National Archives and Records Administration
National Endowment for the Arts
National Endowment for the Humanities
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management
Peace Corps
Pension Benefit Guaranty Corporation
Presidio Trust
Railroad Retirement Board
Social Security Administration
Tennessee Valley Authority
Council of the Inspectors General on Integrity and Efficiency
Farm Credit Administration
Farm Credit System Insurance Corporation
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission
National Commission on Military, National, and Public Services
National Credit Union Administration
National Indian Gaming Commission
National Labor Relations Board
National Transportation Safety Board
Postal Regulatory Commission

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated by reference in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Unified Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue or withdraw regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why is the Unified Agenda published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993, (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda.

Executive Order 13771 Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 entitled ''Reducing Regulation and Controlling Regulatory Costs signed January 27, 2017, (82 FR 8977) requires that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002, (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999, (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse

effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How is the Unified Agenda organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into sub-agencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Unified Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

E.O. 13771 Designation—Indicate ''Deregulatory'', ''Regulatory'', ''Fully or Partially Exempt'', ''Not subject to, Not significant, ''Other'', or ''Independent agency''

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 06/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2017.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the internet address of a site that provides more information about the entry.

Public Comment URL—the internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the government-wide e-rulemaking site, *http://www.regulations.gov.*

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2017 edition of The Regulatory Plan have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

E.O.—An Executive Order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum: A statement of the time, place, and nature of the public rulemaking proceeding; a reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 110–4 is the fourth public law of the 110th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools.

The Government Printing Office's GPO FDsys website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov.*

Dated: May 9, 2018.

John C. Thomas,

Executive Director.

[FR Doc. 2018–11221 Filed 6–8–18; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2018

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of the significant and not significant regulatory and deregulatory actions being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive orders (E.O.) 12866 ''Regulatory Planning and Review,'' 13563, ''Improving Regulation and Regulatory Review,'' 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' and 13777, ''Enforcing the Regulatory Reform Agenda.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: February 28, 2018.

Michael Poe,

Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	National Bioengineered Food Disclosure Standard	0581–AD54

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
2	National Organic Program, Origin of Livestock	0581–AD08
3	National Organic Program, Organic Pet Food Standards	0581–AD20
4	National Organic Program; Sunset Review (2012) for Sodium Nitrate	0581–AD22
5	National Organic Program, Organic Apiculture Practice Standard	0581–AD31
6	NOP; Organic Livestock and Poultry Practices	0581–AD44
7	Growers' Trust Protection Eligibility and the Clarification of ''Written Notifications'' as Set Forth in Section 6(b) of the PACA.	0581–AD50
8	Organic Research, Promotion, and Information Order/Referendum Procedures	0581–AD55
9	NOP—Organic Livestock and Poultry Practices—Withdrawal	0581–AD75

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
10	Branding Requirements for Bovines Imported Into the United States From Mexico	0579–AE38
11	Removal of Emerald Ash Borer Domestic Quarantine Regulations	0579–AE42

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
12	Plant Pest Regulations; Update of General Provisions	0579–AC98
13	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
14	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
15	Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States	0579–AD95
16	Animal Welfare; Establishing De Minimis Exemptions From Licensing	0579–AD99
17	VSTA Records and Reports Specific to International Standards for Pharmacovigilance	0579–AE11
18	Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims	0579–AE14

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
19	Restructuring of Regulations on the Importation of Plants for Planting	0579–AD75
20	Importation of Campanula Spp. Plants for Planting in Approved Growing Media From Denmark to the United States.	0579–AE31

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
21	Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations.	0583–AD59

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. National Bioengineered Food Disclosure Standard

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–216; 7 U.S.C. 1621 to 1627

Abstract: On July 29, 2016, the Agricultural Marketing Act of 1946 was amended to establish a National Bioengineered Food Disclosure Standard (Law) (Pub. L. 114–216). Pursuant to the law, this NPRM will propose requirements that, if finalized, will serve as a national mandatory bioengineered food disclosure standard for bioengineered food and food that may be bioengineered.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	
Final Action	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arthur Neal, Deputy Administrator, Transportation and Marketing, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, *Phone:* 202 692–1300.

RIN: 0581–AD54

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

2. National Organic Program, Origin of Livestock

E.O. 13771 Designation:

Legal Authority: 7 U.S.C. 6501

Abstract: The current regulations provide two tracks for replacing dairy animals which are tied to how dairy farmers transition to organic production. Farmers who transition an entire distinct herd must thereafter replace dairy animals with livestock that has been under organic management from the last third of gestation. Farmers who do not transition an entire distinct herd may perpetually obtain replacement animals that have been managed organically for 12 months prior to marketing milk or milk products as organic. The proposed action would eliminate the two-track system and require that upon transition, all existing and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic must be managed organically from the last third of gestation.

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 720–3252.

RIN: 0581–AD08

3. National Organic Program, Organic Pet Food Standards

E.O. 13771 Designation:

Legal Authority: 7 U.S.C. 6501

Abstract: The National Organic Program (NOP) establishes national standards governing the marketing of organically produced agricultural products. In 2004, the National Organic Standards Board (NOSB) initiated the development of organic pet food standards, which had not been incorporated into the NOP regulations, by forming a task force which included pet food manufacturers, organic consultants, etc. Collectively, these experts drafted organic pet food standards consistent with the Organic Foods Production Act of 1990, Food and Drug Administration requirements, and the Association of American Feed Control Officials Model Regulations for Pet and Specialty Pet Food. The Association of American Feed Control Officials regulations are scientifically based regulations for voluntary adoption by State jurisdictions to ensure the safety, quality, and effectiveness of feed. In November 2008, the NOSB approved a final recommendation for organic pet food standards incorporating the provisions drafted by the pet food task force.

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 720–3252.

RIN: 0581–AD20

4. National Organic Program; Sunset Review (2012) for Sodium Nitrate

E.O. 13771 Designation:

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the listing for sodium nitrate on the National List of Allowed and Prohibited Substances as part of the 2012 sunset review process. Consistent with the recommendation from the National Organic Standards Board, this amendment would prohibit the use of the substance in its entirety from organic crop production.

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Bailey, *Phone:* 202 720–6394, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD22

5. National Organic Program, Organic Apiculture Practice Standard

E.O. 13771 Designation:

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (or beekeeping) products.

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 720–3252.

RIN: 0581–AD31

6. NOP; Organic Livestock and Poultry Practices

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This action would establish standards that support additional practice standards for organic livestock and poultry production. This action would add provisions to the USDA organic regulations to address and clarify livestock and poultry living conditions (for example, outdoor access, housing environment, and stocking densities), health care practices (for example physical alterations, administering medical treatment, and euthanasia), and animal handling and transport to and during slaughter.

Completed:

Reason	Date	FR Cite
Final Rule Effective.	05/14/18	
Withdrawn	03/13/18	83 FR 10775

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 720–3252.

RIN: 0581–AD44

7. Growers' Trust Protection Eligibility and the Clarification of ''Written Notifications'' as Set Forth in Section 6(b) of the PACA

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 7 U.S.C. 499

Abstract: The proposed revisions to the regulations would provide greater direction to growers that employ growers' agents on how they may preserve their trust rights under the Perishable Agricultural Commodities Act (PACA). The proposed revisions would also clarify the definition of written notification and the jurisdiction of the USDA to investigate alleged violations under the PACA.

Completed:

Reason	Date	FR Cite
Final Action	02/06/18	83 FR 5175
Final Action Effective.	03/08/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Judith Wey Rudman, *Phone:* 202 720–9404, *Email: judithw.rudman@ams.usda.gov.*

RIN: 0581–AD50

8. Organic Research, Promotion, and Information Order/Referendum Procedures

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 7 U.S.C. 7411 to 7425; 7 U.S.C. 7401

Abstract: This rule invites comments on a proposed national research and promotion (R&P) program for certified organic products. The proposed program would cover the range of organic products that are certified and sold per the Organic Foods Production Act and its implementing regulations as well as organic products imported into the U.S. under an organic equivalency arrangement.

Completed:

Reason	Date	FR Cite
Withdrawn	01/22/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Heather Pichelman, *Phone:* 202 720–9915.

RIN: 0581–AD55

9. NOP—Organic Livestock and Poultry Practices—Withdrawal

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This final rule withdraws the Organic Livestock and Poultry Practices final rule, published on January 19, 2017.

Completed:

Reason	Date	FR Cite
NPRM	12/18/17	82 FR 59988
Final Rule; Withdrawal.	03/13/18	83 FR 10775
Final Rule Withdrawal Effective.	05/13/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 720–3252.

RIN: 0581–AD75

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

10. • Branding Requirements for Bovines Imported Into the United States From Mexico

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the regulations regarding the branding of bovines imported into the United States from Mexico. We are taking this action at the request of the Government of Mexico to address issues that have arisen with the branding requirement for these bovines. The changes we are proposing would help prevent inconsistencies in branding that can result in bovines being rejected for import into the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/12/18	83 FR 15756
NPRM Comment Period End.	06/11/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Betzaida Lopez, Senior Staff Veterinarian, National Import Export Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

RIN: 0579–AE38

11. • Removal of Emerald Ash Borer Domestic Quarantine Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This rulemaking would remove the domestic quarantine regulations for the plant pest emerald ash borer. This action would discontinue the domestic regulatory component of the emerald ash borer program as a means to more effectively direct available resources toward management and containment of the pest. Funding previously allocated to the implementation and enforcement of these domestic quarantine regulations would instead be directed to a non-regulatory option of research into, and deployment of, biological control agents for emerald ash borer, which would serve as the primary tool to mitigate and control the pest.

Timetable:

Action	Date	FR Cite
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robyn Rose, National Policy Manager, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 26, Riverdale, MD 20737–1231, *Phone:* 301 851–2283.

RIN: 0579–AE42

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

12. Plant Pest Regulations; Update of General Provisions

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are revising our regulations regarding the movement of plant pests. We are establishing criteria regarding the movement and environmental release of biological control organisms, and establishing regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also revising our regulations regarding the movement of soil. This action clarifies the factors that would be considered when assessing the risks associated with the movement of certain organisms and facilitates the movement of regulated organisms and articles in a manner that also protects U.S. agriculture.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	01/19/17	82 FR 6980
NPRM Comment Period Extended.	02/13/17	82 FR 10444
NPRM Comment Period End.	04/19/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Colin Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2237.

RIN: 0579–AC98

13. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking amends the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. The scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	07/18/16	81 FR 46619
NPRM Comment Period End.	09/16/16	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexandra MacKenzie, Veterinary Medical Officer, Animal Permitting and Negotiating Services, NIES, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

RIN: 0579–AD10

14. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136(a)

Abstract: This rulemaking will amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. Rather than authorizing new imports through proposed and final rules and specifying import conditions in the regulations, the notice-based process uses **Federal Register** notices to make risk analyses available to the public for review and comment, with authorized commodities and their conditions of entry subsequently being listed on the internet. It also will remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize

the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Timetable:

Action	Date	FR Cite
NPRM	09/09/14	79 FR 53346
NPRM Comment Period End.	11/10/14	
NPRM Comment Period Re-opened.	12/04/14	79 FR 71973
NPRM Comment Period End.	01/09/15	
NPRM Comment Period Re-opened.	02/06/15	80 FR 6665
NPRM Comment Period End.	03/10/15	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicole Russo, Assistant Director, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2159.

RIN: 0579–AD71

15. Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as citrus hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit will have to be produced in accordance with a systems approach that includes shipment traceability, packinghouse registration and procedures, and phytosanitary treatment. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action will allow for the importation of fresh citrus fruit, including citrus hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/28/14	79 FR 51273
NPRM Comment Period End.	10/27/14	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marc Phillips, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231, *Phone:* 301 851–2114.

RIN: 0579–AD95

16. Animal Welfare; Establishing De Minimis Exemptions From Licensing

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: In the 2014 Farm Bill, Congress amended the Animal Welfare Act (AWA) to provide the Secretary of Agriculture with the authority to determine what facilities and activities involving AWA-regulated animals are de minimis and therefore exempt from licensure and oversight. We are amending the AWA regulations to enact this new provision. This change provides APHIS with the flexibility to exempt from licensing those dealers and exhibitors who provide adequate levels of humane care to their animals, allowing us to target our enforcement resources where they are most needed. Dealers and exhibitors operating at or below the threshold will be exempted from APHIS licensing and oversight under the AWA.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51386
NPRM Comment Period End.	11/02/16	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kay Carter-Corker, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737, *Phone:* 301 851–3748.

RIN: 0579–AD99

17. VSTA Records and Reports Specific to International Standards for Pharmacovigilance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 21 U.S.C. 151 to 159

Abstract: This rulemaking will amend the Virus-Serum-Toxin Act regulations concerning records and reports. This change requires veterinary biologics licensees and permittees to record and submit reports concerning adverse events associated with the use of biological products they produce or distribute. The information that must be included in the adverse event reports submitted to the Animal and Plant Health Inspection Service will be provided in separate guidance documents. These records and reports will help ensure that APHIS can provide complete and accurate information to consumers regarding adverse reactions or other problems associated with the use of licensed biological products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/15	80 FR 53475
NPRM Comment Period End.	11/03/15	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna L. Malloy, Operational Support Section, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 148, Riverdale, MD 20737–1231, *Phone:* 301 851–3426.

RIN: 0579–AE11

18. Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims

E.O. 13771 Designation: Other.

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: We are adopting as a final rule, with changes, an interim rule that amended the regulations pertaining to certain diseases of livestock and poultry to specify conditions for payment of indemnity claims for highly pathogenic avian influenza (HPAI). The interim rule provided a formula allowing us to split such payments between poultry and egg owners and parties with which the owners enter into contracts to raise or care for the eggs or poultry based on the proportion of the production cycle completed. That action was necessary to ensure that all contractors are

compensated appropriately. The interim rule also clarified an existing policy regarding the payment of indemnity for eggs destroyed due to HPAI and required a statement from owners and contractors, unless specifically exempted, indicating that at the time of detection of HPAI in their facilities, they had in place and were following a biosecurity plan aimed at keeping HPAI from spreading to commercial premises.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/09/16	81 FR 6745
Interim Final Rule Effective.	02/09/16	
Interim Final Rule Comment Period End.	04/11/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Troy Bigelow, Senior Staff Veterinarian, Surveillance, Preparedness and Response Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 891, 210 Walnut Street, Des Moines, IA 50309, *Phone:* 515 284–4121.

RIN: 0579–AE14

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

19. Restructuring of Regulations on the Importation of Plants for Planting

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: We are consolidating the regulations governing the importation of all plants for planting under the ''plants for planting'' regulations and adding prohibited plants for planting to the list of plants whose importation is not authorized pending pest risk analysis. This consolidation will move restrictions on the importation of specific types of plants for planting from the regulations to the Plants for Planting Manual (PPM). Under the rule, changes to these restrictions will be made after taking public comment on notices published in the **Federal Register**, rather than through proposed rules and final rules as we currently do. As part of this consolidation, we are removing several lists of approved items (for example, the lists of approved growing media, packing materials, and ports of entry) from the regulations; these lists will be provided to the public in the PPM. We proposed to update these lists, when necessary, using the same sort of notice-based process as will be used to update restrictions on specific types of plants for planting. We are also establishing a framework for the use of integrated pest risk management measures (IPRMS) in the production of specific types of plants for planting for importation into the United States, when the pest risk associated with the importation of a type of plants for planting can only be addressed through the use of integrated measures. This action does not make any major changes to the restrictions that currently apply to the importation of plants for planting. These changes will make restrictions on the importation of specific types of plants for planting easier for readers to find and allow us to more easily make changes.

Completed:

Reason	Date	FR Cite
Final Rule	03/19/18	83 FR 11845
Final Rule Effective.	04/18/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shailaja Rabindran, *Phone:* 301 851–2167.

RIN: 0579–AD75

20. Importation of Campanula Spp. Plants for Planting in Approved Growing Media From Denmark to the United States

E.O. 13771 Designation: Deregulatory.

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations governing the importation of plants for planting to authorize the importation of Campanula spp. plants for planting from Denmark in approved growing media into the United States, subject to a systems approach. The systems approach will consist of measures that are currently specified in the regulations as generally applicable to all plants for planting authorized importation into the United States in approved growing media. This action will allow for the importation of Campanula spp. plants for planting from Denmark in approved growing media, while providing protection against the introduction of plant pests.

Completed:

Reason	Date	FR Cite
Final Rule	03/15/18	83 FR 11395
Final Rule Effective.	04/16/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Narasimha Samboju, *Phone:* 301 851–2038.

RIN: 0579–AE31

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

21. Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 601 *et seq.;* 21 U.S.C. 451 *et seq.*

Abstract: The Food Safety and Inspection Service (FSIS) proposed to amend the Federal meat inspection regulations to eliminate the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and pork products to be treated to destroy trichina (Trichinella spiralis) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations, and these prescriptive regulations are no longer necessary.

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17337
NPRM Comment Period End.	06/27/16	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Michael, Director, Issuances Staff, Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, 1400 Independence Avenue SW, Washington, DC 20250–3700, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov.*

RIN: 0583–AD59

[FR Doc. 2018–11232 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2018 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2017 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's spring 2018 regulatory agenda includes regulatory activities that are expected to be conducted during the period May 1, 2018, through April 30, 2019.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of January 29, 2018, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2018 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In addition, beginning with the fall 2007 edition, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare Fishery Management Plans (FMPs) for the fisheries within their respective areas. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. In the development of FMPs, or amendments to FMPs, and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's spring 2018 regulatory agenda follows.

Peter B. Davidson,

General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
22	Covered Merchandise Referrals From the Customs Service	0625–AB10

BUREAU OF INDUSTRY AND SECURITY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
23	Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela.	0694–AH53

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
24	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
25	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
26	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
27	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
28	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
29	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648–BG04
30	Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories.	0648–BG36
31	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements to Safeguard Fishery Observers.	0648–BG66
32	Rule to Implement the For-Hire Reporting Amendments	0648–BG75
33	Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BG83
34	Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.	0648–BH02
35	Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan	0648–BH52
36	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas	0648–BH54
37	Framework Adjustment 5 to the Northeast Skate Complex Fishery Management Plan	0648–BH57
38	Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.	0648–BH72
39	Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures	0648–BH75
40	Small-Mesh Multispecies 2018–2020 Specifications	0648–BH76
41	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648–BF90
42	Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-building Corals.	0648–BG26

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
43	Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information.	0648–BE77
44	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for the Pacific Whiting Fishery.	0648–BF52
45	Framework Adjustment 2 to the Tilefish Fishery Management Plan	0648–BF85
46	Commerce Trusted Trader Program	0648–BG51
47	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017.	0648–BG93
48	Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups	0648–BG94
49	Nontrawl Lead Level 2 Observers	0648–BG96
50	Atlantic Highly Migratory Species; Revisions to Shark Fishery Closure Regulations	0648–BG97
51	Rule to Modify Mutton Snapper and Gag Management Measures in the Gulf of Mexico	0648–BG99
52	Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico	0648–BH07
53	Management Measures for Tropical Tunas in the Eastern Pacific Ocean	0648–BH13
54	Interim 2018 Pacific Coast Tribal Pacific Whiting Allocation	0648–BH31
55	Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan; Northern Gulf of Maine Measures.	0648–BH51
56	Pacific Halibut Catch Limits for Area 2A Fisheries in 2018	0648–BH71
57	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45
58	Regulation to Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries.	0648–BG45
59	Regulatory Amendment to Authorize a Recreational Quota Entity	0648–BG57
60	Wisconsin-Lake Michigan National Marine Sanctuary Designation	0648–BG01
61	Mallows Bay-Potomac River National Marine Sanctuary Designation	0648–BG02

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
62	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance	0648–BE90
63	Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions	0648–AU02
64	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
65	Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BD25
66	Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery.	0648–BF12
67	Omnibus Essential Fish Habitat Amendment 2	0648–BF82
68	Blueline Tilefish Amendment to the Golden Tilefish Fishery Management Plan	0648–BF86
69	Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures and Fishery Management Plan Amendment 27.	0648–BG17
70	Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Authorization of an Oregon Recreational Fishery for Midwater Groundfish Species.	0648–BG40
71	Amendment 41 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BG77
72	Amendment 46 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico to Establish a Gray Triggerfish Rebuilding Plan.	0648–BG87
73	Rule to Modify Greater Amberjack Allowable Harvest and Rebuilding Plan in the Gulf of Mexico	0648–BH14
74	Atlantic Highly Migratory Species; Individual Bluefin Quota Program; Quarterly Accountability	0648–BH17

PATENT AND TRADEMARK OFFICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
75	Setting and Adjusting Patent Fees During Fiscal Year 2017	0651–AD02

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Proposed Rule Stage

22. Covered Merchandise Referrals From the Customs Service

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–125, sec. 421

Abstract: The Department of Commerce (the Department) is proposing to amend its regulations to set forth procedures to address covered merchandise referrals from U.S. Customs and Border Protection (CBP or the Customs Service).

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jessica Link, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202 482–1411.

RIN: 0625–AB10

DEPARTMENT OF COMMERCE (DOC)

Bureau of Industry and Security (BIS)

Proposed Rule Stage

23. • Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China (China), Russia, or Venezuela

E.O. 13771 Designation: Other.

Legal Authority: 10 U.S.C. 7420; 10 U.S.C. 7430(e); 15 U.S.C. 1824a; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; 30 U.S.C. 185(s); 30 U.S.C. 185(u); 42 U.S.C. 2139a; 43 U.S.C. 1354; 50 U.S.C. 1701 *et seq.;* 50 U.S.C. 4305; 50 U.S.C. 4601 *et seq.;* E.O. 12058; E.O. 12851; E.O. 12938; E.O. 12947; E.O. 13026; E.O. 13099; E.O. 13222; E.O. 13224; Pub. L. 108–11

Abstract: The Bureau of Industry and Security (BIS) proposes to amend the Export Administration Regulations (EAR) to expand license requirements on exports, reexports, and transfers (in-country) of items intended for military end use or military end users in the Peoples Republic of China (China), Russia, or Venezuela. Specifically, this rule would expand the licensing requirements for China to include ''military end users,'' in addition to ''military end use.'' It would broaden the items for which the licensing requirements and review policy apply and expand the definition of ''military end use.'' Next, it would create a new reason for control and associated review policy for regional stability for certain items to China, Russia, or Venezuela, moving existing text related to this policy. Finally, it would add Electronic Export Information filing requirements in the Automated Export System for exports to China, Russia, and Venezuela.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Hess, Director, Regulatory Policy Division, Department of Commerce, Bureau of Industry and Security, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230, *Phone:* 202 482–2440, *Fax:* 202 482–3355, *Email: hillary.hess@bis.doc.gov.*

RIN: 0694–AH53

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

24. Comprehensive Fishery Management Plan for Puerto Rico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive Puerto Rico Fishery Management Plan. The Plan will incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD32

25. Comprehensive Fishery Management Plan for St. Croix

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Croix Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD33

26. Comprehensive Fishery Management Plan for St. Thomas/St. John

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would implement a comprehensive St. Thomas/St. John Fishery Management Plan. The Plan would incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD34

27. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: Criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR

97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BD59

28. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BF41

29. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG04

30. Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Amendment 42 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico (Amendment 42) proposes to establish a catch share program for up to five species of reef fish for headboats with landings history in the Southeast Region Headboat Survey. This rule would inform the public of the procedures, schedule, and eligibility requirements that NOAA Fisheries would use in conducting the referendum that is required before the Gulf of Mexico Fishery Management Council (Council) can submit Amendment 42 for Secretarial review.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG36

31. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Requirements to Safeguard Fishery Observers

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish requirements to enhance the safety of fishery observers on highly migratory species fishing vessels. This rule would be issued under the authority of the Western and Central Pacific Fisheries Convention Implementation Act, and pursuant to decisions made by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This action is necessary for the United States to satisfy its obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818,

Phone: 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG66

32. Rule To Implement the For-Hire Reporting Amendments

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule proposes to implement Amendment 39 for the Snapper-Grouper Fishery of the South Atlantic Region, Amendment 9 for the Dolphin and Wahoo Fishery of the Atlantic, and Amendment 27 to the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Regions (For-Hire Reporting Amendments). The For-Hire Reporting Amendments rule proposes mandatory weekly electronic reporting for charter vessel operators with a Federal for-hire permit in the snapper-grouper, dolphin wahoo, or coastal migratory pelagics fisheries; reduces the time allowed for headboat operators to complete their electronic reports; and requires location reporting by charter vessels with the same level of detail currently required for headboat vessels.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG75

33. Amendment 36A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implements Amendment 36A to the Fishery Management Plan for reef fish resources in the Gulf of Mexico to improve compliance and increase management flexibility in the red snapper and grouper-tilefish commercial individual fishing quota programs in the Gulf of Mexico. In accordance with Amendment 36A, this action proposes to improve compliance with the individual fishing quota program by requiring all commercial reef fish permit holders to hail-in at least 3 hours, but no more than 24 hours, in advance of landing. It also proposes to address non-activated individual fishing quota accounts and provide the regional administrator with authority to retain annual allocation if a quota reduction is expected to occur.

Timetable:

Action	Date	FR Cite
Notice of Availability.	02/21/18	83 FR 7447
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG83

34. Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would further limit access to the Bering Sea and Aleutian Islands yellowfin sole Trawl Limited Access fishery by catcher vessels delivering to offshore motherships or catcher/processors. In recent years, an unexpected increase in participation in the offshore sector of this fishery by catcher vessels allowed under current regulations has resulted in an increased yellowfin sole catch rate and a shorter fishing season. The North Pacific Fishery Management Council recently determined that limiting the number of eligible licenses assigned to catcher vessels in this fishery could stabilize the fishing season duration, provide better opportunity to increase production efficiency, and help reduce bycatch of Pacific halibut. This action would modify the License Limitation Program by establishing eligibility criteria for licenses assigned to catcher vessels to participate in this fishery based on historic participation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BH02

35. • Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The proposed action would implement management measures included in Framework Adjustment 57 to the Northeast Multispecies Fishery Management Plan (Framework 57) that were developed by the New England Fishery Management Council in response to new scientific information. The proposed action would set 2018–2020 specifications for 20 Northeast multispecies stocks, including the three U.S./Canada stocks (Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder). Specifically, this action would also: Revise the trimester quotas for the common pool fishery; set the southern New England/mid-Atlantic yellowtail flounder quota for the scallop fishery; revise the areas, seasons, and vessels subject to the Atlantic halibut accountability measures; adjust the areas, seasons, and triggers for southern windowpane flounder accountability measures for non-groundfish fisheries; revise catch thresholds for implementing the scallop fishery's accountability measures for southern New England yellowtail flounder; and provide the Regional Administrator with authority to adjust recreational measures for Georges Bank cod for 2018 and 2019 to address recent increases in catch.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH52

36. • Atlantic Highly Migratory Species; Atlantic Bluefin Tuna and North Atlantic Albacore Quotas

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The rule would modify the baseline annual U.S. Atlantic bluefin tuna quota and subquotas, as well as the baseline annual U.S. North Atlantic albacore (northern albacore) quota. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas, as required by the Atlantic Tunas Convention Act, and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act. The rule also would implement a minor change to the Atlantic tunas size limit regulations to address retention, possession, and landings of tunas damaged by shark bites.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH54

37. • Framework Adjustment 5 to the Northeast Skate Complex Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The New England Fishery Management Council developed Framework Adjustment 5 to the Northeast Skate Complex Fishery Management Plan. Framework 5 contains specifications for the skate fishery for the 2018–2019 fishing years. The Council is proposing to adjust specifications based on new scientific information and is proposing an annual catch limit for the skate complex and overall total allowable landings. Landing of barndoor skate is currently prohibited, but in response to NMFS' declaring the stock rebuilt in 2016, the Council proposed measures within Framework 5 to allow some retention of the stock. When approved, Framework 5 would: Establish a barndoor skate possession limit for season 1 (May 1 August 31), and season 2 (September 1 April 30), and establish a discard restriction such that any skate species that is already winged could not be discarded in order to land barndoor skate. Lastly, in order to provide flexibility for U.S. vessels fishing in the Northwest Atlantic Fisheries Organization area to maximize their skate retention, Framework 5 establishes measures to exempt vessels from skate regulations when fishing exclusively within the Northwest Atlantic Fisheries Organization Regulatory Area, except for the prohibition on possessing, retaining, or landing prohibited species.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH57

38. • Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action, recommended by the Gulf of Mexico Fishery Management Council, would modify data reporting for owners or operators of federally permitted for-hire vessels (charter vessels and headboats) in the Gulf of Mexico, requiring them to declare the type of trip (for-hire or other) prior to departing for any trip, and electronically submit trip-level reports prior to off-loading fish at the end of each fishing trip. The declaration would include the expected return time and landing location. Landing reports would include information about catch and effort during the trip. The action would also require that these reports be submitted via approved hardware that includes a global positioning system attached to the vessel that is capable, at a minimum, of archiving global positioning system locations. This requirement would not preclude the use of global positioning system devices that provide real-time location data, such as the currently approved vessel monitoring systems.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BH72

39. • Atlantic Highly Migratory Species; Shortfin Mako Shark Management Measures

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Atlantic Highly Migratory Species fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act, which implements U.S. obligations as member of the International Commission for the Conservation of Atlantic Tunas. North Atlantic shortfin mako sharks were recently determined to be overfished and experiencing overfishing, and the Commission's member countries, including the United States, adopted management measures in 2017 to take immediate action to reduce fishing mortality of the stock, including releasing of live sharks and increasing minimum sizes. This proposed action for shortfin mako sharks would implement the United States' obligations under those management measures to help prevent overfishing of the U.S. component of that stock and establish a foundation for a rebuilding program. Through the rulemaking process, NMFS would amend the 2006 Consolidated Highly Migratory Species Fishery Management Plan and examine management alternatives to address overfishing and establish a foundation for a rebuilding plan. This rulemaking would likely impact recreational and commercial fishing vessels that interact with shortfin mako sharks.

Timetable:

Action	Date	FR Cite
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National

Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH75

40. • Small-Mesh Multispecies 2018–2020 Specifications

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would set the small-mesh multispecies specifications for the 2018–2020 fishing years and reinstate regulatory text that was inadvertently removed from the regulations in a previous action. The proposed action recommended by the New England Fishery Management Council would adjust the catch specifications during 2018–2020 for four target stocks caught by small mesh fishing gear (''the small-mesh fishery''): Northern silver hake, northern red hake, southern whiting, and southern red hake. The action would adjust the overfishing limit, the allowable biological catch, the annual catch limits, the total allowable landings and the total allowable landings trigger values. These adjustments account for the changes in stock biomass shown in the latest assessment update and changes in the discard rate since the last specifications were established. The specification limits are intended to keep the risk of overfishing at acceptable levels. This action would also reinstate regulatory text that specifies the red hake possession limits in the southern small mesh exemption area that NMFS inadvertently removed during a previous rulemaking action. The removal was a drafting error and not recommended by the New England Council. The text specifies the 5,000 lbs possession limit for red hake harvested in the southern small mesh exemption area. Reinstatement will reduce confusion in the industry because it will clarify the possession limits in the regulations as originally intended by the Council to help avoid exceeding the catch limits, which could harm to the resource.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH76

41. Amendment and Updates to the Pelagic Longline Take Reduction Plan

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action will examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BF90

42. Endangered and Threatened Species; Designation of Critical Habitat for Threatened Caribbean and Indo-Pacific Reef-Building Corals

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: On September 10, 2014, the National Marine Fisheries Service listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (Acropora globiceps, Acropora jacquelineae, Acropora retusa, Acropora speciosa, Euphyllia paradivisa, Isopora crateriformis, and Seriatopora aculeata). The proposed designation would cover coral reef habitat around 17 island or atoll units in the Pacific Islands Region, including four in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and five in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. This rule also proposes to designate critical habitat for the five Caribbean corals and proposed to revise critical habitat for two, previously-listed corals, Acropora palmata and Acropora cervicornis.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BG26

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

43. Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule To Incorporate New Scientific Information

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Pursuant to a recommendation of the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, the National Marine Fisheries Service is proposing to use a new temperature index to calculate the temperature parameter of the Pacific sardine harvest guideline control rule under the Fishery

Management Plan. The harvest guideline control rule, in conjunction with the overfishing limit and acceptable biological catch control rules, is used to set annual harvest levels for Pacific sardine. The temperature parameter is calculated annually. The National Marine Fisheries Service determined that a new temperature index is more statistically sound and this action will adopt that index.

Timetable:

Action	Date	FR Cite
NPRM	08/23/17	82 FR 39977
NPRM Comment Period End.	09/22/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BE77

44. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for the Pacific Whiting Fishery

E.O. 13771 Designation: Deregulatory.

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

Abstract: This action would implement a regulatory amendment to the Pacific Coast Groundfish Fishery Management Plan to allow Pacific whiting vessels the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. Vessels participating in the catch share program are required to carry an observer on all trips to ensure total accountability for at-sea discards. For some vessels, electronic monitoring may have lower costs than observers and a reduced logistical burden. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the Pacific whiting fleet.

Timetable:

Action	Date	FR Cite
NPRM	09/06/16	81 FR 61161
NPRM Comment Period End.	10/06/16	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BF52

45. Framework Adjustment 2 to the Tilefish Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Mid-Atlantic Fishery Management Council has developed a framework adjustment to its Tilefish Fishery Management Plan, which would modify management measures for the tilefish fishery to improve the management of the species. The proposed measures would: Eliminate the current call-in reporting requirement; prohibit a vessel from fishing for more than one Individual Fishing Quota allocation at the same time; require tilefish to be landed with the head attached; clarify what fishing gears are allowed in the recreational fishery; and make an administrative change to how assumed discards are accounted for in the specifications setting process.

Timetable:

Action	Date	FR Cite
NPRM	10/23/17	82 FR 48967
NPRM Comment Period End.	11/07/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BF85

46. Commerce Trusted Trader Program

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rule will establish a voluntary Commerce Trusted Trader Program for importers, aiming to provide benefits such as reduced targeting and inspections and enhanced streamlined entry into the United States for certified importers. Specifically, this rule would establish the criteria required of a Commerce Trusted Trader, and identify specifically how the program will be monitored and by whom. It will require that a Commerce Trusted Trader establish a secure supply chain and maintain the records necessary to verify the legality of all designated product entering into U.S. commerce, but will excuse the Commerce Trusted Trader from entering that data into the International Trade Data System prior to entry, as required by Seafood Import Monitoring Program (finalized on December 9, 2016). The rule will identify the benefits available to a Commerce Trusted Trader, detail the application process, and specify how the Commerce Trusted Trader will be audited by third-party entities while the overall program will be monitored by the National Marine Fisheries Service.

Timetable:

Action	Date	FR Cite
NPRM	01/17/18	83 FR 2412
NPRM Comment Period End.	03/19/18	
Final Action	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov.*

RIN: 0648–BG51

47. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Limits in Purse Seine Fisheries for 2017

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: As authorized under the Western and Central Pacific Fisheries Convention Implementation Act, this rule would enable NOAA Fisheries to implement a recent decision of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission). The rule would establish a limit for calendar year 2017 on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone and on the high seas between the latitudes of 20 degrees N and 20 degrees S in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The limit is 1,828 fishing days. The rule also

would make corrections to outdated cross-references in existing regulatory text. This action is necessary to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	09/20/17	82 FR 43926
NPRM Comment Period End.	10/05/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov.*

RIN: 0648–BG93

48. Allow Halibut Individual Fishing Quota Leasing to Community Development Quota Groups

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 1861 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action would allow Western Alaska Community Development Quota groups to lease halibut individual fishing quota in the Bering Sea and Aleutian Islands in years of low halibut catch limits. The Community Development Quota Program is an economic development program that provides eligible western Alaska villages with the opportunity to participate and invest in fisheries. The Community Development Quota Program receives annual allocations of total allowable catches for a variety of commercially valuable species. In recent years, low halibut catch limits have hindered most Community Development Quota groups' ability to create a viable halibut fishing opportunity for their residents. This proposed rule would authorize Community Development Quota groups to obtain additional halibut quota from commercial fishery participants to provide Community Development Quota community residents more fishing opportunities in years when the halibut Community Development Quota allocation may not be large enough to present a viable fishery for participants. This proposed rule is intended to alleviate the adverse economic, social, and cultural impacts of decreasing available halibut resource on Western Alaskan communities.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8028
NPRM Comment Period End.	03/26/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG94

49. Nontrawl Lead Level 2 Observers

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would modify regulations pertaining to the nontrawl lead level 2 observer deployment endorsement and require vessels to participate in a pre-cruise meeting when necessary. An observer deployed on a catcher/processor that participates in the Bering Sea and Aleutian Islands hook-and-line Pacific cod fishery or on a catcher/processor using pot gear to harvest groundfish in the Western Alaska Community Development Quota fisheries is required to have a nontrawl lead level 2 deployment endorsement. Since 2014, vessel owners and observer provider firms have reported an ongoing shortage of nontrawl lead level 2 endorsed observers that has delayed fishing trips and increased operational costs. This action would increase the pool of observers that could obtain the nontrawl lead level 2 endorsement by allowing sampling experience on trawl catcher/processors to count toward the minimum experience necessary to obtain a nontrawl lead level 2 deployment endorsement. The action would benefit the owners and operators of catcher/processor vessels required to carry an observer with a nontrawl lead level 2 endorsement, observer provider firms, and individuals serving as certified observers. This action also includes a revision to the observer coverage requirement for motherships receiving unsorted codends from catcher vessels groundfish Community Development Quota fishing and numerous housekeeping measures and technical corrections. These additional updates and corrections are necessary to improve terminology consistency throughout the regulations and, for operational consistency, to align mothership observer coverage requirements with Amendment 80 vessels consistent with the regulation of harvest provisions of the Magnuson-Stevens Act.

Timetable:

Action	Date	FR Cite
NPRM	12/27/17	82 FR 61243
NPRM Comment Period End.	01/26/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG96

50. Atlantic Highly Migratory Species; Revisions to Shark Fishery Closure Regulations

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rulemaking would revise the procedures in place for Atlantic Highly Migratory Species shark fishery closures. The rulemaking could change the landings level that prompts fishery closure and the length of time between public notice and the effective date of a fishery closure. This action would facilitate more timely action by the National Marine Fisheries Service when a closure is necessary to prevent overharvest and help commercial shark fisheries more fully utilize available quota by preventing early closures.

Timetable:

Action	Date	FR Cite
NPRM	02/23/18	83 FR 8037
NPRM Comment Period End.	03/26/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BG97

51. Rule To Modify Mutton Snapper and Gag Management Measures in the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule would establish annual catch limits from 2017 through 2020 for the Gulf of Mexico apportionment of mutton snapper and remove the annual catch target because this target is not currently used for management purposes. This rule would also establish a recreational bag limit for mutton snapper, modify the minimum size limit for commercial and recreational mutton snapper, and modify the commercial minimum size limit for gag. The majority of mutton snapper and gag landings are from waters adjacent to Florida, and the changes in bag and size limits would make these management measures consistent with those established for Florida state waters and in the case of gag, with South Atlantic Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/15/18	83 FR 6830
NPRM Comment Period End.	03/17/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG99

52. Amendment 47 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action would revise the maximum sustainable yield proxy and adjust the annual catch limit for the vermilion snapper stock within the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council (Council) approved this action at their June 2017 meeting in response to a 2016 stock assessment for vermilion snapper. The estimate of maximum sustainable yield is dependent upon the spawner-recruit relationship. For vermilion snapper, there is a high degree of variability in the data used and the Council's Scientific and Statistical Committee had little confidence in the resulting estimate of maximum sustainable yield. Instead, the SSC recommended the use of a maximum sustainable yield proxy. This action is necessary to establish: A maximum sustainable yield proxy and associated status determination criteria that are consistent with the best scientific information available, and an annual catch limit that does not exceed the acceptable biological catch yields from the 2016 stock.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/19/17	82 FR 60168
NPRM	12/27/17	82 FR 61241
NPRM Comment Period End.	01/26/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BH07

53. Management Measures for Tropical Tunas in the Eastern Pacific Ocean

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 951 *et seq.*

Abstract: This proposed rule would implement the Inter-American Tropical Tuna Commission's Resolution C–17–02, which contains provisions intended to prevent the overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean for fishing years 2018 to 2020. In addition to rolling over measures from the 2017 resolution, this resolution includes additional management measures related to fish aggregating devices, makes minor revisions to the definition of force majeure, includes provisions related to transferring longline catch limits for bigeye tuna between Inter-American Tropical Tuna Commission members, and increases the bigeye tuna catch limit U.S. longline vessels greater than 24 meters in overall length that fish in the Inter-American Tropical Tuna Commission Convention Area.

Timetable:

Action	Date	FR Cite
NPRM	11/14/17	82 FR 52700
NPRM Comment Period End.	12/14/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BH13

54. • Interim 2018 Pacific Coast Tribal Pacific Whiting Allocation

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: NMFS has prepared a proposed rule for the tribal Pacific whiting (whiting) fishery off the coast of Washington State. The purpose would be to establish an interim 2018 tribal whiting allocation. NMFS is developing this rule after discussions with the affected tribes and the non-tribal fisheries interests. As in prior years, this allocation is an ''interim'' allocation that is not intended to set precedent for future years—a new allocation will be set each year after discussions with the affected tribes and fisheries interests.

Timetable:

Action	Date	FR Cite
NPRM	01/24/18	83 FR 3291
NPRM Comment Period End.	02/23/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BH31

55. • Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan; Northern Gulf of Maine Measures

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This action implements the New England Fishery Management Council's Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan. The Atlantic sea

scallop fishery consists of two primary fleets, the Limited Access fleet, and the Limited Access General Category fleet. The Limited Access fleet is managed with days-at-sea—a number of days that can be fished per year—and an access area rotation program. Framework 29 would set management measures in the Northern Gulf of Maine for the scallop fishery for the 2018 fishing year, including dividing the annual total allowable catch between the Limited Access and Limited Access General Category fleets. Currently, Limited Access vessels can access the Northern Gulf of Maine while on days-at-sea with no hard limit on landings while in the area. This has resulted in total landings from the Northern Gulf of Maine by the Limited Access fleet that far exceeded the total allowable catch for the Limited Access General Category fleet. Instead, this action would allow Limited Access vessels access through research set-aside compensation fishing. Currently the limited access fleet is allocated days-at-sea based on the condition of the scallop resource in the open area. They can choose to use these days-at-sea in the Northern Gulf of Maine if the area has not been closed. This action would prohibit the Limited Access fleet from accessing the Northern Gulf of Maine while participating in the days-at-sea program. The Limited Access fleet share of the Northern Gulf of Maine total allowable catch would be available through research set-aside compensation fishing only.

Timetable:

Action	Date	FR Cite
NPRM	02/20/18	83 FR 7129
NPRM Comment Period End.	03/07/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BH51

56. • Pacific Halibut Catch Limits for Area 2a Fisheries in 2018

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: NMFS is implementing this interim final rule to set 2018 Pacific halibut catch limits within the International Pacific Halibut Commission's regulatory Area 2A off the coasts of Washington, Oregon and California. In accordance with Article III of the Protocol Amending the Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention), the IPHC can recommend, among other things, catch limits for each fishing season. The Secretary of State, with the concurrence of the Secretary of Commerce, may then accept or reject, on behalf of the United States, the International Pacific Halibut Commission's recommendations. Although the United States and Canada voiced consensus at the International Pacific Halibut Commission's January 2018 annual meeting that some reduction in catch limits relative to 2017 in all areas was appropriate, United States and Canadian Commissioners could not reach consensus on specific catch limit recommendations for 2018. As a result, absent any action by the United States, 2017 catch limits for the U.S. halibut fishery, which do not reflect management needs for the current status of the stock, will remain in place. Thus, through this rule, the Secretary of Commerce is exercising his authority under Article 1 of the Convention and section 773c of the Halibut Act to establish catch limit regulations for Area 2A. This rule will implement Area 2A catch limits according to the 2018 Catch Sharing Plan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BH71

57. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: In 2012, NMFS listed as endangered the main Hawaiian Islands (MHI) insular false killer whale (Pseudorca crassidens) Distinct Population Segment (DPS). The Endangered Species Act (ESA) requires NMFS to designate critical habitat to support the conservation and recovery of newly listed species. Accordingly, this proposed rule would designate critical habitat for the MHI insular false killer whale DPS in waters around the MHI. NMFS will evaluate the economic, national security, or other relevant impacts of the proposed designation, and would consider excluding areas where such negative impacts would outweigh the benefits of critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	11/03/17	82 FR 51186
NPRM Comment Period End.	01/02/18	
Final Action	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BC45

58. Regulation To Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of small sea turtles in the Southeastern U.S. shrimp fisheries. As a result of new information on sea turtle bycatch in shrimp trawls and turtle excluder device testing, NMFS conducted an evaluation of the Southeastern U.S. shrimp fisheries that resulted in a draft environmental impact statement. This rule proposes to withdraw the alternative tow time restriction, and require certain vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls), with the exception of vessels participating in the Biscayne Bay wing net fishery in Miami-Dade County, Florida, to use turtle excluder devices designed to exclude small sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91097
NPRM Comment Period End.	02/14/17	
Final Action	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG45

59. Regulatory Amendment To Authorize a Recreational Quota Entity

E.O. 13771 Designation: Deregulatory.

Legal Authority: 16 U.S.C. 773 to 773k

Abstract: The proposed action would authorize a recreational quota entity in International Pacific Halibut Commission Regulatory Areas 2C and 3A in the Gulf of Alaska to purchase a limited amount of commercial halibut quota share for use in the charter halibut fishery. The recreational quota entity would provide a mechanism for a compensated reallocation of a portion of commercial halibut quota share from the Pacific Halibut and Sablefish Individual Fishing Quota Program to the charter halibut fishery in order to promote long-term planning and greater stability in the charter halibut fishery. Any halibut quota share from Area 2C or Area 3A purchased by the recreational quota entity would augment the amount of halibut available for harvest in the charter halibut fishery in that area. Underlying allocations to the charter and commercial halibut sectors would not change.

Timetable:

Action	Date	FR Cite
NPRM	10/03/17	82 FR 46016
NPRM Comment Period End.	11/17/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BG57

NOS/ONMS

60. Wisconsin-Lake Michigan National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On December 2, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate an area of Wisconsin's Lake Michigan waters as a national marine sanctuary. The area is a region that includes 875 square miles of Lake Michigan waters and bottomlands adjacent to Manitowoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources (shipwrecks) as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on February 5, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Wisconsin and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2269
NPRM Comment Period End.	03/31/17	
Final Action	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG01

61. Mallows Bay-Potomac River National Marine Sanctuary Designation

E.O. 13771 Designation: Other.

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On September 16, 2014, pursuant to section 304 of the National Marine Sanctuaries Act and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate Mallows Bay-Potomac River as a national marine sanctuary. The Mallows Bay area of the tidal Potomac River is an area 40 miles south of Washington, DC, off the Nanjemoy Peninsula of Charles County, MD. The designation of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on January 12, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the National Marine Sanctuaries Act would allow NOAA to supplement and complement work by the State of Maryland and other Federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2254
NPRM Comment Period End.	03/31/17	
Final Action	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM6), Silver Spring, MD 20910, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov.*

RIN: 0648–BG02

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

62. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1861 *et seq.;* 5 U.S.C. 561 *et seq.*

Abstract: Congress enacted the 2015 National Defense Authorization Act to refinance the existing debt obligation funding the fishing capacity reduction program for the Pacific Coast Groundfish fishery implemented under section 212. Pending appropriation of funds to effect the refinance, the National Marine Fisheries Service issued proposed regulations to seek comment on the refinancing and to prepare for an industry referendum and final rule. However, a subsequent appropriation to fund the refinancing was never enacted. As a result, the National Marine Fisheries Service has no funds with which to proceed, and the refinancing authority cannot be implemented. The National Marine Fisheries Service is therefore withdrawing this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/06/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stuart Merrill, *Phone:* 301 427–8733, *Email: stuart.merrill@noaa.gov.*

RIN: 0648–BE90

63. Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: This action would implement regulatory measures under the Marine Mammal Protection Act to protect Hawaiian spinner dolphins that are resting in protected bays from take due to close approach interactions with humans.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End.	01/11/06	
NPRM	08/24/16	81 FR 57854
NPRM Comment Period End.	10/23/16	
NPRM Comment Period Re-opened.	11/16/16	81 FR 80629
NPRM Comment Period Re-opened End.	12/01/16	
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–AU02

64. Designation of Critical Habitat for the Arctic Ringed Seal

E.O. 13771 Designation: Regulatory.

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
To Be Determined	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BC56

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

65. Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The purpose of this action is to facilitate management of the recreational red snapper component in the reef fish fishery by reorganizing the Federal fishery management strategy to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. Regional management would enable regions and their associated communities to specify the optimal management parameters that best meet the needs of their local constituents thereby addressing regional socio-economic concerns.

Timetable:

Action	Date	FR Cite
Notice	05/13/13	78 FR 27956
Withdrawn	02/09/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD25

66. Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: In January 2011, the National Marine Fisheries Service implemented the groundfish trawl rationalization program (a catch share program) for the Pacific coast groundfish limited entry trawl fishery. The program was implemented through Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan and the corresponding implementing regulations. Amendment 20 established the trawl rationalization program, which includes an Individual Fishing Quota program for limited entry trawl participants, and Amendment 21 established fixed allocations for limited entry trawl participants. During implementation of the trawl individual fishing quota program, widow rockfish was overfished and the initial allocations were based on its overfished status and management as a non-target species. The National Marine Fisheries Service declared the widow rockfish rebuilt in 2011 and, accordingly, the Pacific Fishery Management Council has now recommended actions to manage the increased abundance of widow rockfish. This action reallocated individual fishing quota widow rockfish quota share to facilitate directed harvest and lifted the moratorium on widow rockfish quota share trading.

Timetable:

Action	Date	FR Cite
NPRM	06/29/16	81 FR 42295
NPRM Comment Period End.	07/29/16	
Final Action	11/24/17	82 FR 55775
Final Action Effective.	12/26/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BF12

67. Omnibus Essential Fish Habitat Amendment 2

E.O. 13771 Designation: Deregulatory.

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

Abstract: The New England Fishery Management Council voted to issue this updated rulemaking that would revise the essential fish habitat and habitat areas of particular concern designation based on recent groundfish data. This rule updates groundfish seasonal spawning closures and identifies Habitat Research Areas. The revisions include adding a habitat management area in the eastern Gulf of Maine and modifying the existing habitat management areas in the central and western Gulf of Maine, while maintaining additional protections for large-mesh groundfish, including cod. In addition, the amendment allows for the potential for development of a scallop access area within Georges Bank. A habitat management area would be established on Georges Shoal, with allowances for the clam dredge fishery. In Southern New England, a habitat management area in the Great South Channel would replace the current habitat protections further west. These revisions are intended to comply with the Magnuson-Stevens Act requirement to minimize to the extent practicable the adverse effects of fishing on essential fish habitat.

Timetable:

Action	Date	FR Cite
Notice of Availability.	10/06/17	82 FR 46749
NPRM	11/06/17	82 FR 51492
NPRM Comment Period End.	12/05/17	
Final Action	04/09/18	83 FR 15240
Final Action Effective.	04/09/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BF82

68. Blueline Tilefish Amendment to the Golden Tilefish Fishery Management Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: The Mid-Atlantic Fishery Management Council developed an amendment to its Golden Tilefish Fishery Management Plan, which implements management measures for the blueline tilefish fishery north of the Virginia/North Carolina border. This action establishes the management framework for this fishery, including: Permitting, recordkeeping, and reporting requirements; trip limits for both the commercial and recreational sectors of the fishery; and the process for setting specifications and annual catch limits.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/14/17	82 FR 27223
NPRM	06/28/17	82 FR 29263
NPRM Comment Period End.	07/28/17	
Final Action	11/15/17	82 FR 52851
Final Action Effective.	12/15/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9283, *Fax:* 978 281–9207, *Email: michael.pentony@noaa.gov.*

RIN: 0648–BF86

69. Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Specifications and Management Measures and Fishery Management Plan Amendment 27

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This final rule established the 2017–2018 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and the Pacific Coast Groundfish Fishery Management Plan (Fishery Management Plan), including harvest specifications consistent with default harvest control rules in the Fishery Management Plan. This action also included regulations to implement Amendment 27 to the Fishery Management Plan, which adds deacon rockfish to the Fishery Management Plan, reclassifies big skate as an actively managed stock, adds a new inseason management process for commercial and recreational groundfish fisheries in California, and makes several clarifications to existing regulations.

Timetable:

Action	Date	FR Cite
Notice of Availability.	09/30/16	81 FR 67287
NPRM	10/28/16	81 FR 75266
NPRM Comment Period End.	11/28/16	
Final Rule	02/07/17	82 FR 9634
Final Rule Effective.	02/07/17	
Correcting Amendment.	12/21/17	82 FR 60567
Correcting Amendment Effective.	12/21/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG17

70. Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Authorization of an Oregon Recreational Fishery for Midwater Groundfish Species

E.O. 13771 Designation: Deregulatory.

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

Abstract: This rule authorizes the use of midwater long-leader gear for recreational fishing in waters seaward of a line approximating 40 fathoms (73 m) off the coast of Oregon. Midwater long-leader gear is allowed for both charter and private vessels seaward of the 40 fathom seasonal depth closure and monitored with the existing Oregon Ocean Recreational Boat Sampling program. The season will occur between the months of April and September, months currently subject to depth restrictions.

Timetable:

Action	Date	FR Cite
NPRM	12/19/17	82 FR 60170
NPRM Comment Period End.	01/18/18	
Final Action	03/29/18	83 FR 13428

Action	Date	FR Cite
Final Action Effective.	04/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov.*

RIN: 0648–BG40

71. Amendment 41 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: NMFS publishes regulations to implement Amendment 41. This amendment updates biological benchmarks, modifies allowable fishing levels, and revises management measures for mutton snapper based on the latest stock assessment. Revisions to management measures include designation of ''spawning months,'' during which stricter regulations may apply, as well as modifications to the minimum size limit, recreational bag limit, and commercial trip limit.

Timetable:

Action	Date	FR Cite
Notice of Availability.	09/26/17	82 FR 44756
NPRM	10/24/17	82 FR 49167
NPRM Comment Period End.	11/24/17	
Final Action	01/11/18	83 FR 1305
Final Action Effective.	02/10/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG77

72. Amendment 46 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico To Establish a Gray Triggerfish Rebuilding Plan

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: Following a 2015 NMFS determination of the lack of adequate progress in rebuilding the Gulf gray triggerfish stock, the Gulf of Mexico Fishery Management Council had two years under the Magnuson Stevens Act to develop actions to rebuild the affected stock. The Council has now proposed to amend the Fishery Management Plan to focus on the stock's rebuilding. This action implements that amendment. The action establishes a 9-year rebuilding time period; retains the current gray triggerfish annual catch limits and annual catch targets for the recreational and commercial sectors; modifies the recreational fixed closed season, recreational bag limit, recreational size limit, and commercial trip limit.

Timetable:

Action	Date	FR Cite
Notice of Availability.	08/30/17	82 FR 41205
NPRM	09/25/17	82 FR 44551
NPRM Comment Period End.	10/25/17	
Final Action	12/15/17	82 FR 59523
Final Action Effective.	01/16/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG87

73. Rule To Modify Greater Amberjack Allowable Harvest and Rebuilding Plan in the Gulf of Mexico

E.O. 13771 Designation: Not subject to, not significant.

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

Abstract: This rule adjusts the Gulf of Mexico greater amberjack rebuilding plan, to modify through 2020-based on information from the 2017 stock assessment that indicated that the stock is not making adequate progress towards rebuilding-greater amberjack annual catch limits and annual catch targets (which equal the quotas) for both the commercial and recreational fisheries. The modifications are projected to rebuild the stock by 2027. In addition, the rule would change the recreational seasonal closure from June through July each year to January 1 through June 30 each year. This change would protect the stock during peak spawning and extend the season later in the fishing year, leading to a more reliable open season.

Timetable:

Action	Date	FR Cite
NPRM	11/20/17	82 FR 55074
NPRM Comment Period End.	12/05/17	
Final Action	12/28/17	82 FR 61485
Final Action Effective.	01/27/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BH14

74. Atlantic Highly Migratory Species; Individual Bluefin Quota Program; Quarterly Accountability

E.O. 13771 Designation: Deregulatory.

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

Abstract: This action modified the Atlantic highly migratory species regulations to require vessels in the pelagic longline fishery to account for bycatch of bluefin tuna using Individual Bluefin Quota on a quarterly basis instead of before commencing any fishing trip while in quota debt or with less than the minimum required Individual Bluefin Quota balance. Previously, regulations required permitted Atlantic Tunas Longline vessels to possess a minimum amount of Individual Bluefin Quota to depart on a fishing trip with pelagic longline gear onboard and account for bluefin tuna catch (fish retained or discarded dead) using Individual Bluefin Quota. At the end of a trip on which bluefin tuna are caught, a vessel's Individual Bluefin Quota balance was reduced by the amount caught. If the trip catch exceeded the vessel's available quota, the vessel would incur quota debt (*i.e.,* exceeding its available Individual Bluefin Quota balance). In this case, the regulations previously required the vessel to obtain additional Individual Bluefin Quota through leasing to resolve that quota debt and to acquire the minimum Individual Bluefin Quota amount, before departing on a subsequent trip using pelagic longline gear. This action implemented accountability on a quarterly basis instead of after each trip to minimize constraints on fishing for target species and support business planning while accounting for all bluefin tuna catch and

maintaining incentives to avoid bluefin catch. Quarterly accountability requires vessel owners to resolve quota debt and obtain the minimum amount of Individual Bluefin Tuna prior to fishing for the first time during each new calendar quarter. The annual U.S. Bluefin tuna quota remains unaffected by this measure, as it results from International Commission for the Conservation of Atlantic Tunas recommendations.

Timetable:

Action	Date	FR Cite
NPRM	10/25/17	82 FR 49303
NPRM Comment Period End.	11/24/17	
Final Action	12/28/17	82 FR 61489
Final Action Effective.	01/27/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BH17

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Completed Actions

75. Setting and Adjusting Patent Fees During Fiscal Year 2017

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 112–29

Abstract: The United States Patent and Trademark Office (Office) takes this action to set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve quality, and upgrade the Office's business information technology capability and infrastructure.

Timetable:

Action	Date	FR Cite
NPRM	10/03/16	81 FR 68150
NPRM Comment Period End.	12/02/16	
Final Rule	11/14/17	82 FR 52780
Final Rule Effective.	01/16/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, *Phone:* 571 272–8966, *Fax:* 571 273–8966, *Email: brendan.hourigan@uspto.gov.*

RIN: 0651–AD02

[FR Doc. 2018–11235 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive order and other regulatory guidance. It contains DoD regulations initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD regulations listed in the agenda are of limited public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on January 12, 2018, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the fall of 2018.

The complete Unified Agenda will be available online at *www.reginfo.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Office of the Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301–9010, or email: *patricia.l.toppings.civ@mail.mil.*

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Office of the Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301–9010, or email: *morgan.e.park.civ@mail.mil.*

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Hawes, telephone 571–372–6115, or write to Office of the Under Secretary of Defense for Acquisition and Sustainment, Defense Procurement and Acquisition Policy, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060, or email: *jennifer.l.hawes2.civ@mail.mil.*

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315–3860, or email: *brenda.s.bowen.civ@mail.mil.*

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Christopher Page, telephone 703–697–0718, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or email: *christopher.m.page20.civ@mail.mil.*

For general information on Department of the Navy regulations, contact LCDR Emilee Baldini, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374–5066, or email: *emilee.k.baldini@navy.mil.*

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–614–8500, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330–1800, or email: *usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil.*

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Military Departments. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies regulations that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD regulations, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: February 23, 2018.

John H. Gibson, II,

Chief Management Officer.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
76	TRICARE; Reimbursement of Long-Term Care Hospitals and Inpatient Rehabilitation Facilities	0720–AB47

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (OASHA)

Completed Actions

76. TRICARE; Reimbursement of Long-Term Care Hospitals and Inpatient Rehabilitation Facilities

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch. 55

Abstract: The Department of Defense, Defense Health Agency, revised its reimbursement of long-term care hospitals (LTCHs) and inpatient rehabilitation facilities (IRFs). The revisions are in accordance with the statutory provision at title 10, United States Code, section 1079(i)(2) that requires TRICARE payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under Medicare. 32 CFR 199.2 includes a definition for ''hospital, long-term (tuberculosis, chronic care, or rehabilitation).'' This rule deleted this definition and created separate definitions for ''Long Term Care Hospital'' and ''Inpatient Rehabilitation Facility'' in accordance with Centers for Medicare and Medicaid Services (CMS) classification criteria. Under TRICARE, LTCHs and IRFs (both freestanding rehabilitation hospitals and rehabilitation hospital units) are currently paid the lower of a negotiated rate (if they are a network provider) or billed charges (if they are a non-network provider). Although Medicare's reimbursement methods for LTCHs and IRFs are different, the Defense Health Agency adopted both the Medicare LTCH and IRF Prospective Payment System (PPS) methods simultaneously to align with our statutory requirement to reimburse like Medicare. This rule set forth the regulation modifications that are necessary for TRICARE to adopt Medicare's LTCH and IRF Prospective Payment Systems and rates applicable for inpatient services provided by LTCHs and IRFs to TRICARE beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	01/26/15	80 FR 3926
NPRM Comment Period End.	03/27/15	
Second NPRM	08/31/16	81 FR 59934
Second NPRM Comment Period End.	10/31/16	
Final Action	12/29/17	82 FR 61678
Final Action Effective.	03/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303 676–3803.

RIN: 0720–AB47

[FR Doc. 2018–11236 Filed 6–8–18; 8:45 am]

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Part VI

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Energy.

ACTION: Semi-annual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Independence and Security Act of 2007, the American Energy Manufacturing Technical Corrections Act and programmatic needs of DOE offices.

The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's Spring 2018 Agenda can be accessed online by going to *www.reginfo.gov.*

DOE's regulatory flexibility agenda is made up of rulemakings setting energy efficiency standards and requirements applicable to DOE sites.

Theodore J. Garrish,

Acting General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
77	Energy Conservation Standards and Definition for General Service Lamps	1904–AD09
78	Energy Conservation Standards for Residential Conventional Cooking Products	1904–AD15
79	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
80	Energy Conservation Standards for Commercial Water Heating Equipment	1904–AD34

ENERGY EFFICIENCY AND RENEWABLE ENERGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
81	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01
82	Modifying the Energy Conservation Program to Implement a Market-Based Approach	1904–AE11

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

77. Energy Conservation Standards and Definition for General Service Lamps

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6295(i)(6)(A)

Abstract: The Department will issue a Supplemental Notice of Proposed Rulemaking that includes a proposed determination with respect to whether to amend or adopt standards for general service light-emitting diode (LED) lamps and that may include a proposed determination with respect to whether to amend or adopt standard for compact fluorescent lamps. According to the Settlement Agreement between the National Electrical Manufacturers Association (NEMA) and the Department (DOE), DOE will use its best efforts to issue the GSL SNOPR by May 28, 2018.

Timetable:

Action	Date	FR Cite
Framework Document Availability; Notice of Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period End.	01/23/14	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period Extended End.	02/07/14	
Preliminary Analysis and Notice of Public Meeting.	12/11/14	79 FR 73503
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052
Preliminary Analysis Comment Period Extended End.	02/23/15	
Notice of Public Meeting; Webinar.	03/15/16	81 FR 13763
NPRM	03/17/16	81 FR 14528
NPRM Comment Period End.	05/16/16	
Notice of Public Meeting; Webinar.	10/05/16	81 FR 69009
Proposed Definition and Data Availability.	10/18/16	81 FR 71794
Proposed Definition and Data Availability Comment Period End.	11/08/16	

Action	Date	FR Cite
Final Rule Adopting a Definition for GSL.	01/19/17	82 FR 7276
Final Rule Adopting a Definition for GSL Effective.	01/01/20	
Final Rule Adopting a Definition for GSL Including IRL.	01/19/17	82 FR 7322
Final Rule Adopting a Definition for GSL Including IRL Effective.	01/01/20	
Supplemental NPRM.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy deButts, Buildings Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202–287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD09

78. Energy Conservation Standards for Residential Conventional Cooking Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292 (a)(10); 42 U.S.C. 6295(h)

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to determine whether updating the statutory energy conservation standards for residential conventional cooking products would yield a significant savings in energy use and is technically feasible and economically justified. DOE is reviewing to make such determination.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	
Supplemental NPRM.	09/02/16	81 FR 60784
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	
Supplemental NPRM.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20002, *Phone:* 202 287–1943, *Email: stephanie.johnson@ee.doe.gov.*

RIN: 1904–AD15

79. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to determine whether more stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Reopened.	10/23/15	80 FR 64370
NODA Comment Period Reopened End.	11/06/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Reopened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Supplemental NPRM.	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD20

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Final Rule Stage

80. Energy Conservation Standards for Commercial Water Heating Equipment

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 6313(a)(6)(C)(i) and (vi)

Abstract: Once completed, this rulemaking will fulfill DOE's statutory obligation under EPCA to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers, or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Reopened.	08/05/16	81 FR 51812
NPRM Comment Period Reopened End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
NODA Comment Period End.	01/09/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Rivest, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Buildings Technologies Office, EE–5B, Washington, DC 20585, *Phone:* 202 586–7335, *Email: catherine.rivest@ee.doe.gov.*

RIN: 1904–AD34

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

81. Energy Conservation Standards for Commercial Packaged Boilers

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 6313(a)(6)(C); 42 U.S.C. 6311(11)(B)

Abstract: EPCA, as amended by AEMTCA, requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified and would save a significant amount of energy. If justified, the Secretary will issue amended energy conservation standards for such equipment. DOE last updated the standards for commercial packaged boilers on July 22, 2009. DOE issued a NOPR pursuant to the 6-year-look-back requirement on March 24, 2016. Under EPCA, DOE has two years to issue a final rule after publication of the NOPR.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination (NOPD).	08/13/13	78 FR 49202
NOPD Comment Period End.	09/12/13	
Notice of Public Meeting and Framework Document Availability.	09/03/13	78 FR 54197
Framework Document Comment Period End.	10/18/13	
Notice of Public Meeting and Preliminary Analysis.	11/20/14	79 FR 69066
Preliminary Analysis Comment Period End.	01/20/15	
Withdrawal of NOPD.	08/25/15	80 FR 51487
NPRM	03/24/16	81 FR 15836
NPRM Comment Period Extended.	05/04/16	81 FR 26747
NPRM Comment Period Extended End.	06/22/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, *Phone:* 202 586–8654, *Email: jim.raba@ee.doe.gov.*

RIN: 1904–AD01

82. Modifying the Energy Conservation Program To Implement a Market-Based Approach

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 6291

Abstract: The U.S. Department of Energy (DOE) is evaluating the potential use of some form of a market-based approach such as an averaging, trading, fee-base or other type of market-based policy mechanism for the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	11/28/17	82 FR 56181
RFI Comment Period End.	02/26/18	
RFI Comment Period Extended.	02/23/18	83 FR 8016
RFI Comment Period Extended End.	03/26/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AE11

[FR Doc. 2018–11238 Filed 6–8–18; 8:45 am]

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Part VII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Ann C. Agnew, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government's lead agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory web page (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations through a comment form on the HHS retrospective review web page (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov.*

Ann C. Agnew,

Executive Secretary to the Department.

OFFICE FOR CIVIL RIGHTS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
83	HIPAA Privacy Rule: Changing Requirement to Obtain Acknowledgment of Receipt of the Notice of Privacy Practices.	0945–AA08
84	Nondiscrimination in Health Programs or Activities	0945–AA11

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
85	Health Information Technology: Certification and Interoperability Enhancements	0955–AA01

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
86	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
87	Sunscreen Drug Products For Over-The-Counter-Human Use; Tentative Final Monograph	0910–AF43
88	Mammography Quality Standards Act; Amendments to Part 900 Regulations	0910–AH04
89	Medication Guides; Patient Medication Information	0910–AH68
90	Testing Standards for Batteries and Battery Management Systems in Electronic Nicotine Delivery Systems.	0910–AH90
91	Administration Detention of Tobacco Products	0910–AI05

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
92	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
93	Label Requirement for Food That Has Been Refused Admission Into the United States	0910–AF61
94	Laser Products; Amendment to Performance Standard	0910–AF87
95	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
96	Over-the-Counter (OTC) Drug Review—External Analgesic Products	0910–AF35
97	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
98	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
99	Over-the-Counter (OTC) Drug Review—Weight Control Products	0910–AF45
100	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
101	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
102	Sunlamp Products; Amendment to the Performance Standard	0910–AG30
103	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14
104	Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AH16
105	Nicotine Exposure Warning and Child-Resistant Packaging for Liquid Nicotine, Nicotine-Containing E-Liquids, and Other Tobacco Products.	0910–AH24

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
106	Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices	0910–AG48
107	Safety and Effectiveness of Healthcare Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use.	0910–AH40

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
108	Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3346–P).	0938–AT23
109	FY 2019 Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (SNFs) (CMS–1696–P).	0938–AT24
110	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–P) **(Section 610 Review)**.	0938–AT27
111	CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–P) **(Section 610 Review)**.	0938–AT30
112	CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1693–P) **(Section 610 Review)**.	0938–AT31

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
113	Durable Medical Equipment Fee Schedule, Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Non-Competitive Bidding Areas (CMS–1687–IFC) **(Section 610 Review)**.	0938–AT21

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
114	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
115	CY 2019 Notice of Benefit and Payment Parameters (CMS–9930–F) **(Completion of a Section 610 Review)**.	0938–AT12

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Proposed Rule Stage

83. HIPAA Privacy Rule: Changing Requirement To Obtain Acknowledgment of Receipt of the Notice of Privacy Practices

E.O. 13771 Designation: Deregulatory.

Legal Authority: Health Insurance Portability and Accountability (HIPAA) Act of 1996, Pub. L. 104–191

Abstract: The propsed rule would change the requirement that health care providers make a good faith effort to obtain from individuals a written acknowledgment of receipt of the provider's notice of privacy practices, and if not obtained, to document its good faith efforts and the reason the acknowledgment was not obtained.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andra Wicks, Health Information Privacy Specialist, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 774–3081, *TDD Phone:* 800 537–7697, *Email: andra.wicks@hhs.gov.*

RIN: 0945–AA08

84. • Nondiscrimination in Health Programs or Activities

E.O. 13771 Designation: Deregulatory.

Legal Authority: Sec. 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116)

Abstract: The proposed rule implements Section 1557 of the Patient Protection and Affordable Care Act (PPACA), which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability under any health program or activity receiving Federal financial assistance, or under any program or activity that is administered by the Department of Health and Human Services or by an entity established under title I of the PPACA. The proposed rule applies the enforcement mechanisms provided for and available under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and Section 504 of the Rehabilitation Act (29 U.S.C. 794).

Timetable:

Action	Date	FR Cite
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maya Noronha, Special Advisor, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW, Room 516E, Washington, DC 20201, *Phone:* 202 568–0028, *Email: maya.noronha@hhs.gov.*

RIN: 0945–AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the National Coordinator for Health Information Technology (ONC)

Proposed Rule Stage

85. Health Information Technology: Certification and Interoperability Enhancements

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 114–255

Abstract: The rulemaking would update the ONC Health IT Certification Program (Program) by implementing certain provisions of the 21st Century Cures Act, including conditions and maintenance of certification requirements for health information technology (IT) developers, the voluntary certification of health IT for use by pediatric healthcare providers, health information network voluntary attestation to the adoption of a trusted exchange framework and common agreement in support of network-to-network exchange, and reasonable and necessary activities that do not constitute information blocking. The rulemaking would also modify the Program through other complementary means to advance health IT certification and interoperability.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Lipinski, Director, Regulatory Affairs Division, Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, Mary E. Switzer Building, 330 C Street SW, Washington, DC 20201, *Phone:* 202 690–7151.

RIN: 0955–AA01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

86. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF31

87. Sunscreen Drug Products for Over-the-Counter-Human Use; Tentative Final Monograph

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The proposed rule will address the general recognition of safety and effectiveness (GRASE) status of the 16 sunscreen monograph ingredients and describe data gaps that FDA believes need to be filled in order for FDA to permit the continued marketing of these ingredients without submitting new drug applications for premarket

review. Consistent with the Sunscreen Innovation Act, we also expect to address sunscreen dosage forms and maximum SPF values.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	06/17/11	76 FR 35620
NPRM (Effectiveness).	06/17/11	76 FR 35672
NPRM (Effectiveness) Comment Period End.	09/15/11	
ANPRM (Dosage Forms).	06/17/11	76 FR 35669
ANPRM (Dosage Forms) Comment Period End.	09/15/11	
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristen Hardin, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Ave., WO 22, Room 5491, Silver Spring, MD 20993, *Phone:* 240 402–4246, *Fax:* 301 796–9841, *Email: kristen.hardin@fda.hhs.gov.*

RIN: 0910–AF43

88. Mammography Quality Standards Act; Amendments to Part 900 Regulations

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes that have occurred since the regulations were published in 1997 and to address breast density reporting to patient and health care providers.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 66, Room 5522, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov.*

RIN: 0910–AH04

89. Medication Guides; Patient Medication Information

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321 *et seq.;* 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

Abstract: The proposed rule would amend FDA medication guide regulations to require a new form of patient labeling, Patient Medication Information, for submission to and review by the FDA for human prescription drug products and certain blood products used, dispensed, or administered on an outpatient basis. The proposed rule would include requirements for Patient Medication Information development and distribution. The proposed rule would require clear and concisely written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796–0151, *Email: chris.wheeler@fda.hhs.gov.*

RIN: 0910–AH68

90. Testing Standards for Batteries and Battery Management Systems in Electronic Nicotine Delivery Systems

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 301 *et. seq.;* 21 U.S.C. 371; 21 U.S.C. 387(b); 21 U.S.C. 387(g); 21 U.S.C. 387i

Abstract: This rule would propose to establish a product standard to require testing standards for batteries used in electronic nicotine delivery systems (ENDS) and require design protections through a battery management system for ENDS using batteries. This product standard would protect the safety of users of battery-powered tobacco products and will help to streamline the FDA premarket review process, ultimately reducing the burden on both manufacturers and the Agency. The proposed rule would be applicable to tobacco products that include a non-user replaceable battery as well as products that include a user replaceable battery.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Colleen Lee, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AH90

91. • Administration Detention of Tobacco Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 334; 21 U.S.C. 371

Abstract: The Food and Drug Administration is proposing regulations to establish requirements for the administrative detention of tobacco products. This action, if finalized, would allow FDA to administratively detain tobacco products encountered during inspections that an officer or employee conducting the inspection has reason to believe are adulterated or misbranded. The intent of administrative detention is to protect public health by preventing the distribution or use of violative tobacco products until FDA has had time to consider the appropriate action to take and, where appropriate, to initiate a regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AI05

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

92. Postmarketing Safety Reporting Requirements for Human Drug and Biological Products

E.O. 13771 Designation: Regulatory.
Legal Authority: 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 242a; 42 U.S.C. 262 and 263; 42 U.S.C. 263a to 263n; 42 U.S.C. 264; 42 U.S.C. 300aa; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360b to 360j; 21 U.S.C. 361a; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379e; 21 U.S.C. 381
Abstract: The final rule would amend the postmarketing safety reporting regulations for human drugs and biological products including blood and blood products in order to better align FDA requirements with guidelines of the International Council on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH); and to update reporting requirements in light of current pharmacovigilance practice and safety information sources and enhance the quality of safety reports received by FDA. These revisions were proposed as part of a single rulemaking (68 FR 12406) to clarify and revise both premarketing and postmarketing safety reporting requirements for human drug and biological products. Premarketing safety reporting requirements were finalized in a separate final rule published on September 29, 2010 (75 FR 59961). This final rule applies to postmarketing safety reporting requirements.
Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended.	06/18/03	
NPRM Comment Period End.	07/14/03	
NPRM Comment Period Extension End.	10/14/03	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jane E. Baluss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6278, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3469, *Fax:* 301 847–8440, *Email: jane.baluss@fda.hhs.gov.*
RIN: 0910–AA97

93. Label Requirement for Food That Has Been Refused Admission Into the United States

E.O. 13771 Designation: Deregulatory.
Legal Authority: 15 U.S.C. 1453 to 1455; 21 U.S.C. 321; 21 U.S.C. 342 and 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 42 U.S.C. 216; 42 U.S.C. 264
Abstract: The final rule will require owners or consignees to label imported food that is refused entry into the United States. The label will read, ''UNITED STATES: REFUSED ENTRY.'' The proposal describes the label's characteristics (such as its size) and processes for verifying that the label has been affixed properly. We are taking this action to prevent the introduction of unsafe food into the United States, to facilitate the examination of imported food, and to implement section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) (Pub. L. 107–188).
Timetable:

Action	Date	FR Cite
NPRM	09/18/08	73 FR 54106
NPRM Comment Period End.	12/02/08	
NPRM; Withdrawal.	08/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Anthony C. Taube, Branch Chief, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs, Office of Regional Operations, 12420 Parklawn Drive, ELEM–4051, Rockville, MD 20857, *Phone:* 240 420–4565, *Fax:* 703 261–8625, *Email: anthony.taube@fda.hhs.gov.*
RIN: 0910–AF61

94. Laser Products; Amendment to Performance Standard

E.O. 13771 Designation: Deregulatory.
Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393
Abstract: FDA is proposing to amend the 2013 proposed rule for the performance standard for laser products, which will amend the performance standard for laser products to achieve closer harmonization between the current standard and the recently amended International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The amendment is intended to update FDA's performance standard to reflect advancements in technology.
Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	
NPRM; Withdrawal.	08/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Erica Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 66, Room 5522, Silver Spring, MD 20993, *Phone:* 301 796–3999, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov.*
RIN: 0910–AF87

95. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

E.O. 13771 Designation: Regulatory.
Legal Authority: Sec. 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)
Abstract: This final rule would establish requirements concerning ''gluten-free'' labeling for foods that are fermented or hydrolyzed or that contain fermented or hydrolyzed ingredients. These additional requirements for the ''gluten-free'' labeling rule are needed to help ensure that individuals with celiac disease are not misled and receive truthful and accurate information with respect to fermented or hydrolyzed foods labeled as ''gluten-free.''
Timetable:

Action	Date	FR Cite
NPRM	11/18/15	80 FR 71990
NPRM Comment Period Reopened.	01/22/16	81 FR 3751
NPRM Comment Period End.	02/16/16	
NPRM Comment Period Reopened.	02/22/16	81 FR 8869
NPRM Comment Period Reopened End.	04/25/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Carol D'Lima, Staff Fellow, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 4D022,

HFS 820, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2371, *Fax:* 301 436–2636, *Email: carol.dlima@fda.hhs.gov.*

RIN: 0910–AH00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

96. Over-the-Counter (OTC) Drug Review—External Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action addresses the 2003 proposed rule on patches, plasters, and poultices. The proposed rule will address issues not addressed in previous rulemakings.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF35

97. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses acetaminophen safety. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Acetaminophen).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF36

98. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final rule listed will address the professional labeling for sodium phosphate drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF38

99. Over-the-Counter (OTC) Drug Review—Weight Control Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action finalizes the 2005 proposed rule for weight control products containing phenylpropanolamine.

Timetable:

Action	Date	FR Cite
NPRM (Phenylpropanolamine).	12/22/05	70 FR 75988
NPRM Comment Period End.	03/22/06	
NPRM (Benzocaine).	03/09/11	76 FR 12916
NPRM Comment Period End.	06/07/11	
Final Action (Phenylpropanolamine).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF45

100. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AG12

101. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

E.O. 13771 Designation: Other.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75506
NPRM Comment Period Extended.	03/09/15	80 FR 12364
NPRM Comment Period End.	03/18/15	
NPRM Comment Period Extended End.	05/18/15	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Bernstein, Supervisory Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6240, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3478, *Email: michael.bernstein@fda.hhs.gov.*

RIN: 0910–AG18

102. Sunlamp Products; Amendment to the Performance Standard

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 21 U.S.C. 360ii; 21 U.S.C. 360kk; 21 U.S.C. 393; 21 U.S.C. 371

Abstract: FDA is updating the performance standard for sunlamp products to improve safety, reflect new scientific information, and work towards harmonization with international standards. By harmonizing with the International Electrotechnical Commission, this rule will decrease the regulatory burden on industry and allow the Agency to take advantage of the expertise of the international committees thereby also saving resources.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79505
NPRM Comment Period End.	03/21/16	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5515, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov.*

RIN: 0910–AG30

103. General and Plastic Surgery Devices: Sunlamp Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This rule would apply device restrictions to sunlamp products. Sunlamp products include ultraviolet (UV) lamps and UV tanning beds and booths. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning use of sunlamp products at young ages, as well as frequently using sunlamp products, both increases the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.This rule would apply device restrictions to sunlamp products.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule	12/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5515, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov.*

RIN: 0910–AH14

104. Combinations of Bronchodilators With Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AH16

105. Nicotine Exposure Warning and Child-Resistant Packaging for Liquid Nicotine, Nicotine-Containing E-Liquids, and Other Tobacco Products

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 301 *et seq.;* 21 U.S.C. 331; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 387

Abstract: This rule would establish nicotine exposure warning and child-resistant packaging requirements for liquid nicotine and nicotine-containing e-liquid(s) that are made or derived from tobacco and intended for human consumption, and potentially for other tobacco products including, but not limited to, novel tobacco products such as dissolvables, lotions, gels, and drinks. This action is intended to protect users and non-users from accidental exposures to nicotine-containing e-liquids in tobacco products

Timetable:

Action	Date	FR Cite
NPRM	03/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Courtney Smith, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AH24

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

106. Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices

E.O. 13771 Designation: Deregulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule updates FDA's requirements for accepting clinical data used to bring new medical devices to market as part of fulfilling FDA's mission. While helping to ensure the quality and integrity of clinical trial data and the protection of study participants, this rule should reduce burden on industry by avoiding the need for on-site inspections. This rule parallels the drug regulation, which should further reduce burden by having a harmonized approach. Under this new rule, a device applicant would provide FDA with information about the conduct of their study such as, the research sites where the study was conducted, the investigators who conducted the study, a summary of the protocol, information about how informed consent from the study participants was obtained, and information about the ethics committee that reviewed the study. (If such information is not available, the sponsor may explain why and request a waiver.)

Completed:

Reason	Date	FR Cite
Final Action	02/21/18	83 FR 7366
Final Action Effective.	02/21/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Soma Kalb, *Phone:* 301 796–6359, *Email: soma.kalb@fda.hhs.gov.*

RIN: 0910–AG48

107. Safety and Effectiveness of Healthcare Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use

E.O. 13771 Designation: Regulatory.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360b to 360f; 21 U.S.C. 360j; 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 374 to 375; 21 U.S.C. 379e; 42 U.S.C. 241; 42 U.S.C. 262; . . .

Abstract: This rulemaking addresses whether FDA considers certain active ingredients in over-the-counter (OTC) healthcare antiseptic hand wash and healthcare antiseptic products to be generally recognized as safe and effective. If FDA determines that the ingredient is not generally recognized as safe and effective, a manufacturer will not be able to market the product unless it submits and receives approval of a new drug application.

Completed:

Reason	Date	FR Cite
Final Action	12/20/17	82 FR 60474
Final Action Effective.	12/20/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Jackson, *Phone:* 301 796–0923, *Email: michelle.jackon@fda.hhs.gov.*

RIN: 0910–AH40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

108. Regulatory Provisions To Promote Program Efficiency, Transparency, and Burden Reduction (CMS–3346–P)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 263a; 42 U.S.C. 273; 42 U.S.C. 1302; 42 U.S.C. 1320a–7; . . .

Abstract: This proposed rule would reform Medicare regulations that are unnecessary, obsolete, or excessively burdensome on healthcare providers and suppliers. This rule would increase the ability of healthcare professionals to devote resources to improving patient care by eliminating or reducing requirements that impede quality patient care or that divert resources away from furnishing high quality patient care.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alpha-Banu Huq, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244,

Phone: 410 786–8687, *Email: alpha.huq@cms.hhs.gov.*

RIN: 0938–AT23

109. FY 2019 Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (SNFS) (CMS–1696–P)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would update the payment rates used under the prospective payment system for SNFs for fiscal year 2019. The rule also includes proposals for the SNF Quality Reporting Program (QRP) and for the Skilled Nursing Facility Value-Based Purchasing (VBP) Program that will affect Medicare payment to SNFs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bill Ullman, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–06–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–5667, *Fax:* 410 786–0765, *Email: william.ullman@cms.hhs.gov.*

RIN: 0938–AT24

110. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates (CMS–1694–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems. In addition, the rule proposes to establish new requirements or revise existing requirements for quality reporting by specific Medicare providers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov.*

RIN: 0938–AT27

111. CY 2019 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1695–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates. This proposed rule would update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov.*

RIN: 0938–AT30

112. CY 2019 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1693–P) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2019. Additionally, this rule proposes updates to the third and future years of the Quality Payment Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov.*

RIN: 0938–AT31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

113. Durable Medical Equipment Fee Schedule, Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Non-Competitive Bidding Areas (CMS–1687–IFC) (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 1302, 1395hh, and 1395rr(b)(l)); Pub. L. 114–255, sec. 5004(b), 16007(a) and 16008

Abstract: This interim final rule with comment period extends the end of the transition period for phasing in adjustments to the fee schedule amounts for certain durable medical equipment (DME) and enteral nutrition paid in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP) from June 30, 2016, to December 31, 2016. In addition, this interim final rule with comment period amends the regulation to resume the transition period for items furnished from August 1, 2017, through December 31, 2018. This interim final rule with comment period also makes technical amendments to existing regulations for DMEPOS items and services to exclude infusion drugs used with DME from the DMEPOS CBP. Finally, this interim final rule with comment period also requests information on issues related to adjustments to DMEPOS fee schedules, alternatives for ensuring budget neutrality of oxygen payment classes, and current rules under the DMEPOS CBP.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Alexander Ullman, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9671, *Email: alexander.ullman@cms.hhs.gov.*

RIN: 0938–AT21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

114. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) (Rulemaking Resulting From a Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This final rule updates the requirements that hospitals and critical access hospitals (CAHs) must meet to participate in the Medicare and Medicaid programs. These final requirements are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce barriers to care, and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/16/16	81 FR 39447
NPRM Comment Period End.	08/15/16	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov.*

RIN: 0938–AS21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

115. CY 2019 Notice of Benefit and Payment Parameters (CMS–9930–F) (Completion of a Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: Pub. L. 111–148, title I

Abstract: This final rule sets forth payment parameters and provisions related to the risk adjustment and risk adjustment data validation programs; cost-sharing parameters; and user fees for Federally-facilitated Exchanges and State-based Exchanges on the Federal platform.

Timetable:

Action	Date	FR Cite
NPRM	11/02/17	82 FR 51052
NPRM Comment Period End.	11/27/17	
Final Action	04/17/18	83 FR 16930
Final Action Effective.	06/18/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsey Murtagh, Senior Policy Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4106, *Email: lindsey.murtagh@cms.hhs.gov.*

RIN: 0938–AT12

[FR Doc. 2018–11239 Filed 6–8–18; 8:45 am]

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Part VIII

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane SW, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866, ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563, ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011) and Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (Jan. 30, 2017), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on January 12, 2018, at 83 FR 1872.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: February 23, 2018.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
116	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
117	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
118	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)	1601–AA79

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
119	Ammonium Nitrate Security Program	1601–AA52
120	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69
121	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
122	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations.	1615–AB71
123	Requirements for Filing Motions and Administrative Appeals	1615–AB98
124	EB–5 Immigrant Investor Regional Center Program	1615–AC11
125	Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization	1615–AC15

U.S. Citizenship and Immigration Services—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
126	EB–5 Immigrant Investor Program Modernization	1615–AC07

U.S. Coast Guard—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
127	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)	1625–AC39

U.S. Coast Guard—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
128	Seafarers' Access to Maritime Facilities	1625–AC15

U.S. Coast Guard—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
129	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. Coast Guard—Completed Actions

Sequence No.	Title	Regulation Identifier No.
130	Numbering of Undocumented Barges	1625–AA14

U.S. Customs and Border Protection—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
131	Importer Security Filing and Additional Carrier Requirements (**Section 610 Review**)	1651–AA70
132	Implementation of the Guam-CNMI Visa Waiver Program (**Section 610 Review**)	1651–AA77

Transportation Security Administration—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
133	Security Training for Surface Transportation Employees	1652–AA55

Transportation Security Administration—Completed Actions

Sequence No.	Title	Regulation Identifier No.
134	General Aviation Security and Other Aircraft Operator Security	1652–AA53

U.S. Immigration and Customs Enforcement—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
135	Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches.	1653–AA67

FEDERAL EMERGENCY MANAGEMENT AGENCY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
136	Updates to Floodplain Management and Protection of Wetlands Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard.	1660–AA85

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Final Rule Stage

116. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302; 41 U.S.C. 1303; 41 U.S.C. 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement security and privacy measures to ensure Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), is adequately safeguarded by DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store, process or transmit CUI, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov*.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA76

117. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1302; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-owned and/or operated information systems and information resources capable of collecting, processing, storing, or transmitting controlled unclassified information (CUI).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6446
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov*.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA78

118. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1702; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6425
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0082, *Email: candace.lightfoot@hq.dhs.gov*.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA79

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Long-Term Actions

119. Ammonium Nitrate Security Program

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 488 *et seq.*

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov*.

RIN: 1601–AA52

120. Chemical Facility Anti–Terrorism Standards (CFATS)

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 621 to 629

Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov*.

RIN: 1601–AA69

121. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees

E.O. 13771 Designation: Other.

Legal Authority: Sec. 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112–239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2); 41 U.S.C. 1707

Abstract: The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10, United States Code, which includes the USCG.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov*.

RIN: 1601–AA72

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

122. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1184(g)

Abstract: The Department of Homeland Security proposes to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is being considered because the demand for H–1B specialty occupation workers by U.S. companies has often exceeded the numerical limitation. This rule is intended to allow U.S. Citizenship and Immigration Services (USCIS) to more efficiently manage the intake and lottery process for these H–1B petitions. The Department published a proposed rule on this topic in 2011. The Department intends to publish an additional proposed rule in 2018. The proposal may include a modified selection process, as outlined in section 5(b) of Executive Order 13788, Buy American and Hire American.

Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov*.

RIN: 1615–AB71

123. Requirements for Filing Motions and Administrative Appeals

E.O. 13771 Designation: Other.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security

(DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles ''Locky'' Nimick, Deputy Chief, Administrative Appeals Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: charles.nimick@usics.dhs.gov*.

RIN: 1615–AB98

124. EB–5 Immigrant Investor Regional Center Program

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5); Pub. L. 102–395, secs. 610 and 601(a); Pub. L. 107–273, sec. 11037; Pub. L. 101–649, sec. 121(a); Pub. L. 105–119, sec. 116; Pub. L. 106–396, sec. 402; Pub. L. 108–156, sec. 4; Pub. L. 112–176, sec. 1; Pub. L. 114–113, sec. 575; Pub. L. 114–53, sec. 131; Pub. L. 107–273

Abstract: The Department of Homeland Security (DHS) is considering making regulatory changes to the EB–5 Immigrant Investor Regional Center Program. DHS issued an Advance Notice of Proposed Rulemaking (ANPRM) to seek comment from all interested stakeholders on several topics, including: (1) The process for initially designating entities as regional centers, (2) a potential requirement for regional centers to utilize an exemplar filing process, (3) continued participation requirements for maintaining regional center designation, and (4) the process for terminating regional center designation. While DHS has gathered some information related to these topics, the ANPRM sought additional information that can help the Department make operational and security updates to the Regional Center Program while minimizing the impact of such changes on regional center operations and EB–5 investors.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/17	82 FR 3211
ANPRM Comment Period End.	04/11/17	
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edie Pearson, Chief of Policy, Immigrant Investor Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529–2200, *Phone:* 202 272–8377.

RIN: 1615–AC11

125. Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization

E.O. 13771 Designation: Other.

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1103(a); 8 U.S.C. 1184(a)(1); 8 U.S.C. 1324a(H)(3)(B)

Abstract: On February 25, 2015, DHS published a final rule extending eligibility for employment authorization to certain H–4 dependent spouses of H–1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to amend that 2015 final rule. DHS is proposing to remove from its regulations certain H–4 spouses of H–1B nonimmigrants as a class of aliens eligible for employment authorization.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1200, Washington, DC 20529–2200, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov*.

RIN: 1615–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

126. EB–5 Immigrant Investor Program Modernization

E.O. 13771 Designation: Other.

Legal Authority: 8 U.S.C. 1153(b)(5)

Abstract: In January 2017, the Department of Homeland Security (DHS) proposed to amend its regulations governing the employment-based, fifth preference (EB–5) immigrant investor classification. In general, under the EB–5 program, individuals are eligible to apply for lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers. This rule sought public comment on a number of proposed changes to the EB–5 program regulations. Such proposed changes included: Raising the minimum investment amount; allowing certain EB–5 petitioners to retain their original priority date; changing the designation process for targeted employment areas; and other miscellaneous changes to filing and interview processes.

Timetable:

Action	Date	FR Cite
NPRM	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Action	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edie Pearson, Chief of Policy, Immigrant Investor Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529–2200, *Phone:* 202 272–8377.

RIN: 1615–AC07

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

127. Financial Responsibility—Vessels; Superseded Pollution Funds (USCG–2017–0788)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 2704; 33 U.S.C. 2716 and 2716a; 42 U.S.C. 9607

to 9609; 6 U.S.C. 552; E.O. 12580; sec. 7(b), 3 CFR, 1987; Comp., p. 193; E.O. 12777, secs. 4 and 5, 3 CFR, 1991 Comp., p. 351, as amended by E.O. 13286, sec. 89, 3; 3 CFR, 2004 Comp., p. 166, and by E.O. 13638, sec. 1, 3 CFR, 2014 Comp., p.227; Department of Homeland; Security Delegation Nos. 0170.1 and 5110, Revision 01

Abstract: The Coast Guard proposes to amend its rule on vessel financial responsibility to include tank vessels greater than 100 gross tons, to clarify and strengthen the rule's reporting requirements, to conform its rule to current practice, and to remove two superseded regulations. This rulemaking will ensure the Coast Guard has current information when there are significant changes in a vessel's operation, ownership, or evidence of financial responsibility, and reflect current best practices in the Coast Guard's management of the Certificate of Financial Responsibility Program. This rulemaking will also promote the Coast Guard's missions of maritime stewardship, maritime security, and maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593–7605, *Phone:* 202 795–6066, *Email: benjamin.h.white@uscg.mil.*

RIN: 1625–AC39

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

128. Seafarers' Access to Maritime Facilities

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111–281, sec. 811

Abstract: This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (MTSA) to provide a system that enables seafarers and certain other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77981
NPRM Comment Period Re-opened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Yamaris Barril, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Commandant (CG–FAC–2) STOP 7501, Washington, DC 20593, *Phone:* 202 372–1151, *Email: yamaris.d.barril@uscg.mil.*

RIN: 1625–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

129. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–281

Abstract: The Coast Guard proposes to implement those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	10/19/16	
Second NPRM Comment Period End.	12/18/16	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mr. Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave SE, STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: joseph.d.myers@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Completed Actions

130. Numbering of Undocumented Barges

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 46 U.S.C. 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system and user fees for an original or renewed Certificate of Number for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Withdrawn	02/16/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Heck, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271–2400, *Email: andrea.m.heck@uscg.mil.*

RIN: 1625–AA14

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Long-Term Actions

131. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: Pub. L. 109–347, sec. 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the Notice of Proposed Rulemaking. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.) The remaining requirements of the rule were adopted as final.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Branch Chief, Advance Data Programs and Cargo Initiatives, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

132. Implementation of the Guam-CNMI Visa Waiver Program (SECTION 610 REVIEW)

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: Pub. L. 110–229, sec. 702

Abstract: The interim final rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Watson, Supervisory Program Manager, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW, 2.5B–38, Washington, DC 20229, *Phone:* 202 325–4548, *Email: stephanie.e.watson@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

133. Security Training for Surface Transportation Employees

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534

Abstract: The 9/11 Act requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB)

companies. This final rule implements the regulatory mandate. Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, the Transportation Security Administration (TSA) is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91336
NPRM Comment Period End.	03/16/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email: surfacefrontoffice@tsa.dhs.gov.*

Alex Moscoso, Chief Economist, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Traci Klemm, Assistant Chief Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3596, *Email: traci.klemm@tsa.dhs.gov.*

RIN: 1652–AA55

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Completed Actions

134. General Aviation Security and Other Aircraft Operator Security

E.O. 13771 Designation: Deregulatory.
Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105
Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a notice of proposed rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certified takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. TSA has decided to not pursue this rulemaking.
Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Notice of Withdrawal.	03/16/18	83 FR 11667

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Kevin Knott, Branch Manager, Industry Engagement Branch—Aviation Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–4370, *Email: kevin.knott@tsa.dhs.gov.*

Alex Moscoso, Chief Economist, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Christine Beyer, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3653, *Email: christine.beyer@tsa.dhs.gov.*

RIN: 1652–AA53

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Proposed Rule Stage

135. Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches

E.O. 13771 Designation: Not subject to, not significant.
Legal Authority: 8 U.S.C. 1103
Abstract: U.S. Immigration and Customs Enforcement (ICE) proposes to set forth standards and procedures ICE will follow before making a determination to stop accepting immigration bonds posted by a surety company that has been certified to issue bonds by the Department of the Treasury when the company does not cure deficient performance. Treasury administers the Federal corporate surety program and, in its current regulations, allows agencies to prescribe ''for cause'' standards and procedures for declining to accept bonds from Treasury-certified sureties. ICE would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.
Timetable:

Action	Date	FR Cite
NPRM	05/00/18	
NPRM Comment Period End.	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Beth Cook, Deputy Chief, Office of the Principal Legal Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Suite 200, 166 Sycamore Street, Williston, VT 05495, *Phone:* 802 288–7742, *Email: beth.e.cook@ice.dhs.gov.*

Brad Tuttle, Attorney Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 202 732–5000, *Email: bradley.c.tuttle@ice.dhs.gov.*

RIN: 1653–AA67

DEPARTMENT OF HOMELAND SECURITY (DHS)

Federal Emergency Management Agency (FEMA)

Completed Actions

136. Updates to Floodplain Management and Protection of Wetlands Regulations To Implement Executive Order 13690 and the Federal Flood Risk Management Standard

E.O. 13771 Designation: Deregulatory.

Legal Authority: E.O. 11988, as amended; 42 U.S.C. 5201; 6 U.S.C. 101 *et seq.*

Abstract: The Federal Emergency Management Agency (FEMA) plans to withdraw a notice of proposed rulemaking (NPRM) that published on August 22, 2016. The NPRM proposed changes to FEMA's ''Floodplain Management and Protection of Wetlands'' regulations to implement Executive Order 13690, which established the Federal Flood Risk Management Standard (FFRMS). FEMA also plans to withdraw a proposed supplementary policy (FEMA Policy: 078–3), which clarified how FEMA would apply the FFRMS. On August 15, 2017, the President issued Executive Order 13807, which revoked Executive Order 13690. Accordingly, FEMA plans to withdraw the NPRM and proposed supplementary policy.

Timetable:

Action	Date	FR Cite
NPRM	08/22/16	81 FR 57401
NPRM Comment Period End.	10/21/16	
Notice of Withdrawal.	03/06/18	83 FR 9473

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristin Fontenot, Office of Environmental and Historic Preservation, Department of Homeland Security, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, *Phone:* 202 646–2741, *Email: kristin.fontenot@fema.dhs.gov.*

RIN: 1660–AA85

[FR Doc. 2018–11247 Filed 6–8–18; 8:45 am]

BILLING CODE 9110–9B–P

FEDERAL REGISTER

Vol. 83 Monday,
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Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. FR–6087–N–01]

Semiannual Regulatory Agenda

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with section 4(b) of Executive Order 12866, ''Regulatory Planning and Review,'' as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued during the next several months. The agenda also includes rules currently in effect that are under review and describes those regulations that may affect small entities, as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with advance information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500; telephone number 202–708–3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 800–877–8339 (Federal Relay Service).

SUPPLEMENTARY INFORMATION: Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), as amended, requires each department or agency to prepare semiannually an agenda of: (1) Regulations that the department or agency has issued or expects to issue, and (2) rules currently in effect that are under departmental or agency review. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires each department or agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of ''small entities,'' meaning small businesses, small organizations, or small governmental jurisdictions. Executive Order 12866 and the Regulatory Flexibility Act permit incorporation of the agenda required by these two authorities with any other prescribed agenda.

HUD's regulatory agenda combines the information required by Executive Order 12866 and the Regulatory Flexibility Act. HUD's complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Department is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services), a semiannual agenda of all rules or regulations that are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation that appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form that it is intended to be proposed, at least 15 calendar days before it is to be published for comment. The semiannual agenda posted on *www.reginfo.gov* is the agenda transmitted to the committees in compliance with the above requirements.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from this agenda. Also, where a date is provided for the next rulemaking action, the date is an estimate and is not a commitment to act on or by the date shown.

In some cases, HUD has withdrawn rules that were placed on previous agendas for which there has been no publication activity. Withdrawal of a rule does not necessarily mean that HUD will not proceed with the rulemaking. Withdrawal allows HUD to assess the subject matter further and determine whether rulemaking in that area is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate. If that determination is made, such rules will be included in a succeeding semiannual agenda.

In addition, for a few rules that have been published as proposed or interim rules and which, therefore, require further rulemaking, HUD has identified the timing of the next action stage as ''undetermined.'' These are rules that are still under review by HUD for which a determination and timing of the next action stage have not yet been made.

The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the Department's future regulatory actions. HUD invites all interested members of the public to comment on the rules listed in the agenda.

J. Paul Compton, Jr.,
General Counsel.

OFFICE OF HOUSING—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
137	24 CFR 3280 Manufactured Home Construction and Safety Standards 3rd Set (FR–5739)	2502–AJ34

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Completed Actions

137. Manufactured Home Construction and Safety Standards 3rd Set (FR–5739)

E.O. 13771 Designation: Regulatory.

Legal Authority: 42 U.S.C. 5401 *et seq.;* 42 U.S.C. 3535(d)

Abstract: This proposed rule would amend the Federal Manufactured Home Construction and Safety Standards by adopting certain recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC). The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) requires HUD to publish all proposed revised construction and safety standards submitted by the MHCC. This proposed rule is based on the third set of MHCC recommendations to update and improve various aspects of the Manufactured Housing Construction and Safety Standards. HUD has reviewed those proposals and has made several editorial revisions to the proposals which were reviewed and accepted by the MHCC. This rule proposes to add new standards that would establish requirements for carbon monoxide detection, stairways, fire safety considerations for attached garages, and for duplexes.

Completed:

Reason	Date	FR Cite
Withdrawn	04/04/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Martin, *Phone:* 202 708–6423.

RIN: 2502–AJ34

[FR Doc. 2018–11248 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[167D0102DM; DS6CS00000; DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between spring 2018 and spring 2019. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Please direct all comments and inquiries about these rules to the appropriate agency contact. Please direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at (202) 208–5257.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects. The complete Unified Agenda will be published at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the agenda database. Agenda information is also available at *www.regulations.gov,* the government-wide website for submission of comments on proposed regulations.

In some cases, the Department has withdrawn rules that were placed on previous agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation. If that determination is made, such rules will comply with Executive Order 13771.

Juliette Lillie,

Director, Executive Secretariat and Regulatory Affairs.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
138	Revisions to the Blowout Preventer Systems and Well Control Rule	1014–AA39

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
139	Revisions to Production Safety System Regulations	1014–AA37

ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
140	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf	1082–AA01

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
141	Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations	1018–BB73
142	Migratory Bird Hunting; 2019–2020 Migratory Game Bird Hunting Regulations	1018–BD10

BUREAU OF OCEAN ENERGY MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
143	Risk Management, Financial Assurance and Loss Prevention	1010–AE00

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

138. Revisions to the Blowout Preventer Systems and Well Control Rule

E.O. 13771 Designation: Deregulatory.
Legal Authority: 43 U.S.C. 1331 to 1356a
Abstract: This proposed rulemaking would revise specific provisions of regulations published in the final Well Control Rule, 81 FR 25888 (April 29, 2016), for drilling, workover, completion and decommissioning operations based on BSEE's consideration of stakeholder input from the 2016 final rule and BSEE's review of that rule in accordance with section 4 of Secretary's Order 3350 (America-First Offshore Energy Strategy), Executive Order (E.O.) 13783 (Promoting Energy Independence and Economic Growth), and section 7 of E.O. 13795 (Implementing an America-First Offshore Energy Strategy).
Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov*.
RIN: 1014–AA395

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

139. Revisions to Production Safety System Regulations

E.O. 13771 Designation: Deregulatory.
Legal Authority: 43 U.S.C. 1331 to 1356a
Abstract: This rulemaking would revise the Bureau of Safety and Environmental Enforcement (BSEE) regulations published in the 2016 Final Rule entitled ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Oil and Gas Production Safety Systems,'' 81 FR 61833 (September 7, 2016), and address issues raised by stakeholders regarding that final rule. In accordance with section 4 of Secretary's Order 3350 (America-First Offshore Energy Strategy), Executive Order (E.O.) 13783 (Promoting Energy Independence and Economic Growth), and section 7 of E.O. 13795 (Implementing an America-First Offshore Energy Strategy), BSEE reviewed the 2016 Final Rule to determine whether it potentially burdens the development or use of domestically produced energy resources, and proposed revisions to that Final Rule to reduce unnecessary burdens without adversely impacting safety or the environment.
Timetable:

Action	Date	FR Cite
NPRM	12/29/17	82 FR 61703
NPRM Comment Period End.	01/29/18	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov*.
RIN: 1014–AA37.

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Land and Minerals Management (ASLM)

Proposed Rule Stage

140. • Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf

E.O. 13771 Designation: Deregulatory.
Legal Authority: 43 U.S.C. 1331 to 1356a; 33 U.S.C. 2701
Abstract: This proposed rule would revise specific provisions of the regulations published in the final Arctic Exploratory Drilling Rule, 81 FR 46478 (July 15, 2016), which established a regulatory framework for exploratory drilling and related operations within the Beaufort Sea and Chukchi Sea Planning Areas on the Outer Continental Shelf of Alaska. The rulemaking for this RIN replaces the Bureau of Safety and Environmental Enforcement's RIN 1014–AA40.
Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Bryce Barlan, Regulatory Analyst, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1126, *Email: bryce.barlan@bsee.gov*.
Deanna Meyer-Pietruszka, Chief, OPRA, Department of the Interior, Bureau of Ocean Energy Management, 1849 C Street NW, Washington, DC 20240, *Phone:* 202 208–6352, *Email: deanna.meyer-pietruszka@boem.gov*.
RIN: 1082–AA01.

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

141. Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.
Legal Authority: 16 U.S.C. 703 to 711; 16 U.S.C. 742a–j
Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2018–2019 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2018–2019 duck hunting seasons, requests proposals from Indian Tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2018 spring and summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.
Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	06/15/17	82 FR 27521
Public Meeting	06/21/17	82 FR 27521
NPRM	08/03/17	82 FR 36308
NPRM Comment Period End.	09/05/17	
NPRM Supplemental.	10/03/17	82 FR 46011
NPRM Supplemental Comment Period End.	01/15/18	

Action	Date	FR Cite
NPRM; Proposed Frameworks.	02/02/18	83 FR 4964
NPRM Comment Period End.	03/05/18	
NPRM; Proposed Tribal Regulations.	05/00/18	
Final Rule; Final Frameworks.	05/00/18	
Final Rule; Final Season Selections.	06/00/18	
Final Rule; Final Tribal Regulations.	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Email: ronald_kokel@fws.gov*.

RIN: 1018–BB73

142. • Migratory Bird Hunting; 2019–2020 Migratory Game Bird Hunting Regulations

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 16 U.S.C. 703 to 712; 16 U.S.C. 742a–j

Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2019–2020 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2019–2020 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2019 spring and summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Fax:* 703 358–2217, *Email: ronald_kokel@fws.gov*.

RIN: 1018–BD10

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Ocean Energy Management (BOEM)

Proposed Rule Stage

143. • Risk Management, Financial Assurance and Loss Prevention

E.O. 13771 Designation: Other.

Legal Authority: 43 U.S.C. 1337(p), as amended

Abstract: As directed by E.O. 13795, BOEM has reconsidered its financial assurance policies reflected in Notice to Lessees No. 2016–N01 (September 12, 2016). This rule will modify the policies established in the 2016 Notice to Lessees to ensure operator compliance with lease terms while minimizing unnecessary regulatory burdens, and codify the modifications.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deanna Meyer-Pietruszka, Chief, OPRA, Department of the Interior, Bureau of Ocean Energy Management, 1849 C Street NW, Washington, DC 20240, *Phone:* 202 208–6352, *Email: deanna.meyer-pietruszka@boem.gov*.

RIN: 1010–AE00

[FR Doc. 2018–11249 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

48 CFR Ch. XXVIII

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2018 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Dated: February 23, 2018.

Beth A. Williams,

Assistant Attorney General, Office of Legal Policy.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
144	Bump-Stock-Type Devices	1140–AA52

DEPARTMENT OF JUSTICE (DOJ)

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Proposed Rule Stage

144. • Bump-Stock-Type Devices

E.O. 13771 Designation: Regulatory.

Legal Authority: 18 U.S.C. 921 *et seq.*; 26 U.S.C. 5841 *et seq.*

Abstract: The Department of Justice anticipates issuing a Notice of Proposed Rulemaking (NPRM) that would interpret the statutory definition of machinegun in the National Firearms Act of 1934 and Gun Control Act of 1968 to clarify whether certain devices, commonly known as bump-fire stocks, fall within that definition. Before doing so, the Department needed to gather information and comments from the public and industry regarding the scope of the market for these devices. This ANPRM was intended to gather relevant information that is otherwise not readily available to ATF regarding the scope and nature of the market for such bump-stock devices.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/17	82 FR 60929
ANPRM Comment Period End.	01/25/18	
NPRM	03/29/18	83 FR 13442
NPRM Comment Period End.	06/27/18	
Final Action	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vivian Chu, Regulations Attorney, Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Avenue NE, Washington, DC 20226, *Phone:* 202 648–7070.

RIN: 1140–AA52

[FR Doc. 2018–11250 Filed 6–8–18; 8:45 am]

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Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Laura M. Dawkins, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

R. Alexander Acosta,

Secretary of Labor.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
145	Definition of an 'Employer' Under Section 3(5) of ERISA—Association Health Plans	1210–AB85

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
146	Communication Tower Safety	1218–AC90
147	Tree Care Standard	1218–AD04

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
148	Infectious Diseases	1218–AC46
149	Process Safety Management and Prevention of Major Chemical Accidents	1218–AC82

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Final Rule Stage

145. Definition of an 'Employer' Under Section 3(5) of ERISA—Association Health Plans

E.O. 13771 Designation: Deregulatory.

Legal Authority: 29 U.S.C. 3(1), 3(5), and 505

Abstract: This regulatory action would establish criteria for an employer group or association to act as an ''employer'' within the meaning of section 3(5) of ERISA and sponsor an association health plan that is an employee welfare benefit plan and a group health plan under title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	01/05/18	83 FR 614
NPRM Comment Period End.	03/06/18	
Analyze Comments.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy J. Turner, Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5653, Washington, DC 20210, *Phone:* 202 693–8335, *Fax:* 202 219–1942.

RIN: 1210–AB85.

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

146. Communication Tower Safety

E.O. 13771 Designation: Regulatory.
Legal Authority: 29 U.S.C. 655
Abstract: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry, for example. Falls are the leading cause of death in tower work and OSHA has evidence that fall protection is used either improperly or inconsistently. Based on information collected from an April 2016 Request for Information, OSHA understands that employees are often hoisted to working levels on small base-mounted drum hoists that have been mounted to a truck chassis, and these may not be rated to hoist personnel. Communication tower construction and maintenance activities are not adequately covered by current OSHA fall protection and personnel hoisting standards, and OSHA plans to use information it will collect from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. While this panel will be focused on communication towers, OSHA plans to consider inclusion of structures that have telecommunications equipment on or attached to them (*e.g.,* buildings, rooftops, water towers, billboards, etc.).
Timetable:

Action	Date	FR Cite
Request For Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/00/18	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3468, Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: mckenzie.dean@dol.gov.*
RIN: 1218–AC90

147. Tree Care Standard

E.O. 13771 Designation: Regulatory.
Legal Authority: Not Yet Determined
Abstract: There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). Tree care continues to be a high-hazard industry.
Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	04/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*
RIN: 1218–AD04

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

148. Infectious Diseases

E.O. 13771 Designation: Regulatory.
Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673
Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.
Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*
RIN: 1218–AC46

149. Process Safety Management and Prevention of Major Chemical Accidents

E.O. 13771 Designation: Regulatory.
Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657
Abstract: In accordance with the Executive Order 13650, Improving Chemical Facility Safety and Security, Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents.
Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AC82

[FR Doc. 2018–11251 Filed 6–8–18; 8:45 am]

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Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory and Deregulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

SUMMARY: The Regulatory and Deregulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Jonathan Moss, Assistant General Counsel for Regulation, Office of General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B.

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Supplementary Information
Background
Significant/Priority Rulemakings
Explanation of Information on the Agenda
Request for Comments
Purpose
Appendix A—Instructions for Obtaining Copies of Regulatory Documents
Appendix B—General Rulemaking Contact Persons
Appendix C—Public Rulemaking Dockets
Appendix D—Review Plans for Section 610 and Other Requirements

SUPPLEMENTARY INFORMATION:

Background

A primary goal of the Department of Transportation (Department or DOT) is to allow the public to understand how we make decisions, which necessarily includes being transparent in the way we measure the risks, costs, and benefits of engaging in—or deciding not to engage in—a particular regulatory action. As such, it is our policy to provide an opportunity for public comment on such actions to all interested stakeholders. Above all, transparency and meaningful engagement mandate that regulations should be straightforward, clear, and accessible to any interested stakeholder. The Department also embraces the notion that there should be no more regulations than necessary. We emphasize consideration of non-regulatory solutions and have rigorous processes in place for continual reassessment of existing regulations. These processes provide that regulations and other agency actions are periodically reviewed and, if appropriate, are revised to ensure that they continue to meet the needs for which they were originally designed, and that they remain cost-effective and cost-justified.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory and deregulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

In addition, this Agenda was prepared in accordance with three new Executive orders issued by President Trump, which directed agencies to further scrutinize their regulations and other agency actions. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs. Under Section 2(a) of the Executive order, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it must identify at least two existing regulations to be repealed. On February 24, 2017, President Trump signed Executive Order 13777, Enforcing the Regulatory Reform Agenda. Under this Executive order, each agency must establish a Regulatory Reform Task Force (RRTF) to evaluate existing regulations, and make recommendations for their repeal, replacement, or modification. On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth, requiring agencies to review all existing regulations, orders, guidance documents, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

In response to the mandate in Executive Order 13777, the Department formed an RRTF consisting of senior career and non-career leaders, which has already conducted extensive reviews of existing regulations, and identified a number of rules to be repealed, replaced, or modified. While each regulatory and deregulatory action is evaluated on its own merits, the RRTF augments the Department's consideration of prospective rulemakings by conducting monthly reviews across all OAs to identify appropriate deregulatory actions. The RRTF also works to ensure that any new regulatory action is rigorously vetted and non-regulatory alternatives are considered. Further information on the RRTF can be found online at: *https://www.transportation.gov/regulations/regulatory-reform-task-force-report.*

The Department's ongoing regulatory effort is guided by four fundamental principles—safety, innovation, enabling investment in infrastructure, and reducing unnecessary regulatory burdens. These priorities are grounded in our national interest in maintaining U.S. global leadership in safety, innovation, and economic growth. To accomplish our regulatory goals, we must create a regulatory environment that fosters growth in new and innovative industries without burdening them with unnecessary restrictions. At the same time, safety remains our highest priority; we must remain focused on managing safety risks and being sure that we do not regress from the successes already achieved. Our

planned regulatory actions reflect a careful balance that emphasizes the Department's priority in fostering innovation while at the same time meeting the challenges of maintaining a safe, reliable, and sustainable transportation system.

For example, the National Highway Traffic Safety Administration (NHTSA) is working on reducing regulatory barriers to technology innovation, including the development of autonomous vehicles. Autonomous vehicles are expected to increase safety significantly by reducing the likelihood of human error when driving, which today accounts for the overwhelming majority of accidents on our nation's roadways. NHTSA plans to issue rulemakings that; (1) define a pilot program of limited duration for vehicles that may not meet FMVSS; (2) allow for permanent updates to current FMVSS reflecting new technology; and (3) allow for updates to NHTSA's regulations outlining the administrative processes for petitioning the agency for exemptions, rulemakings, and reconsiderations.

Similarly, the Federal Aviation Administration (FAA) is working to enable, safely and efficiently, the integration of unmanned aircraft systems (UAS) into the National Airspace System. UAS are expected to continue to drive innovation and increase safety as operators and manufacturers find new and inventive uses for UAS. For instance, UAS are poised to assist human operators with a number of different mission sets such as inspection of critical infrastructure and search and rescue, enabling beneficial and lifesaving activities that would otherwise be difficult or even impossible for a human to accomplish unassisted. The Department has regulatory efforts underway to further integrate UAS safely and efficiently.

The Department is also currently working on several rulemakings to facilitate a major transformation of our national space program from one in which the federal government has a primary role to one in which private industry drives growth in innovation and launches. Specifically, the Department is working on rules to: (1) Clarify, streamline, and update FAA's commercial space transportation regulations; (2) provide operators flexibility for protecting ships from a nearby commercial space launch or reentry; (3) streamline and improve FAA's commercial space transportation rulemaking and petition procedures; and (4) codify certain statutory requirements, increasing clarity for industry.

Explanation of Information in the Agenda

An Office of Management and Budget memorandum, dated January 29, 2018, establishes the format for this Agenda.

First, the Agenda is divided by initiating offices. Then the Agenda is divided into five categories: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) long-term actions; and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; (15) the action's designation under Executive Order 13771 explaining whether the action will have a regulatory or deregulatory effect; and (16) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. A portion of the Agenda is published in the **Federal Register**, however, because the Regulatory Flexibility Act (5 U.S.C. 602) mandates publication for the regulatory flexibility agenda. Accordingly, DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;

2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the internet.

Request for Comments

General

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as making the Agenda easier to use. We would like

you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an account process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: February 22, 2018.

Elaine L. Chao,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the internet at *http://www.regulations.gov.* See appendix C for more information.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Lirio Liu, Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–7833.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Gresham, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 493–6063.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–3101.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (January 18, 2011), Executive Order 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Order 13777, ''Enforcing the Regulatory Agenda,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the designation of a Regulatory Reform Officer, the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department will begin a new 10-year review cycle with the Fall 2018 Agenda.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years; and (2) have a ''significant economic impact on a substantial number of small

entities'' (SEISNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Most agencies provide historical information about the reviews that have occurred over the past 10 years. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. The exception to this general rule is the FAA, which provides information about the reviews it completed for this year and prospective information about the reviews it intends to complete in the next 10 years. Thus, for FAA Year 1 (2017) begins in the fall of 2017 and ends in the fall of 2018; Year 2 (2018) begins in the fall of 2018 and ends in the fall of 2019, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEISNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEISNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEISNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the pre-rulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review)'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 10 (2017) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 30—Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors

49 CFR part 31—Program Fraud Civil Remedies

49 CFR part 32—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

49 CFR part 33—Transportation Priorities and Allocation System

49 CFR part 37—Transportation Services for Individuals With Disabilities (ADA)
49 CFR part 38—Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles
49 CFR part 39—Transportation for Individuals With Disabilities: Passenger Vessels
49 CFR part 41—Seismic Safety
49 CFR part 71—Standard Time Zone Boundaries
49 CFR part 79—Medals of Honor
49 CFR part 80—Credit Assistance for Surface Transportation Projects
49 CFR part 89—Implementation of Federal Claims Collection Act

Year 9 (2016) List of Rules Analyzed and a Summary of Results

49 CFR part 17—Intergovernmental Review of Department of Transportation Programs and Activities
- Section 610: No SEISNOSE. This rule, which implements a 1982 Executive order, is based on an OMB model rule. It establishes procedures to ensure that DOT agency actions are appropriately coordinated with state and local governments. It imposes no burdens on State and local governments of whatever size, and the coordination of various policies or projects could help to reduce burdens on small units of government.
- General: There is no current need to revise this rule. Any future revision would have to be Governmentwide. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 20—New Restrictions on Lobbying
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to update definitions and subsections on compilation of semi-annual certifications. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 21—Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act 1964
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to be updated to reflect changes to listed authorities and to DOT's structure and organization. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 22—Short-Term Lending Program (STLP)
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that further analysis is needed to determine the applicability of this part. Once determined, OST may initiate a rulemaking to remove these regulations. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 23—Participation of Disadvantaged Business Enterprise in Airport Concessions
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to updated to reflect adjustments in business size standards, personal net worth ceilings, updates to instructions, definitions of several terms, good faith efforts by car rental companies, inclusion of a section on joint ventures, accurate listing of firms in UCP directories, and goal setting requirements, among other things. OST's plain language review indicates no need for substantial revision.

49 CFR part 24—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: Updating these regulations are statutorily required and require interagency coordination. OST would initiate a rulemaking to updates these regulations. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 25—Nondiscrimination on The Basis of Sex In Education Programs Or Activities Receiving Federal Financial Assistance
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to be updated to reflect changes to several noted legal authorities and to DOT's structure and organization. OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 26—Participation by Disadvantaged Business Enterprises In Department of Transportation Financial Assistance Programs
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to be updated in the following areas: Errors in regulatory provisions; removal of provisions that are routinely misunderstood by UCPs and recipients; various technical corrections; increased goal-setting threshold; addressing design-build agreements; and recipient failure to meet overall goals. OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 27—Nondiscrimination on The Basis of Disability In Programs Or Activities Receiving Federal Financial Assistance
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to be updated to change obsolete language, reflect changes to several noted legal authorities, and to reflect changes to the American with Disabilities Act (ADA) Amendments Act, Public Law 110–325 (2008). OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part does not need a substantial revision.

49 CFR part 28—Enforcement of Nondiscrimination on The Basis of Handicap In Programs or Activities Conducted by the Department of Transportation
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: During its review of part OST has concluded that this part needs to be updated to change obsolete language, reflect changes to several noted legal authorities, and to reflect changes to the American with Disabilities Act (ADA) Amendments Act, Public Law 110–325 (2008). OST may initiate a rulemaking in the future to make these updates. OST's plain language review of this rule indicates the part

does not need a substantial revision.

Year 8 (2015) List of Rules Analyzed and a Summary of Results

14 CFR part 399—Statements of General Policy
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the recodification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

49 CFR part 1—Organization and Delegation of Power and Duties
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST reviewed these regulations and found that the part needs to be updated to reflect changes made in the Fixing America's Surface Transportation (FAST) Act, Public Law 114–94 (2015). OST may initiate a rulemaking in the future to make these updates. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 3—Official Seal
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and found that the part needs to be updated to reduce costs and ensure the regulations accurately describe the actual design of the seal. OST may initiate a rulemaking in the future to make these updates. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 5—Rulemaking Procedures
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and found that the part needs to be updated to reflect current Departmental procedures. OST may initiate a rulemaking for these purposes. OST's plain language review of the rule indicates a potential need for revision.

49 CFR part 6—Implementation of Equal Access to Justice Act in Agency Proceedings
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and found that the part needs to be updated to reflect the current content of the relevant statute. OST may initiate a rulemaking for these purposes. OST's plain language review of the rule indicates a potential need for revision.

49 CFR part 7—Public Availability of Information
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and recently updated this part to reflect recent statutory changes to the Freedom of Information Act (82 FR 21139, May 5, 2017). OST's plain language review indicates no need for revision.

49 CFR part 8—Classified Information: Classification/Declassification/Access
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and recently updated this part to reflect organization changes and updates to the legal authorities and references (82 FR 40076, July 15, 2016). OST's plain language review indicates no need for further revision at this time.

49 CFR part 9—Testimony of Employees of the Department and Production of Records in Legal Proceedings
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and found that the part needs to be updated to reflect organizational and other changes since the last publication of the part. OST may initiate a rulemaking for these purposes. OST's plain language review of the rule indicates a potential need for revision.

49 CFR part 10—Maintenance of and Access to Records Pertaining to Individuals
- Section 610: OST conducted a review of this part and found no SEISNOSE.
- General: OST has reviewed these regulations and found that the part needs to be updated to reflect organizational and statutory changes since the last publication of this rule. OST has initiated a rulemaking for these purposes. OST's plain language review of this rule indicates a need for revision.

49 CFR part 11—Protection of Human Subjects
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed at this time. OST reviewed these regulations and participated in a joint update to the Common Rule, in coordination with the U.S. Department of Health and Human Services, published at 82 FR 7149 (January 19, 2017). These regulations are cost effective and impose the least burden on the industries DOT regulates. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 15—Protection of Sensitive Security Information
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: When this rule was enacted, it paralleled 49 CFR part 1520, which creates an analogous Sensitive Security Information regime administered by the Transportation Security Administration (TSA). Since that time, parts 15 and 1520 have diverged due to the two agencies not coordinating amendments to the rules. OST and TSA are completing a rulemaking to eliminate inconsistencies between the two rules. See RIN 2105–AD59. OST's plain language review indicates no need for substantial revision on that basis.

Year 7 (2014) List of Rules Analyzed and Summary of Results

14 CFR part 374—Implementation of the Consumer Credit Protection Act with Respect to Air Carriers and Foreign Air Carriers
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed. All changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 374a—Extension of Credit by Airlines to Federal Political Candidates

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed. All changes are incorporated into this rule. OST's plain language review indicated no need. All changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 375—Navigation of Foreign Civil Aircraft within the United States

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 377—Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 380—Public Charters

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 381—Special Event Tours

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE
- General: No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 382—Nondiscrimination on The Basis Of Disability in Air Travel

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Part 382 implements the Air Carrier Access Act (49 U.S.C. 41705), which broadly prohibits discrimination against a qualified individual with a disability in air transportation. OST's review of part 382 revealed a number of areas that could benefit from clarification by rulemaking, including: Deleting compliance dates that have passed and are no longer relevant; removal of antiquated conflict of laws waiver request filing requirements; clarification of assertion of defense to enforcement action when conflict of law waiver request is filed; clarification of medical certificate requirements; reordering of certain sections; clarifying that subpart G requires prompt boarding deplaning and connecting assistance; clarification of requirements regarding baggage containing assistive devices; handling of complaints received via social media; correction of typos; and certain citation corrections. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 383—Civil Penalties

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, these regulations would be revised to implement a catch-up adjustment for inflation and the promulgation of a direct final rule to complete the required annual inflation adjustment to the maximum civil penalty amounts for violations of certain aviation economic statutes and the rules and orders issued pursuant to these statutes. OST would also make a technical correction to reflect a listed statutory authority. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 389—Fees and Charges for Special Services

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 398—Guidelines for Individual Determinations of Basic Essential Air Service

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

Year 7 (2014) List of Rules With Ongoing Analysis

14 CFR part 385—Assignments and Review of Action under Assignments

Year 6 (2013) List of Rules Analyzed and a Summary of Results

14 CFR part 300—Rules of Conduct in DOT Proceedings Under This Chapter
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 302—Rules of Practice in Proceedings
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 303—Review of Air Carrier Agreements
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 305—Rules of Practice in Informal Nonpublic Investigations
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Section 305 should be updated to reflect current practice regarding procedures such as retention of evidence. The update will be made in a rulemaking addressing other updates to the rules. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 313—Implementation of the Energy Policy and Conservation Act
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: These regulations would need to be updated to conform to existing statute. However further analysis is needed because the statute applies only to certain Title 49 actions. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 323—Terminations, Suspensions, and Reductions of Service
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 325—Essential Air Service Procedures
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 330—Procedures For Compensation of Air Carriers
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Part 330 established procedures implementing the airline compensation section of the Air Transportation Safety and System Stabilization Act, which was enacted following the terrorist attacks of September 11, 2001, Public Law 107–42, (Sept. 22, 2001) (the Stabilization Act). Section 103 of the Stabilization Act appropriated up to $5 billion, to be administered by the Department of Transportation, to compensate air carriers for losses they incurred due to the attacks. Part 330 set out carrier eligibility criteria, forms for applying for the compensation payments, details on types of losses that would and would not be eligible for compensation, audit procedures, and details on a set-aside program for certain air taxis, commuter carriers, and other small carriers. Of the 427 applications processed, 407 applicants were deemed eligible under part 330. These carriers received payments in a total amount of $4.6 billion. All eligible appropriations have been completed and payments have now been processed and paid, and all functions and responsibilities under this section have been fulfilled. As a result, part 330 serves no further purpose and should be removed. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 372—Overseas Military Personnel Charters
- Section 610: OST conducted a section 610 review of this part and

found no SEISNOSE.
- General: OST's general review of the regulations indicates that they may be duplicative of other DOT regulations governing charters. Therefore, OST will conduct a rulemaking to evaluate the necessity of part 372 and to rescind it if necessary. OST's plain language review of these rules indicates no need for substantial revision on that basis.

Year 5 (Fall 2012) List of Rules Analyzed and a Summary of Results

14 CFR part 255—Airline Computer Reservations Systems
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This provision was promulgated with a termination date of July 31, 2004, unless extended. The rule was not extended; therefore, it is no longer in effect. These regulations were removed in a final rule under RIN–2105–AE11.

14 CFR part 256—Electronic Airline Information Systems
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: No changes needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 257—Disclosure of Code-Sharing Arrangements and Long Term Wet-Leases
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 259—Enhanced Protections for Airline Passenger
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This regulation would need updating to conform to changes made in the FAA Extension, Safety, and Security Act of 2016. OST's plain language review indicates no need for substantial revision.

14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 272—Essential Air Service to the Freely Associated States
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Part 272 established essential air service procedures for the Freely Associated States comprising the Federated States of Micronesia (Ponape, Truk and Yap), the Marshall Islands (Majuro and Kwajalein), and Koror in Palau. The procedures include requirements for airlines to file notice before suspending service, an obligation to continue to provide service when subsidy is available, and carrier-selection criteria. Section 272.12 states, ''These provisions shall terminate on October 1, 1998, unless the essential air service program to the Federated States of Micronesia, the Marshall Islands and Palau is specifically extended by Congress.'' Congress did not extend the program (Pub. L. 101–219, sec. 110(b), (Dec.12, 1989)). Thus, the statutory basis for the regulation no longer exists and part 272 should be removed. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 291—Cargo Operations in Interstate Air Transportation
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 293—International Passenger Transportation
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE
- General: No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 294—Canadian Charter Air Taxi Operators
- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 296—Indirect Air Transportation of Property
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of

the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

49 CFR part 40—Procedures for Transportation Workplace Drug and Alcohol Testing Programs

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: The OST review of this regulation indicated a need to harmonize it with the Department of Health and Human Services requirements by adding additional drugs requiring testing. OST's plain language review indicated no need for substantial revision on that basis.

Year 5 (Fall 2012) List of Rules With Ongoing Analysis

14 CFR part 258—Disclosure of Change-of-Gauge Services

14 CFR part 292—International Cargo Transportation

Year 4 (Fall 2011) List of Rules Analyzed and a Summary of Results

14 CFR part 234—Airline Service Quality Performance Reports

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: In December 2016, this part was reviewed as part of the rule for Enhancing Airline Passenger Protections (see RIN 2105–AE11). Also, OST is proposing a rulemaking action under RIN 2105–AE68 addressing how carriers would report cancelled flights that are satisfied by a partner airline. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 235—Reports by Air Carriers on the Incidents Involving Animals During Air Transport

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE
- General: No changes are needed. This regulation is cost effective and imposes the least burden. OST's plain language review of this rule indicates no need for substantial revision.

14 CFR part 240—Inspection of Accounts and Property

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: The review revealed that general updates are needed. All changes are incorporated into the Aviation Clean-up Rule. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed and all changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 243—Passenger Manifest Information

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 244—Reporting Tarmac Delay Data

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: OST's review revealed that the language ''a tarmac delay of three hours or more,'' in section 244.3(a) is inaccurate and was the result of a drafting oversight. The language should be amended to, ''a tarmac delay of more than three hours.'' Also, there was a field omission regarding the information airlines must include as part of their Form 244 report. Subpart 244.3(a)(18) should be added with the language, ''Total length of tarmac delay over three hours.'' As a result, OST will be conducting a rulemaking to update the regulation by modifying language. OST's plain language review of these rules indicates no need for substantial revision.

14 CFR part 247—Direct Airport-to-Airport Mileage Records

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by

modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 248—Submission of Audit Reports

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 249—Preservation of Air Carrier Records

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 250—Oversales

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This part was last revised in August 2015 to adjust denied boarding compensation amounts for inflation (80 FR 30144). OST is considering revising several sections (250.5, 250.9, and 250.11) for plain language. OST is also considering general revisions to conform to new rules allowing for electronic payment of denied boarding compensation, and to account for the prevalence of e-ticketing.

14 CFR part 251—Carriage of Musical Instruments

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This regulation implements section 403 of the FAA Modernization and Reform Act of 2012 regarding the carriage of musical instruments as carry-on baggage or checked baggage on commercial passenger flights operated by air carriers. The rule text implements the statute verbatim. There is no further action necessary.

14 CFR part 252—Smoking aboard aircraft

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This part was thoroughly revised in March 2016 (81 FR 11415). There is no further action necessary at this time. The rule is currently being challenged in the D.C. Circuit (*CEI* vs. *DOT*; #16–1128). Revisions may be required if the suit is successful. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 253—Notice of Terms of Contract of Carriage

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This part was last revised, in part, in April 2011 (76 FR 26163). OST has decided that additional editorial updates are needed and to remove certain outdated language. OST has determined that sections 253.1, 253.2, and 253.10 should be revised for plain language.

14 CFR part 254—Domestic Baggage Liability

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: This part was last revised in August 2015 to adjust domestic baggage liability limits (80 FR 30144). OST is considering revising several sections (254.1 and 254.2) for plain language. No other revisions are necessary.

14 CFR part 259—Enhancing Protections for Airline Passengers

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: This part was last revised in 2009. OST has determined that changes are needed to make sections 259.3 and 259.4 consistent with 49 U.S.C. 42301. OST has a proposed rulemaking action under RIN 2105–AE47 that would make the necessary updates to this regulation. OST's plain language review indicates no need for substantial revision on that basis.

Year 3 (Fall 2010) List of Rules Analyzed and a Summary of Results

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. OST plain language review of these rules indicates no need for substantial revision.

14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation only

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need

for substantial revision on that basis.

14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: The reviews performed for the Aviation Clean-up Rule (RIN 2105–AD86) revealed general updates are needed. All changes are incorporated into this rule. OST's plain language review indicated no need for substantial revision on that basis.

14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft with Crew

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 221—Tariffs

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers

- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 223—Free and Reduced-Rate Transportation

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within subtitle VII of title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

- Section 610: OST conducted a section 610 review of this part and found no SEISNOSE.
- General: Part 232 established procedures for a party aggrieved by an order of the Postmaster General to request a review by DOT. In 2008, amendments to 49 U.S.C. 41902 removed from the statute the authority for the Secretary of Transportation to amend, modify, suspend, or cancel an order of the Postal Service (Pub. L. 110–405, Jan. 4, 2008). Accordingly, the statutory basis for part 232 regulations no longer exists and part 232 should be removed. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

Year 2 (Fall 2009) List of Rules With Ongoing Analysis

48 CFR part 1200—[Reserved]
48 CFR part 1201—Federal Acquisition Regulations System
48 CFR part 1202—Definitions of Words and Terms
48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest
48 CFR part 1204—Administrative Matters
48 CFR part 1205—Publicizing Contract Actions
48 CFR part 1206—Competition Requirements
48 CFR part 1207—Acquisition Planning
48 CFR part 1208–1210—[Reserved]
48 CFR part 1211—Describing Agency Needs
48 CFR part 1212— [Reserved]
48 CFR part 1213—Simplified Acquisition Procedures
48 CFR part 1214—Sealed Bidding
48 CFR part 1215—Contracting by Negotiation
48 CFR part 1216—Types of Contracts
48 CFR part 1217—Special Contracting Methods
48 CFR part 1218—[Reserved]
48 CFR part 1219—Small Business Programs
48 CFR part 1220—1221—[Reserved]
48 CFR part 1222—Application of Labor Laws to Government Acquisitions
48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
48 CFR part 1224—Protection of Privacy and Freedom of Information
48 CFR part 1225–1226—[Reserved]
48 CFR part 1227—Patents, Data, and Copyrights

48 CFR part 1228—Bonds and Insurance
48 CFR part 1229–130—[Reserved]
48 CFR part 1231—Contract Cost Principles and Procedures
48 CFR part 1232—Contract Financing
48 CFR part 1233—Protests, Disputes, and Appeals
48 CFR part 1234— [Reserved]
48 CFR part 1235—Research and Development Contracting
48 CFR part 1236—Construction and Architect-Engineer Contracts
48 CFR part 1237—Service Contracting
48 CFR part 1238—[Reserved]
48 CFR part 1239—Acquisition of Information Technology
48 CFR part 1240–1241—[Reserved]
48 CFR part 1242—Contract Administration and Audit Services
48 CFR part 1243–1244—[Reserved]
48 CFR part 1245—Government Property
48 CFR part 1246—Quality Assurance
48 CFR part 1247—Transportation
48 CFR part 1248–1251—[Reserved]
48 CFR part 1252—Solicitation Provisions and Contract Clauses
48 CFR part 1253—Forms
48 CFR part 1254–1299—Reserved

Year 1 (Fall 2008) List of Rules Analyzed and a Summary of Results

49 CFR part 91—International Air Transportation Fair Competitive Practices
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the International Air Transportation Fair Competitive Practices Act of 1974 was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Furthermore, under the Airline Deregulation Act of 1978, the authority of the Civil Aeronautics Board was transferred to the Department of Transportation. As a result, OST will seek to conduct a rulemaking to rescind the rule. OST's plain language review indicates no need for substantial revision on that basis.

49 CFR part 92—Recovering Debts to the United States by Salary Offset
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Changes are needed to make the regulations current regarding certain administrative updates and removal of outdated language. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 93—Aircraft Allocation
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Upon OST review of this rule it is recommended that the regulation is repealed. However, before moving forward DOT will need to ascertain if this action would impact DOD's implementation of the Civil Reserve Air fleet Program. OST's plain language review of these rules indicates no need for substantial revision.

49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: OST is considering a rulemaking to rescind this rule since there is already adequate procedure for referral of violations of the criminal post-Government employment rules to the Inspector General or the Department of Justice. See 5 CFR 2638.502,

49 CFR part 99—Employee Responsibilities and Conduct
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE
- General: Recommend rulemaking to rescind this rule.

14 CFR part 200—Definitions and Instructions
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 204—Data to Support Fitness Determinations
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 205—Aircraft Accident Liability Insurance
- Section 610: OST conducted a Section 610 review of this part and

found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. OST's plain language review of these rules indicates no need for substantial revision.

14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: OST's general review of the regulations indicates that they may be duplicative of the regulations of 14 CFR part 212. Therefore, OST will conduct a rulemaking to evaluate the necessity of part 207 and to rescind it if necessary. See RIN 2105–AD86. OST's plain language review of these rules indicates no need for substantial revision on that basis.

14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: OST's general review of the regulations indicates that they may be duplicative of the regulations of 14 CFR part 212. Therefore, OST will conduct a rulemaking to evaluate the necessity of part 208 and to rescind it if necessary. See RIN 2105–AD86. OST's plain language review of these rules indicates no need for substantial revision on that basis.

14 CFR part 211—Applications for Permits to Foreign Air Carriers
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers
- Section 610: OST conducted a Section 610 review of this part and found no SEISNOSE.
- General: Since this rule was enacted, the Federal Aviation Act was revised and recodified within Subtitle VII of Title 49 of the United States Code (Pub. L. 103–272, July 5, 1994). Since the codification, the Department has made numerous amendments to make the CFR consistent with the provisions of the current statute (49 U.S.C., Subtitle VII). As a result, OST will be conducting a rulemaking to update the economic regulations by modifying language to reflect current statutory provisions. See RIN 2105–AD86. OST's plain language review indicates no need for substantial revision on that basis.

Federal Aviation Administration

Section 610 and Other Reviews

Section 610 Review Plan and Summary

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEISNOSE will be *reviewed* in accordance with Section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 417 through 460	2017	2018
2	14 CFR parts 119 through 129 and parts 150 through 156	2018	2019
3	14 CFR parts 133 through 139 and parts 157 through 169	2019	2020
4	14 CFR parts 141 through 147 and parts 170 through 187	2020	2021
5	14 CFR parts 189 through 198 and parts 1 through 16	2021	2022
6	14 CFR parts 17 through 33	2022	2023
7	14 CFR parts 34 through 39 and parts 400 through 405	2023	2024
8	14 CFR parts 43 through 49 and parts 406 through 415	2014	2025
9	14 CFR parts 60 through 77	2025	2026
10	14 CFR parts 91 through 105	2026	2027

Background on the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 as amended (RFA), (§§ 601 through 612 of Title 5, United States Code (5 U.S.C.)) requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which includes small businesses, small organizations, and small governmental jurisdictions. The primary purpose of the RFA is to establish as a principle of regulatory issuance that Federal agencies endeavor, consistent with the objectives of the rule and applicable statutes, to fit regulatory and informational requirements to the scale of entities subject to the regulation. The FAA performed the required RFA analyses of each final

rulemaking action and amendment it has initiated since enactment of the RFA in 1980.

Section 610 of 5 U.S.C. requires government agencies to periodically review all regulations that will have a SEISNOSE. The FAA must analyze each rule within 10 years of its publication date.

Defining SEISNOSE

The RFA does not define ''significant economic impact.'' Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor's business, and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define ''substantial number.'' However, the legislative history of the RFA suggests that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

- Review of the number of small entities affected by the amendments to parts 417 through 460.
- Identification and analysis of all amendments to parts 417 through 460 since 2007 to determine whether any still have or now have a SEISNOSE.
- Review of the FAA Office of Aviation Policy, and Plans regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 2 (2018) List of Rules To Be Analyzed the Next Year

14 CFR part 119—Certification: Air Carriers and Commercial Operators
14 CFR part 120—Drug and Alcohol Testing Program
14 CFR part 121—Operating Requirements: Domestic, Flag, and Supplemental Operations
14 CFR part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More; and Rules Governing Persons on Board Such Aircraft
14 CFR part 129—Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage
14 CFR part 150—Airport Noise Compatibility Planning
14 CFR part 151—Federal Aid to Airports
14 CFR part 152—Airport Aid Program
14 CFR part 153—Airport Operations
14 CFR part 155—Release of Airport Property from Surplus Property Disposal Restriction
14 CFR part 156—State Block Grant Pilot Program

Year 1 (2017) List of Rules Analyzed and Summary of Results

14 CFR part 417—Launch Safety
- Section 610: The agency conducted a Section 610 review of this part and found Amendment No. 417–5, 81 FR 59439, Aug. 30, 2016. Amendment 91–314, 75 FR 30193, May 28, 2010; Amendment 91–314, 75 FR 30193, May 28, 2010; and Amendment 91–330, 79 FR 9972, Feb. 21, 2014 trigger SEISNOSE within the meaning of the RFA.
- General: No changes are needed. The FAA has considered a number of alternatives in attempts to lower compliance costs for small entities, but could not go forward with the lower cost alternatives without compromising the safety for the industry. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 420—License to Operate a Launch Site
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 431—Launch and Reentry of a Reusable Launch Vehicle (RLV)
- Section 610: Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- General: No changes are needed. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 433—License to Operate a Reentry Site
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 435—Reentry of a Reentry Vehicle Other than a Reusable Launch Vehicle (RLV)
- Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- General: No changes are needed. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 437—Experimental Permits
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 440—Financial Responsibility
- Section 610: Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- General: No changes are needed. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 460—Human Space Flight Requirements
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012

Year	Regulations to be reviewed	Analysis year	Review year
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highway is chapter I of title 23 of the U.S.C. 145 of title 23, expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 9 (Fall 2016) List of Rules Analyzed and a Summary of Results

23 CFR part 1200—Uniform procedures for State highway safety grant programs
- Section 610: No SEISNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1208—National minimum drinking age
- Section 610: No SEISNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 FR part 1210—Operation of motor vehicles by intoxicated minors
- Section 610: No SEISNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1215—Use of safety belts—compliance and transfer-of-funds procedures
- Section 610: No SEISNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1225—Uniform system for parking for persons with disabilities
- Section 610: No SEISNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1240—Safety incentive grants for use of seat belts—allocations based on seat belt use rates
- Section 610: No SEISNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 10 (Fall 2017) List of Rules That Will Be Analyzed During the Next Year

New Parts and Subparts since 2008 that have not undergone review.

23 CFR part 490—National Performance Management Measures

23 CFR part 505—Projects of National and Regional Significance Evaluation and Rating

23 CFR part 511—Real-Time System Management Information Program

23 CFR part 650 Subpart E—National Tunnel Inspection Standards

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 360, 365, 366, 368, 374, 377, and 378	2013	2014
7	49 CFR parts 356, 367, 369, 370, 371, 372 (subparts B and C)	2014	2015
8	49 CFR parts 373, 376, and 379	2015	2016
9	49 CFR part 375	2016	2017
10	49 CFR part 395	2017	2018

Year 8 (Fall 2014) List of Rules and a Summary of Results

49 CFR part 373—Receipts and Bills
- Section 610: There is no SEISNOSE. FMCSA requires certain motor carriers and freight forwarders to issue and retain a receipt or bill of lading for property tendered for transportation in interstate or foreign commerce.
- General: These regulations are cost effective and impose almost no additive financial burden upon the carrier. Retaining billing information constitutes a prudent business practice which would likely be required for tax and customer service purposes. The rule

is written in clear and unambiguous language, and should be retained.

49 CFR part 376—Lease and Interchange of Vehicles

- Section 610: There is no SEISNOSE. FMCSA requires certain authorized carriers that transport equipment (that it does not own) to retain a lease, and maintain appropriate equipment records.
- General: These regulations are cost effective and impose almost no additive financial burden upon the carrier. The rule principally defines the conditions by which certain carriers must retain leasing documents, insurance, financial and other related documentation. The stipulations in the rule are consistent with prudent business practices in support of customer service, accident liability, and financial matters. The rule takes great pains to ''exempt'' carriers, is written in clear and unambiguous language, and should be retained.

49 CFR part 379—Preservation of Records

- Section 610: There is no SEISNOSE. The rule requires certain companies to retain, protect, store, and as appropriate, dispose of records in accordance with minimum retention periods stipulated in appendix A of part 379.
- General: These regulations are cost effective and impose almost no additive financial burden upon the carrier. Retaining financial, contractual, property/equipment, taxes, shipping and other supporting business documents represent a prudent business practice which the carrier should already be doing. The rule is written in clear and unambiguous language and should be retained.

Year 9 (2015) List of Rules With Ongoing Analysis

49 CFR part 375—Transportation of household goods in interstate commerce; consumer protection regulations

Year 10 (2016) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 395—Hours of Service of Drivers

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 9 (Fall 2016) List of Rules With Ongoing Analysis

49 CFR part 571.214—Side Impact Protection

49 CFR part 571.215—[Reserved]

49 CFR part 571.216—Roof Crush Resistance; Applicable Unless a Vehicle Is Certified to 571.216a

49 CFR part 571.216a—Roof Crush Resistance; Upgraded Standard

49 CFR part 571.218—Motorcycle Helmets

49 CFR part 571.219—Windshield Zone Intrusion

Year 10 (Fall 2017) List of Rules That Will Be Analyzed During the Next Year

Part 591 Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards

Part 592 Registered Importers of Vehicles not Originally Manufactured to conform to the Federal Motor Vehicle Safety Standards

Part 593 Determinations that a vehicle not originally manufactured to conform to the federal motor vehicle safety standards is eligible for importation

Part 594 Schedule of Fees authorized by 49 U.S.C. 30141

Part 595 Make Inoperative Exemptions

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, and 240	2017	2018

Year 9 (Fall 2016) List of Rules Analyzed and a Summary of Results

49 CFR part 222—Use of Locomotive Horns at Public Highway-Rail Grade Crossings

- Section 610: There is no SEISNOSE.
- General: The purpose of this rule is to provide for safety at public highway-rail grade crossings by requiring locomotive horn use at public highway-rail grade crossings except in quiet zones established and maintained in accordance with this rule. FRA's plain language review of this rule indicates no need of substantial revision.

49 CFR part 227—Occupational Noise Exposure
- Section 610: There is no SEISNOSE.
- General: The main objective of the rule is to protect the occupational health and safety of employees whose predominant noise exposure occurs in the locomotive cab. The rule prescribes minimum Federal health and safety noise standards for locomotive cab occupants. This rule does not restrict a railroad or railroad contractor from adopting and enforcing additional or more stringent requirements. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 235—Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236
- Section 610: There is no SEISNOSE.
- General: Since the rule prescribes instructions regarding applications for approval of a discontinuance or material modification of a signal system or relief from the requirements of Part 236, it promotes and enhances the safety of railroad operations. FRA's plain language review of this rule indicates no need for substantial revision

49 CFR part 236—Rules, Standards and Instructions Governing the Installation, Inspection, Maintenance and Repair of Signal and Train Control Systems, Devices and Appliances
- Section 610: There is no SEISNOSE.
- General: Since the rule prescribes standards and instructions about the installation, inspection, maintenance and repair of signal and train control systems, devices and appliances, and performance-based safety standards for PTC systems, it will promote and enhance the safety of railroad operations. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 250—Guarantee of Certificates of Trustees of Railroads in Reorganization
- Section 610: There is no SEISNOSE.
- General: The purpose of this rule is to describe the requirements regarding form and content of applications, required exhibits, fees, execution and filing of applications and general instructions to obtain guarantee of certificates by the Secretary of Transportation for trustees of railroads in reorganization under the former Section 77 of the Bankruptcy Act. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 260—Regulations Governing Loans and Loan Guarantees under the Railroad Rehabilitation and Improvement Financing Program
- Section 610: The Railroad Rehabilitation and Improvement Financing Program, which operates under regulations in 49 CFR part 260 ''Regulations Governing Loans and Loan Guarantees under the Railroad Rehabilitation and Improvement Financing Program'', are now administered by the Executive Director of the Build America Bureau. The Build America Bureau is reviewing the regulations to determine what updates are necessary.
- General: The purpose of this rule is to provide direct loans and loan guarantees to eligible applicants, including State and local governments, government sponsored authorities and corporations and railroads. FRA is assessing in, consultation with the Build America Bureau, how to revise 49 CFR part 260 to reflect the RRIF program transfer. FRA is not rescinding the regulations at this time because the Build America Bureau necessarily relies on certain sections under Part 260 in administering the RRIF program.

49 CFR part 266—Assistance to States for Local Rail Service under Section 5 of the Department of Transportation Act
- Section 610: There is no SEISNOSE.
- General: The purpose of the rule is to provide assistance to States for local rail service which includes: Rail service continuation assistance; acquisition assistance; rehabilitation or improvement assistance; substitute service assistance; rail facility construction assistance; planning assistance; and program operations assistance. However, there are special limitations on planning assistance and program operations assistance. No appropriations are currently available for providing the assistance. FRA is currently evaluating whether 49 CFR part 266 should be rescinded because FRA does not anticipate future funding of the programs concerned.

Year 10 (Fall 2017) List of Rule(s) That Will Be Analyzed During Next Year

49 CFR part 213—Track Safety Standards

49 CFR part 220—Railroad Communications

49 CFR part 230—Steam Locomotive Inspection and Maintenance Records

49 CFR part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End of Train Devices

49 CFR part 239—Passenger Train Emergency Preparedness

49 CFR part 240—Qualification and Certification of Locomotive Engineers

Federal Transit Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 9 (Fall 2016) List of Rules Analyzed and Summary of Results

49 CFR part 659—Rail Fixed Guideway Systems; State Safety Oversight

- Section 610: The agency has determined that the rule continues to not have a significant effect on a substantial number of small entities. Pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, July 6, 2012), FTA has established a comprehensive public transportation safety program, one element of which is the State Safety Oversight (SSO) Program. (See 49 U.S.C. 5329). FTA has issued a revised SSO Program regulation (49 CFR part 674) which became effective April 15, 2016; however, Part 659 will remain in effect until April 14, 2019 at which time it will sunset. In the interim, SSO Agencies will revise their programs to meet the requirements of Part 674. Prior to publication of the final rule (81 FR 14229, March 16, 2016), FTA evaluated the likely effect of the proposals as required by the Regulatory Flexibility Act, and determined that this rule will have no SEISNOSE. Like Part 659, the parties subject to the rule are those states that must carry out the oversight of rail fixed guideway public transportation systems within their jurisdictions.
- General: Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, July 6, 2012). FTA promulgated a new rule, 49 CFR part 674, to implement the MAP–21 requirements which require a state to oversee the safety and security of rail fixed guideway systems within its jurisdiction. Pursuant to MAP–21, Part 659 will be rescinded in April 2019; that is, three-years following the effective date of the Part 674. Meanwhile, states will revise their SSO programs to conform to the new MAP–21 requirements. Part 674 specifies that a state must have its new program standard certified by FTA. In addition, a state must demonstrate its SSOA's financial and legal independence from the RTAs it oversees and demonstrate its ability to effectively oversee the safety of the rail fixed guideway public transportation systems throughout the state. FTA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 663—Pre-Award and Post-Delivery Audits of Rolling Stock Purchases

- Section 610: FTA conducted a Section 610 review of this part and found no SEISNOSE.
- General: The rule was promulgated to assist transit agencies conducting pre-award and post-delivery audits of rolling stock procurements, as required under 49 U.S.C. 5323(m). The agency has determined that the rule is cost-effective and imposes the least possible burden on small entities. FTA's plain language review of this rule indicates no need for substantial revision.

Year 10 (Fall 2017)—List of Rule(s) That Will Be Analyzed This Year

49 CFR part 665—Bus Testing

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 8 (2015) List of Rules With Ongoing Analysis

46 CFR part 345—Restrictions upon the transfer or change in use or in terms governing utilization of port facilities

46 CFR part 346—Federal port controllers

46 CFR part 370—Claims

46 CFR part 381—Cargo preference—U.S.-flag vessels

Year 9 (2016) List of Rules With Ongoing Analysis

46 CFR part 382—Determination of fair and reasonable rates for the carriage of bulk and packaged preference cargoes on U.S.-flag commercial vessels

46 CFR part 385—Research and development grant and cooperative agreements regulations

46 CFR part 386—Regulations governing public buildings and grounds at the United States Merchant Marine Academy

46 CFR part 387—Utilization and disposal of surplus Federal real property for development or operation of a port facility

46 CFR part 388—Administrative waivers of the Coastwise Trade Laws

46 CFR part 389—Determination of availability of coast-wise-qualified vessels for transportation of platform jackets

Year 10 (2017) List of Rules That Will Be Analyzed During the Next Year

46 CFR part 390—Capital Construction Fund implementing regulations

46 CFR part 391—Federal Income Tax Aspects of the Capital Construction Fund

46 CFR part 393—America's Marine Highway Program implementing regulations

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011

Year	Regulations to be reviewed	Analysis year	Review year
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 and 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 9 (Fall 2017) List of Rules Analyzed and a Summary of Results

49 CFR parts 172, 173, 174, 176, and 177—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans; Shippers—General Requirements for Shipments and Packaging; Carriage by Rail; Carriage by Vessel; and Carriage by Public Highway.

- Section 610: There is no SEISNOSE. A substantial number of small entities may be affected by this rule, but the economic impact on those entities is not significant. Plain Language: PHMSA's plain language review of this rule indicates no need for substantial revision. Where confusing or wordy language has been identified, revisions will be proposed in the upcoming biennial international harmonization rulemaking.
- General: On March 30, 2017, PHMSA issued a final rule titled ''Hazardous Materials: Harmonization with International Standards'' that amended the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements (82 FR 15796). These revisions were necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization's Technical Instructions (ICAO TI) for the Safe Transport of Dangerous Goods by Air, and the United Nations (UN) Recommendations on the Transport of Dangerous Goods—Model Regulations. Additionally, PHMSA adopted several amendments to the HMR that resulted from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

  This rulemaking action is part of our ongoing biennial process to harmonize the HMR with international regulations and standards. Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and promotes consistency of the HMR with international transport standards to the extent practicable. Federal hazmat law permits PHMSA to depart from international standards where appropriate, including to promote safety or other overriding public interests. However, Federal hazmat law otherwise encourages domestic and international harmonization (see 49 U.S.C. 5120).

  Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials. Safety is enhanced by creating a uniform framework for compliance, and as the volume of hazardous materials transported in international commerce continues to grow, harmonization becomes increasingly important.

  The impact that it will have on small entities is not expected to be significant. The final rule clarified provisions based on PHMSA's initiatives and correspondence with the regulated community and domestic and international stakeholders. The changes are generally intended to provide relief and, as a result, marginal positive economic benefits to shippers, carriers, and packaging manufacturers and testers, including small entities. These benefits are not at a level that can be considered economically significant. Consequently, this final rule will not have a significant economic impact on a substantial number of small entities. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 193—Liquefied Natural Gas Facilities: Federal Safety Standards

- Section 610: There is no SEISNOSE.
- General: This rule prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*) and Part 192. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 10 (Fall 2018) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 173—Shippers—General Requirements for Shipments and Packaging

49 CFR part 194—Response Plans for Onshore Oil Pipelines

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (Fall 2008) List of Rules With Ongoing Analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
150	+Defining Unfair or Deceptive Practices	2105–AE72

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
151	+Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization).	2120–AK26

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
152	Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09
153	+Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization).	2120–AK22
154	+Pilot Records Database (HR 5900)	2120–AK31
155	+Aircraft Registration and Airmen Certification Fees	2120–AK37
156	+Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects **(Section 610 Review)**.	2120–AK77
157	+Operations of Small Unmanned Aircraft Over People	2120–AK85

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
158	+Airport Safety Management System	2120–AJ38
159	Updates to Rulemaking and Waiver Procedures and Expansion of the Equivalent Level of Safety Option **(Section 610 Review)**.	2120–AK76
160	+Registration and Marking Requirements for Small Unmanned Aircraft	2120–AK82

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
161	+Regulation Of Flight Operations Conducted By Alaska Guide Pilots	2120–AJ78
162	+Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) ..	2120–AK57

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
163	Motorcoach Lap/Shoulder Seat Belts **(Section 610 Review)**	2126–AC08
164	Controlled Substances And Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License **(Section 610 Review)**.	2126–AC11

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
165	Commercial Learner's Permit Validity **(Section 610 Review)**	2126–AB98
166	Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits **(Section 610 Review)**.	2126–AC01

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
167	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126–AA35

+ DOT-designated significant regulation.

FEDERAL RAILROAD ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
168	+Passenger Equipment Safety Standards Amendments (RRTF)	2130–AC46

+ DOT-designated significant regulation.

FEDERAL RAILROAD ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
169	+Train Crew Staffing and Location	2130–AC48

+ DOT-designated significant regulation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
170	Seaway Regulations and Rules: Periodic Update, Various Categories **(Completion of a Section 610 Review)**.	2135–AA43
171	Tariff of Tolls **(Completion of a Section 610 Review)**	2135–AA44

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
172	+Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
173	+Pipeline Safety: Safety of Hazardous Liquid Pipelines	2137–AE66
174	+Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry	2137–AE93
175	+Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains.	2137–AF08

+ DOT-designated significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

150. • +Defining Unfair or Deceptive Practices

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 41712

Abstract: This rulemaking would define the phrase ''unfair or deceptive practice'' found in the Department's aviation consumer protection statute. The Department's statute is modeled after a similar statute granting the Federal Trade Commission (FTC) the authority to regulate unfair or deceptive practices. Using the FTC's policy statements as a guide, the Department has found a practice to be unfair if it causes or is likely to cause substantial harm, the harm cannot reasonably be avoided, and the harm is not outweighed by any countervailing benefits to consumers or to competition. Likewise, the Department has found a practice to be deceptive if it misleads or is likely to mislead a consumer acting reasonably under the circumstances with respect to a material issue (one that is likely to affect the consumer's decision with regard to a product or service). This rulemaking would codify the Department's existing interpretation of ''unfair or deceptive practice,'' and seek comment on any whether changes are needed. The rulemaking is not expected to impose monetary costs, and will benefit regulated entities by providing a clearer understanding of the Department's interpretation of the statute.

Timetable:

Action	Date	FR Cite
NPRM	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaine A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–9342, *Fax:* 202 366–7153, *Email: blane.workie@dot.gov.*

RIN: 2105–AE72

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

151. +Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail-End Ferry Operations (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101 and 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105 and 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 and 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would solicit information related to a congressional mandate to require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK26

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

152. Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8522, *Email: vicky.dunne@faa.gov.*

RIN: 2120–AK09

153. +Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717

Abstract: This rulemaking would require a flightcrew member who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times. This rule is necessary as it will make part 121 flight, duty, and rest limits applicable to tail end ferries that follow an all cargo operation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK22

154. +Pilot Records Database (HR 5900)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119 and 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 and 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111–216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Morris, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Blvd., Oklahoma City, OK 73169, *Phone:* 405–954–4646, *Email: christopher.morris@faa.gov.*

RIN: 2120–AK31

155. +Aircraft Registration and Airmen Certification Fees

E.O. 13771 Designation: Other.

Legal Authority: 31 U.S.C. 9701; 4 U.S.C. 1830; 49 U.S.C. 106(f) and (g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Public Law 108–297, 118 Stat. 1095

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8994, *Email: isra.raza@faa.gov.*

RIN: 2120–AK37

156. +Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114–190).

Timetable:

Action	Date	FR Cite
NPRM	02/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Sheri Edgett-Baron, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–9354.

RIN: 2120–AK77

157. +Operations of Small Unmanned Aircraft Over People

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 40101; 49 U.S.C. 40103(b); 49 U.S.C. 44701(a)(5); Pub. L. 112–95, sec. 333

Abstract: This rulemaking would address the performance-based standards and means-of-compliance for operation of small unmanned aircraft systems (UAS) over people not directly participating in the operation or not under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. This rule would provide relief from certain operational restrictions implemented in the Operation and Certification of Small Unmanned Aircraft Systems final rule (RIN 2120–AJ60).

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Guido Hassig, Department of Transportation, Federal Aviation Administration, 1 Airport Way, Rochester, NY 14624, *Phone:* 585–436–3880, *Email: guido.hassig@faa.gov.*

RIN: 2120–AK85

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

158. +Airport Safety Management System

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation-related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating

organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Keri Lyons, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–8972, *Email: keri.lyons@faa.gov*.

RIN: 2120–AJ38

159. Updates to Rulemaking and Waiver Procedures and Expansion of the Equivalent Level of Safety Option (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 51 U.S.C. 50901; 51 U.S.C. 50903 and 50904; 51 U.S.C. 50905

Abstract: This rulemaking would streamline and improve commercial space transportation's general rulemaking and petition procedures by reflecting current practice; reorganizing the regulations for clarity and flow; and allowing petitioners to file their petitions electronically. This action would expand the option to satisfy commercial space transportation requirements by demonstrating an equivalent level of safety. These changes are necessary to ensure the regulations are current, accurate, and not unnecessarily burdensome. The intended effect of these changes is to improve the clarity of the regulations and reduce burden on the industry and the FAA.

Timetable:

Action	Date	FR Cite
NPRM	06/01/16	81 FR 34919
NPRM Comment Period End.	08/01/16	
Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Joshua Easterson, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–5150, *Email: joshua.easterson@faa.gov*.

RIN: 2120–AK76

160. +Registration and Marking Requirements or Small Unmanned Aircraft

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

Abstract: This rulemaking would provide an alternative, streamlined, and simple web-based aircraft registration process for the registration of small unmanned aircraft, including small unmanned aircraft operated as model aircraft, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. It would also provide a simpler method for marking small unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB Approval of Information Collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara Mikolop, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, *Phone:* 202–267–7776, *Email: sara.mikolop@faa.gov*.

RIN: 2120–AK82

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

161. +Regulation of Flight Operations Conducted by Alaska Guide Pilots

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(g) ; 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 and 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 and 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 and 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 and 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Statue 1180; Pub. L. 106–181, sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Pub. L. 106–181).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 385–9615, *Email: jeffrey.smith@faa.gov*.

RIN: 2120–AJ78

162. +Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization)

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 106(f) and (g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701 and 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49

U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

Abstract: This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aide in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see an unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Holliday, Department of Transportation, Federal Aviation Administration, 801 Pennsylvania Ave. NW, Washington, DC 20024, *Phone:* 202–267–4552, *Email: chris.holliday@faa.gov*.

RIN: 2120–AK57

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

163. Motorcoach Lap/Shoulder Seat Belts (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: Not Yet Determined

Abstract: The Federal Motor Carrier Safety Administration proposes to amend the Federal Motor Carrier Safety Regulations to require all over-the-road buses manufactured on or after November 28, 2016, and other buses with a gross vehicle weight rating greater than 26,000 pounds and manufactured during the same timeframe to be equipped with lap/shoulder seat belts in accordance with Federal Motor Vehicle Safety Standard No. 208 accommodating each passenger seating position, with certain exclusions. This rule will be a companion rule to the final rule published by the National Highway Traffic Safety Administration's final rule published in November 2013.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Larry W. Minor, Director, Office of Bus and Truck Standards and Operations, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4009, *Email: larry.minor@dot.gov*.

RIN: 2126–AC08

164. Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 31136(a); 49 U.S.C. 31305(a)

Abstract: The Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) final rule (81 FR 87686, Dec. 5, 2016), requires State Driver Licensing Agencies (SDLAs) to check the Clearinghouse before issuing, renewing, transferring, or upgrading a Commercial Driver's License (CDL) to determine whether the driver is qualified to operate a commercial motor vehicle. FMCSA proposes to amend the Clearinghouse final rule to require SDLAs to downgrade the CDL of any driver for whom a verified positive controlled substances (drug) test result, an alcohol confirmation test with a concentration of .04 or higher, a refusal to submit to a drug or alcohol test, or an employer's actual knowledge of prohibited drug or alcohol use is reported to the Clearinghouse. Under this NPRM, the CDL downgrade, currently defined in 49 CFR 383.5 as the removal of the CDL privilege from the driver's license, will remain in effect until the driver complies with return to duty requirements set forth in 49 CFR part 40, subpart O. SDLAs will have electronic access to relevant information in the CDL holder's Clearinghouse record through the Commercial Driver's License Information System (CDLIS), which will enable them to initiate the downgrade process and to restore the CDL privilege to the driver's license upon his or her completion of return to duty requirements. This proposal is intended to improve highway safety by establishing a means to enforce the existing requirement that CDL holders who test positive or refuse to test, or engage in other drug and alcohol program violations, must not perform safety-sensitive functions, including driving a commercial motor vehicle in intrastate or interstate commerce. This NPRM does not propose any other changes to the Clearinghouse final rule, nor does it propose any changes to the drug and alcohol testing requirements in part 382 and part 40.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202–366–4844, *Email: Juan.Moya@dot.gov*.

RIN: 2126–AC11

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

165. Commercial Learner's Permit Validity (Section 610 Review)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 31305; 49 U.S.C. 31308

Abstract: This rulemaking would amend Commercial Driver's License (CDL) regulations to allow a commercial learner's permit to be issued for 1 year, without renewal, rather than for no more than 180 days with an additional 180 day renewal. This change would reduce costs to CDL applicants who are unable to complete the required training and testing within the current validity period, with no expected negative safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	06/12/17	82 FR 26888
NPRM Comment Period End.	08/11/17	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–4325, *Email: tom.yager@dot.gov*.

RIN: 2126–AB98

166. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits (Section 610 Review)

E.O. 13771 Designation: Other.

Legal Authority: 49 U.S.C. 5105; 49 U.S.C. 5109

Abstract: This action will update an existing Incorporation by Reference (by the Commercial Vehicle Safety Alliance) of the North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403.

Timetable:

Action	Date	FR Cite
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Dunlap, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366–3536, *Email: stephanie.dunlap@dot.gov*.

RIN: 2126–AC01

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

167. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 107–87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A).

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY–2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the Agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dolores Macias, Acting Division Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202 366–2995, *Email: dolores.macias@dot.gov*.

RIN: 2126–AA35

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Final Rule Stage

168. +Passenger Equipment Safety Standards Amendments (RRTF)

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 20103

Abstract; This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable, high-speed passenger rail service at speeds up to 220 mph. The Tier III standards require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. This rule would also establish crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger trainsets. Additionally, the rule would increase from 150 mph to 160 mph the maximum speed for passenger equipment that complies with FRA's Tier II standards. The rule is expected to ease regulatory burdens, allow the development of advanced technology, and increase safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88006
NPRM Comment Period End.	02/06/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Gresham, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathyryn.gresham@dot.gov*.

RIN: 2130–AC46

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Long-Term Actions

169. +Train Crew Staffing and Location

E.O. 13771 Designation: Regulatory.

Legal Authority: 28 U.S.C. 2461, note; 49 U.S.C. 20103; 49 U.S.C. 20107; 49 U.S.C. 21301 and 21302; 49 U.S.C. 21304

Abstract: This rule would establish requirements to appropriately address known safety risks posed by train operations that use fewer than two crewmembers. FRA is considering options based on public comments on the proposed rule and other information.

Timetable:

Action	Date	FR Cite
NPRM	03/15/16	81 FR 13918
NPRM Comment Period End.	05/16/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Gresham, Trial Attorney, Department of

Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.gresham@dot.gov*.

RIN: 2130–AC48

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Completed Actions

170. Seaway Regulations and Rules: Periodic Update, Various Categories (Completion of a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by updating the Seaway Regulations and Rules in various categories. These amendments are necessary to take account of updated procedures and will enhance the safety of transits through the Seaway.

Timetable:

Action	Date	FR Cite
Final Rule	03/22/18	83 FR 12485
Final Rule Effective.	03/29/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 315–764–3231, *Email: Carrie.Mann@dot.gov*.

RIN: 2135–AA43

171. Tariff of Tolls (Completion of a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges levied by the SLSMC in Canada starting in the 2018 navigations season.

Timetable:

Action	Date	FR Cite
Final Rule	03/23/18	83 FR 12667
Final Rule Effective.	03/29/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Carrie Lavigne, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 315–764–3231, *Email: Carrie.Mann@dot.gov*.

RIN: 2135–AA44

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

172. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as ''ruptures'' and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, and 9–1–1 notification requirements to help operators achieve better rupture response and mitigation. These proposals address congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, Washington, DC 20590, *Phone:* 202–366–4595, *Email: robert.jagger@dot.gov*.

RIN: 2137–AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

173. +Pipeline Safety: Safety of Hazardous Liquid Pipelines

E.O. 13771 Designation: Regulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would amend the Pipeline Safety Regulations to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate, and ensuring that operators are increasing the detection and remediation of unsafe conditions, and mitigating the adverse effects of hazardous liquid pipeline failures.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
Comment Period Extended.	01/04/11	76 FR 303
ANPRM Comment Period End.	01/18/11	
Extended Comment Period End.	02/18/11	
NPRM	10/13/15	80 FR 61610
NPRM Comment Period End.	01/08/16	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: cameron.satterthwaite@dot.gov*.

RIN: 2137–AE66

174. +Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

E.O. 13771 Designation: Deregulatory.

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is amending the Federal Pipeline Safety Regulations that govern the use of plastic piping systems in the transportation of natural and other gas. These amendments are necessary to enhance pipeline safety, adopt innovative technologies and best practices, and respond to petitions from stakeholders. The amendments include an increased design factor for polyethylene (PE) pipe, stronger mechanical fitting requirements, new and updated riser standards, new accepted uses of Polyamide-11 (PA-11) thermoplastic pipe, authorization to use Polyamide-12 (PA-12) thermoplastic pipe, and new or updated consensus standards for pipe, fittings, and other components.

Timetable:

Action	Date	FR Cite
NPRM	05/21/15	80 FR 29263
NPRM Comment Period End.	07/31/15	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: cameron.satterthwaite@dot.gov*.

RIN: 2137–AE93

175. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

E.O. 13771 Designation: Regulatory.

Legal Authority: 33 U.S.C. 1321; 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking would expand the applicability of comprehensive oil spill response plans (OSRP) based on thresholds of liquid petroleum oil that apply to an entire train. The rulemaking would also require railroads to share information about high-hazard flammable train operations with State and Tribal emergency response commissions to improve community preparedness in accordance with the Fixing America's Surface Transportation Act of 2015 (FAST Act). Finally, the rulemaking would incorporate by reference an initial boiling point test for flammable liquids for better consistency with the American National Standards Institute/American Petroleum Institute Recommend Practices 3000, ''Classifying and Loading of Crude Oil into Rail Tank Cars,'' First Edition, September 2014.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/14	79 FR 45079
ANPRM Comment Period End.	09/30/14	
NPRM	07/29/16	81 FR 50067
NPRM Comment Period End.	09/27/16	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Victoria Lehman, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, *Phone:* 202–366–8553, *Email: victoria.lehman@dot.gov*.

RIN: 2137–AF08

[FR Doc. 2018–11270 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part XIV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov,* in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda available on the internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Michael Briskin,

Deputy Assistant General Counsel for General Law and Regulation.

CUSTOMS REVENUE FUNCTION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
176	Enforcement of Copyrights and the Digital Millennium Copyright Act	1515–AE26

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Proposed Rule Stage

176. Enforcement of Copyrights and the Digital Millennium Copyright Act

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: Not Yet Determined

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Steuart, Chief, Intellectual Property Rights Branch, Department of the Treasury, Customs Revenue Function, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, *Phone:* 202 325–0093, *Fax:* 202 325–0120, *Email: charles.r.steuart@cbp.dhs.gov*.

RIN: 1515–AE26

[FR Doc. 2018–11278 Filed 6–8–18; 8:45 am]

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Part XV

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. 1

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This Agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning spring 2018. The purpose in publishing the Department's regulatory agenda is to allow all interested persons the opportunity to participate in VA's regulatory planning.

ADDRESSES: Interested persons are invited to comment on the entries listed in the agenda by contacting the individual agency contact listed for each entry or by writing to: Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Michael Shores at (202) 461–4921 or Consuela Benjamin at (202) 461–5952.

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 ''Regulatory Planning and Review'' (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that they have under development or review.

Michael P. Shores,

Director, Office of Regulation Policy and Management.

DEPARTMENT OF VETERANS AFFAIRS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
177	Loan Guaranty: Revisions to VA-Guaranteed Refinance Home Loans	2900–AQ25

DEPARTMENT OF VETERANS AFFAIRS (VA)

Veterans Benefits Administration

Proposed Rule Stage

177. • Loan Guaranty: Revisions to VA-Guaranteed Refinance Home Loans

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 38 U.S.C. 501; 38 U.S.C. 3720; 38 U.S.C. 3703; 38 U.S.C. 3710

Abstract: The Department of Veterans Affairs (VA) is proposing to amend its rules on VA-guaranteed refinance home loans. In promulgating this rulemaking, VA intends to curtail lending practices that increase the risk of equity skimming and serial refinancing, cause instability in the secondary lending market, devalue the loan guaranty benefit as a lending product, and expose taxpayers to unnecessary risk. This rulemaking would also make certain regulatory updates to conform with statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Bell III, Assistant Director for Loan Policy and Valuation (262), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Phone:* 202 632–8786, *Email: john.bell2@va.gov*.

RIN: 2900–AQ25

[FR Doc. 2018–11279 Filed 6–8–18; 8:45 am]

BILLING CODE 8320–01–P

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Part XVI

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

David M. Capozzi,

Executive Director.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
178	Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; Rail Vehicles	3014–AA42

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Prerule Stage

178. Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; Rail Vehicles

E.O. 13771 Designation: Other.

Legal Authority: 42 U.S.C. 12204

Abstract: This rulemaking would update the Access Board's existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (*e.g.,* rapid rail, light rail, commuter rail, and intercity rail) and are covered by the Americans with Disabilities Act. The existing ''rail vehicles'' guidelines, which are located at 36 CFR part 1192, subparts C to F and H, were initially promulgated in 1991, and are in need of an update to, among other things, keep pace with newer accessibility-related technologies, harmonize with recently-developed national and international consensus standards, and incorporate recommendations from the Board's Rail Vehicles Access Advisory Committee's 2015 Report. Revisions or updates to the rail vehicles guidelines would be intended to ensure that ADA-covered rail vehicles are readily accessible to and usable by individuals with disabilities. Compliance with any revised rail vehicles guidelines would not be required until these guidelines are adopted by the U.S. Department of Transportation in a separate rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	02/14/13	78 FR 10581
Notice of Establishment of Advisory Committee; Appointment of Members.	05/23/13	78 FR 30828
ANPRM	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov*.

RIN: 3014–AA42

[FR Doc. 2018–11280 Filed 6–8–18; 8:45 am]

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Part XVII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–9974–84–OP]

Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public. This document contains information about:

- Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov* 202–564–2855).

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IV. Thank You for Collaborating With Us

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting the environment and the health, welfare, and safety of Americans while also supporting economic growth, job creation, competitiveness, and innovation. EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, EPA provides notice of our plans to review, propose, and issue regulations.

Additionally, EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act, as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database, at both *www.reginfo.gov/* and *www.regulations.gov*.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at *https://www.gpo.gov/fdsys/search/home.action*.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

''610 Review'' as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at *https://www.epa.gov/reg-flex/section-610-reviews.*

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: The Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (82 FR 9339, Feb. 3, 2017); 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through *https://www.regulations.gov* are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to that proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule and policymaking process. For more information about EPA's efforts to increase transparency, participation and collaboration in EPA activities, please visit *https://www.epa.gov/open.*

II. Semiannual Agenda of Regulatory and Deregulatory Actions

A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA has one completed 610 review in this Agenda.

B. How is the e-Agenda organized?

Online, you can choose how to sort the agenda entries by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency (such as Office of Water); stage of rulemaking as described in the following paragraphs; alphabetically by title; or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—EPA's prerule actions generally are intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.

2. Proposed Rule Stage—Proposed rulemaking actions include EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.

3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We urge you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—EPA's completed actions are those that have been promulgated and published in the **Federal Register** since publication of the fall 2017 Agenda. The term completed actions also includes actions that EPA is no longer considering and has elected to ''withdraw'' and also the results of any RFA section 610 reviews.

C. What information is in the Regulatory Flexibility Agenda and the e-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Each entry is placed into one of the five following categories:

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.,* certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Pesticide

Tolerances and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Executive Order *13771 Designation:* Each entry is placed into one of the following categories:

a. Deregulatory: When finalized, an action is expected to have total costs less than zero;

b. Regulatory: The action is either

(i) a significant regulatory action as defined in Section 3(f) of Executive Order 12866, or

(ii) a significant guidance document (*e.g.,* significant interpretive guidance) reviewed by OMB's Office of Information and Regulatory Affairs (OIRA) under the procedures of Executive Order 12866 that, when finalized, is expected to impose total costs greater than zero;

c. Fully or Partially Exempt: The action has been granted, or is expected to be granted, a full or partial waiver under one or more of the following circumstances:

(i) It is expressly exempt by Executive Order 13771 (issued with respect to a ''military, national security, or foreign affairs function of the United States''; or related to ''agency organization, management, or personnel''), or

(ii) it addresses an emergency such as critical health, safety, financial, or non-exempt national security matters (offset requirements may be exempted or delayed), or

(iii) it is required to meet a statutory or judicial deadline (offset requirements may be exempted or delayed), or

(iv) expected to generate de minimis costs;

d. Not subject to, not significant: Is a NPRM or final rule AND is neither an Executive Order 13771 regulatory action nor an Executive Order 13771 deregulatory action;

e. Other: At the time of designation, either the available information is too preliminary to determine Executive Order 13771 status or other reasonable circumstances preclude a preliminary Executive Order 13771 designation.

f. Independent agency: Is an action an independent agency anticipates issuing and thus is not subject to E.O. 13771.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 05/00/19 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (**Note:** To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

D. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. Federal Regulatory Dashboard

The *https://www.reginfo.gov/* searchable database, maintained by the Regulatory Information Service Center and OIRA, allows users to view the Regulatory Agenda database (*https://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

3. Deregulatory Actions and Regulatory Reform

EPA maintains a list of its deregulatory actions under development, as well as those that are completed, at *https://www.epa.gov/laws-regulations/epa-deregulatory-actions*. Additional information about EPA's regulatory reform activity is available to the public at *https://www.epa.gov/laws-regulations/regulatory-reform*.

4. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov*.

III. Review of Regulations Under 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. At this time, EPA has one completed 610 review.

Review title	RIN	Docket ID No.	Status
Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3).	2070–AK17	EPA–HQ–OPPT–2016–0126 ...	Completed.

EPA established an official public docket for this 610 review. A summary of this 610 review can be accessed at *https://www.regulations.gov/* with docket identification number EPA–HQ–OPPT–2016–0126.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing the RFA/SBREFA, please visit EPA's RFA/SBREFA website at *www.epa.gov/reg-flex*.

IV. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: February 22, 2018.

Samantha K. Dravis,

Associate Administrator, Office of Policy.

35—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
179	N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(a)	2070–AK07
180	Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a); Vapor Degreasing	2070–AK11

35—Completed Actions

Sequence No.	Title	Regulation Identifier No.
181	Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) **(Section 610 Review) (Completion of a Section 610 Review)**.	2070–AK17

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Long-Term Actions

179. N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(A)

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to issue rules under TSCA section 6 for chemicals listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which EPA published completed risk assessments prior to June 22, 2016, consistent with the scope of the completed risk assessment. Methylene chloride and N-methylpyrrolidone (NMP) are used in paint and coating removal in commercial processes and consumer products. In the August 2014 TSCA Work Plan Chemical Risk Assessment for methylene chloride and the March 2015 TSCA Work Plan Chemical Risk Assessment for NMP, EPA characterized risks from use of these chemicals in paint and coating removal. On January 19, 2017, EPA preliminarily determined that the use of NMP and methylene chloride in paint and coating removal poses an unreasonable risk of injury to health. EPA also proposed prohibitions and restrictions on the manufacture, processing, and distribution in commerce of methylene chloride for all consumer and most types of commercial paint and coating removal and on the use of methylene chloride in commercial paint and coating removal in specified sectors. EPA co-proposed two options for NMP in paint and coating removal. The first co-proposal would prohibit the manufacture, processing, and distribution in commerce of NMP for all consumer and most commercial paint and coating removal and the use of NMP for most commercial paint and coating removal. The second co-proposal would require commercial users of NMP for paint and coating removal to establish a worker protection program and not use paint and coating removal products that contain greater than 35% NMP by weight, with certain exceptions; and require processors of products containing NMP for paint and coating removal to reformulate products such that they do not exceed 35% NMP by weight, to identify gloves that provide effective protection for the formulation, and to provide warnings and instructions on any paint and coating removal products containing NMP. Also in that proposal, EPA identified commercial furniture refinishing as an industry for which EPA would like more information before proposing regulations to address the risks presented by methylene chloride, and announced its intention to issue a separate proposal to address those risks. EPA held a public workshop on September 12, 2017, with representatives of Federal and State government agencies, industry professionals, furniture refinishing experts, non-government organizations, academic experts, and others to discuss the role of methylene chloride in furniture refinishing, work practices employed when using methylene chloride in furniture refinishing, potential alternatives, economic impacts, and other issues identified in EPA's January 2017 proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7464
NPRM Comment Period Extended.	05/01/17	82 FR 20310
Supplemental NPRM.	12/00/19	
Final Rule	10/00/21	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7408M, Washington, DC 20460, *Phone:* 202 564–0140, *Email: corado.ana@epa.gov*.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–2228, *Fax:* 202 566–0471, *Email: wolf.joel@epa.gov*.

RIN: 2070–AK07

180. Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(A); Vapor Degreasing

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 2605, Toxic Substances Control Act

Abstract: Section 6(a) of the Toxic Substances Control Act (TSCA) provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical substances, as well as any manner or method of disposal. Section 26(l)(4) of TSCA authorizes EPA to issue rules under TSCA section 6 for chemicals listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which EPA published completed risk assessments prior to June 22, 2016, consistent with the scope of the completed risk assessment. In the June 2014 TSCA Work Plan Chemical Risk Assessment for TCE, EPA characterized risks from the use of TCE in commercial degreasing and in some consumer uses. EPA has preliminarily determined that these risks are unreasonable risks. On January 19, 2017, EPA proposed to prohibit the manufacture, processing, distribution in commerce, or commercial use of TCE in vapor degreasing. A separate action (RIN 2070–AK03), published on December 16, 2016, proposed to address the unreasonable risks from TCE when used as a spotting agent in dry cleaning and in commercial and consumer aerosol spray degreasers.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7432
NPRM Comment Period Extended.	02/15/17	82 FR 10732
NPRM Comment Period Extended End.	03/16/17	
NPRM Comment Period Extended.	05/01/17	82 FR 20310
NPRM Comment Period Extended End.	05/19/17	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Toni Krasnic, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564–0984, *Email: krasnic.toni@epa.gov*.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–2228, *Fax:* 202 566–0471, *Email: wolf.joel@epa.gov*.

RIN: 2070–AK11

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Completed Actions

181. Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(C)(3) (Section 610 Review) (Completion of a Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 5 U.S.C. 610

Abstract: The rulemaking, Lead; Renovation, Repair, and Painting Program (RRP),'' was finalized by the EPA in April 2008 (73 FR 21692). The rule was amended in 2010 (75 FR 24802) and 2011 (76 FR 47918) to eliminate a provision for contractors to opt-out of prescribed work practices and to affirm the qualitative clearance of renovated or repaired spaces, respectively. The RRP rule is intended to reduce exposure to lead hazard created by renovation, repair, and painting activities that disturb lead-based paint. The current rule establishes requirements for training renovators and dust sampling technicians; certifying renovators, dust sampling technicians, and renovation firms; accrediting providers of renovation and dust sampling technician training; and for renovation work practices. This entry in the Regulatory Agenda announces that EPA has reviewed this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change, or should be rescinded or amended to minimize adverse impacts on small entities. As part of this review, EPA solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Although the section 610 review only needs to address the 2008 RRP Rule, EPA has exercised its discretion to consider relevant comments to the 2010 and 2011 amendments, including comments on lead test kits, field testing alternatives and other broader RRP rule concerns as referenced in 80 FR 79335 and 80 FR 27621. Fifteen comments were received. EPA has concluded that the rule does not need to be amended at this time and has addressed the review factors in a report. The report is available in docket EPA–HQ–OPPT–2016–0126 and can be accessed at *www.regulations.gov*.

Timetable:

Action	Date	FR Cite
Final Rule	04/22/08	73 FR 21691
Begin Review	06/09/16	81 FR 37373
Comment Period Extended.	08/08/16	81 FR 52393
End Review	03/05/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michelle Price, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 566–0744, *Email: price.michelle@epa.gov*.

Meghan Tierney, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564–2028, *Email: tierney.meghan@epa.gov*.

RIN: 2070–AK17.

[FR Doc. 2018–11283 Filed 6–8–18; 8:45 am]

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Part XVIII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

40 CFR 1900

41 CFR Chs. 101, 102, 105, 300, 301, 302, and 304

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2017 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review'', as amended. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Published proposed rules may be reviewed in their entirety at the Government's rulemaking website at *http://www.regulations.gov.*

Since the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division at (202) 501–4755.

Dated: March 1, 2018.

Giancarlo Brizzi,

Acting Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
182	General Services Administration Acquisition Regulation (GSAR): GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement.	3090–AJ64
183	General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Information and Information Systems Security.	3090–AJ84
184	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting.	3090–AJ85

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
185	GSAR Case 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules.	3090–AI68
186	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract (Administration).	3090–AJ41
187	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration.	3090–AJ63

GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
188	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2014–G503, Contract Funding.	3090–AJ55
189	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms.	3090–AJ67
190	General Services Administration Acquisition Regulation (GSAR); GSAR 2016–G506, Federal Supply Schedule, Order-Level Materials.	3090–AJ75

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Proposed Rule Stage

182. General Services Administration Acquisition Regulation (GSAR): GSAR Case 2015–G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to adopt an additional project delivery method for construction, construction manager as constructor (CMc). CMc is used in industry and allows for early industry engagement on construction contracts that provide schedule growth and administrative savings. The current FAR and GSAR lacks detailed coverage differentiating various construction project delivery methods. GSA's policies on CMc have been previously issued through other means. By incorporating CMc into the GSAR and differentiating for various construction methods, the GSAR will provide centralized guidance to ensure consistent application of construction project principles across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.
Timetable:

Action	Date	FR Cite
NPRM	11/00/18	
NPRM Comment Period End.	01/00/19	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Tony Hubbard, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5810, *Email: tony.hubbard@gsa.gov.*
RIN: 3090–AJ64

183. General Services Acquisition Regulation (GSAR); GSAR Case 2016–G511, Information and Information Systems Security

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: GSA is proposing to update the General Services Administration Acquisition Regulation (GSAR) to streamline and update existing GSA cybersecurity requirements and integrate these requirements within the GSAR. GSA unique policies on cybersecurity have been previously issued through other means. By incorporating cybersecurity requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application of cybersecurity principles across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

The GSA cybersecurity requirements mandate contractors protect the confidentiality, integrity, and availability of unclassified GSA information and information systems from cybersecurity vulnerabilities, and threats in accordance with the Federal Information Security Modernization Act of 2014 and associated Federal cybersecurity requirements. This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. These GSA requirements mandate applicable controls and standards (*e.g.* U.S. National Institute of Standards and Technology, U.S. National Archive and Records Administration Controlled Unclassified Information standards).

Cybersecurity requirements for internal contractor systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. It will also update existing GSAR provision 552.239–70, Information Technology Security Plan and Security Authorization and GSAR clause 552.239–71, Security Requirements for Unclassified Information Technology Resources to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
NPRM Comment Period End.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Bohm, Contract Specialist, General Services Administration, 100 S Independence Mall W Room: 9th Floor, Philadelphia, PA 19106–2320, *Phone:* 215 446–4705, *Email: michelle.bohm@gsa.gov.*

RIN: 3090–AJ84

184. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G515, Cyber Incident Reporting

E.O. 13771 Designation: Other.
Legal Authority: 40 U.S.C. 121(c)
Abstract: GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to provide requirements for GSA contractors to report cyber incidents that could potentially affect GSA or its customer agencies. The rule integrates the existing cyber incident reporting policy within GSA Order CIO 9297.2C, GSA Information Breach Notification Policy that did not previously go through the rulemaking process into the GSAR. By incorporating cyber incident reporting requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application of cybersecurity principles across the organization. Integrating these requirements into the GSAR will also allow industry to provide public comments through the rulemaking process.

The rule outlines the roles and responsibilities of the GSA contracting officer, contractors, and agencies ordering off of GSA's contracts in the reporting of a cyber incident.

The rule establishes a contractor's responsibility to report any cyber incident where the confidentiality, integrity, or availability of GSA information or information systems are potentially compromised or where the confidentiality, integrity, or availability of information or information systems owned or managed by or on behalf of the U.S. Government is potentially compromised. It establishes an explicit timeframe for reporting cyber incidents, details the required elements of a cyber incident report, and provides the required Government's points of contact for submitting the cyber incident report.

The rule also outlines the additional contractor requirements that may apply for any cyber incidents involving personally identifiable information. In addition, the rule clarifies both GSA and ordering agencies' authority to access contractor systems in the event of a cyber incident. It also establishes the role of GSA in the cyber incident reporting process and outlines how the primary response agency for a cyber incident is determined. In addition, it establishes the requirement for the contractor to preserve images of affected systems and ensure contractor employees receive appropriate training for reporting cyber incidents. The rule also outlines how contractor attributional/proprietary information

provided as part of the cyber incident reporting process will be protected and used.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Funk, Program Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5805, *Email: kevin.funk@gsa.gov.*

RIN: 3090–AJ85

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

185. GSAR CASE 2008–G517, Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 40 U.S.C. 502(c)(1)(B)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110–248, The Local Preparedness Acquisition Act. The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the General Services Administration (GSA) for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334
Interim Final Rule Comment Period End.	11/18/08	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christina Mullins, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–4966, *Email: christina.mullins@gsa.gov.*

RIN: 3090–AI68

186. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contract (Administration)

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify and update the contracting by negotiation GSAR section and incorporate existing Federal Supply Schedule Contracting policies and procedures, and corresponding provisions and clauses.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54126
NPRM Comment Period End.	11/10/14	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ41

187. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G503, Construction Contract Administration

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: GSA is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR part 536, Construction and Architect-Engineer Contracts, and related parts, to maintain consistency with the Federal Acquisition Regulation (FAR) and to incorporate updated construction contract administration policies and procedures.

The changes fall into five categories: (1) Incorporating existing Agency policy previously issued through other means, (2) reorganizing to better align with the FAR, (3) incorporating Agency unique clauses, (4) incorporating supplemental material, and (5) editing for clarity.

Timetable:

Action	Date	FR Cite
NPRM	09/09/16	81 FR 62434
NPRM Comment Period End.	11/08/16	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Hubbard, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 357–5810, *Email: tony.hubbard@gsa.gov.*

RIN: 3090–AJ63

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

188. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2014–G503, Contract Funding

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c)

Abstract: This RIN is being withdrawn as it is covered by FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions which is currently in development.

Completed:

Reason	Date	FR Cite
Withdrawn	02/07/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Tsujimoto, *Phone:* 202 208–3585, *Email: james.tsujimoto@gsa.gov.*

RIN: 3090–AJ55

189. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c)

Abstract: GSA amended the General Services Administration Acquisition Regulation (GSAR) to address common commercial supplier agreement terms that are inconsistent with or create ambiguity with Federal Law.

Completed:

Reason	Date	FR Cite
Final Rule	02/22/18	83 FR 7631
Final Rule Effective.	02/22/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov.*

RIN: 3090–AJ67

190. General Services Administration Acquisition Regulation (GSAR); GSAR 2016–G506, Federal Supply Schedule, Order-Level Materials

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) amended the General Services Administration Acquisition Regulation (GSAR) to clarify the authority to acquire order-level materials when placing an individual task order or delivery order against a Federal Supply Schedule (FSS) contract or FSS blanket purchase agreement (BPA). OLMs are supplies and/or services acquired in direct support of an individual task or delivery order placed against an FSS contract or BPA, when the supplies and/or services are not known at the time of contract or BPA award.

Completed:

Reason	Date	FR Cite
Final Rule	01/24/18	83 FR 3275
Final Rule Effective.	01/24/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Leah Price, *Phone:* 703 605–2558, *Email: leah.price@gsa.gov.*

RIN: 3090–AJ75

[FR Doc. 2018–11285 Filed 6–8–18; 8:45 am]

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Part XIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This semiannual Regulatory Agenda is a summary of current and projected regulatory and deregulatory actions and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA's regulatory and deregulatory activities. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov.*

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA is fully committed to implementing the Administration's regulatory reform policies, as established by Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (January 30, 2017), and Executive Order 13777, Enforcing the Regulatory Reform Agenda (February 24, 2017). In order to fully implement the goal of these executive orders, SBA seeks feedback from the public in identifying any SBA regulations that affected parties believe impose unnecessary burdens or costs that exceed their benefits; eliminate jobs or inhibit job creation; or are ineffective or outdated.

The Regulatory Flexibility Act requires SBA to publish in the **Federal Register** a semiannual regulatory flexibility agenda describing those rules SBA expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Additional information on these rules and on all other rulemakings SBA expects to consider is included in the Federal Government's complete Regulatory Agenda, which will be available online at *www.reginfo.gov* in a format that offers users enhanced ability to obtain information about SBA's rules.

Linda E. McMahon,

Administrator.

SMALL BUSINESS ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
191	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
192	Small Business Development Center Program Revisions	3245–AE05
193	Small Business HUBZone Program and Government Contracting Programs	3245–AG38
194	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75
195	National Defense Authorization Acts of 2016 and 2017, RISE After Disaster Act of 2015, and Other Small Business Government Contracting Amendments.	3245–AG86
196	Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services.	3245–AG88
197	Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction.	3245–AG89
198	Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing.	3245–AG90
199	Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services.	3245–AG91
200	Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements.	3245–AG97
201	Streamlining and Modernizing the 7(a), Microloan, and 504 Loan Programs to Reduce Unnecessary Regulatory Burden.	3245–AG98

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
202	Small Business Timber Set-Aside Program	3245–AG69
203	Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns	3245–AG85

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
204	Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program	3245–AF85
205	Disaster Loan Programs; Federal Flood Risk Management Standard	3245–AG77

SMALL BUSINESS ADMINISTRATION (SBA)

Prerule Stage

191. Small Business Size Standards; Alternative Size Standard for 7(A), 504, and Disaster Loan Programs

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 111–240, sec. 1116

Abstract: SBA will request public comment on options to amend its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the eventual amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/18	83 FR 12506
ANPRM Comment Period End.	05/21/18	
NPRM	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG16

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

192. Small Business Development Center Program Revisions

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) Procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End	06/01/15	
NPRM	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Adriana Menchaca-Gendron, Associate Administrator for Small Business Development Centers, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–6988, *Email: adriana.menchaca-gendron@sba.gov.*

RIN: 3245–AE05

193. Small Business Hubzone Program and Government Contracting Programs

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Orders 12866, 13771 and 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of HUBZone, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–2985, *Fax:* 202 481–2675, *Email: mariana.pardo@sba.gov.*

RIN: 3245–AG38

194. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business-Certification

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 113–291, sec. 825; 15 U.S.C. 637(m)

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged women-owned small business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by

women. This rule will propose the standards and procedures for participation in this certification program. This rule will also propose to revise the procedures for continuing eligibility, program examinations, protest and appeals. The proposed revisions will reflect public comments that SBA received in response to the Advanced Notice of Proposed Rulemaking that the agency issued in December 2016 to solicit feedback on implementation of the program. Finally, SBA is planning to continue to utilize new technology to improve its efficiency and decrease small business burdens, and therefore, the new certification procedures will be based on an electronic application and certification process.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/15	80 FR 78984
ANPRM Comment Period End.	02/16/16	
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG75

195. National Defense Authorization Acts of 2016 and 2017, Rise After Disaster Act of 2015, and Other Small Business Government Contracting Amendments

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 637(d)(17); Pub. L. 114–328, sec. 1811, sec. 1821; Pub. L. 114–92, sec. 863; Pub. L. 114–88, sec. 2108

Abstract: Section 1811 of the of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, Public Law 114–328, Dec. 23, 2016, (NDAA) of 2017 limits the scope of review of Procurement Center Representatives for certain Department of Defense procurements performed outside of the United States. Section 1821 of the NDAA of 2017 establishes that failure to act in good faith in providing timely subcontracting reports shall be considered a material breach of the contract. Section 863 of the NDAA for FY 2016, Public Law 114–92, Nov. 25, 2015, establishes procedures for the publication of acquisition strategies if the acquisition involves consolidation or substantial bundling. SBA also intends to request comment on various proposed changes requested by industry or other agencies, including those pertaining to exclusions from calculating compliance with the limitations on subcontracting, an agency's ability to set aside orders under set-aside contracts, and a contracting officer's authority to request reports on a prime contractor's compliance with the limitations on subcontracting. Section 2108 of Public Law 114–88 provide agencies with double credit when they award to a local small business in a disaster area.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG86

196. Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate size standards for all industries in North American Industry Classification System (NAICS) Sector 61 (Educational Services), Sector 62 (Health Care and Social Assistance), Sector 71 (Arts, Entertainment and Recreation), Sector 72 (Accommodation and Food Services), and Sector 81 (Other Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG88

197. Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 11 (Agriculture, Forestry, Fishing and Hunting), Sector 21 (Mining, Quarrying, and Oil and Gas Extraction), Sector 22 (Utilities), and Sector 23 (Construction), and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG89

198. Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA

will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 48–49 (Transportation and Warehousing), Sector 51 (Information), Sector 52 (Finance and Insurance), and Sector 53 (Real Estate and Rental and Leasing) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG90

199. Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support, Waste Management and Remediation Services

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 54 (Professional, Scientific and Technical Services), Sector 55 (Management of Companies and Enterprises), and Sector 56 (Administrative and Support, Waste Management and Remediation Services) and make necessary adjustments to size standards in these sectors. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its Size Standards Methodology to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG91

200. • Streamlining and Modernizing Certified Development Company Program (504 Loan Program) Corporate Governance Requirements

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 695 *et seq.*

Abstract: On August 15, 2017, the U.S. Small Business Administration (SBA) published a request for information seeking input from the public on SBA regulations that should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome (82 FR 38617). As a part of that initiative, SBA intends to conduct a review of its existing regulations to identify ways to improve and streamline the corporate governance requirements in the 504 loan program. SBA intends to issue a proposed rule reflecting these changes in Fiscal Year 2018.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–9949, *Email: linda.reilly@sba.gov.*

RIN: 3245–AG97

201. • Streamlining and Modernizing The 7(A), Microloan, and 504 Loan Programs To Reduce Unnecessary Regulatory Burden

E.O. 13771 Designation: Other.

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 636(m); 15 U.S.C. 695 *et seq.*

Abstract: On August 15, 2017, the U.S. Small Business Administration (SBA) published a request for information seeking input from the public on SBA regulations that should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome (82 FR 38617). SBA reviewed all comments received regarding the 7(a), Microloan, and 504 loan programs and is conducting a review of its existing regulations to identify ways to improve and streamline regulations and lower costs. SBA intends to issue a proposed rule reflecting these changes in Fiscal Year 2018.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Reilly, Chief, 504 Loan Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–9949, *Email: linda.reilly@sba.gov.*

RIN: 3245–AG98

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

202. Small Business Timber Set-Aside Program

E.O. 13771 Designation: Regulatory.

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7311, *Email: david.loines@sba.gov.*

RIN: 3245–AG69

203. Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns

E.O. 13771 Designation: Other.

Legal Authority: Pub. L. 114–328, sec. 1832, sec. 1835

Abstract: Section 1832 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA), Public Law 114–328, Dec. 23, 2016, provides for a government-wide, uniform definition of a small business concern owned and controlled by a service-disabled veteran. Section 1835 requires the Small Business Administration (SBA) and the Department of Veterans Affairs (VA) to issue guidance, not later than 180 days after the date of enactment of the NDAA of 2017. The rule will amend SBA's regulations to create a uniform definition of a small business owned and controlled by a service-disabled veteran to be used for purposes of eligibility for government procurements by agencies other than the VA under the authority of 15 U.S.C. 657f, and by the VA for VA procurements in accordance with 38 U.S.C. 8127. These changes will include addressing ownership by an employee stock ownership plan (ESOP) and ownership and control by a surviving spouse.

Timetable:

Action	Date	FR Cite
NPRM	01/29/18	83 FR 4005
Comment Period End.	03/30/18	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG85

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

204. Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program

E.O. 13771 Designation: Deregulatory.

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 694(b)

Abstract: Certain lenders have been delegated the authority to make loan decisions without prior approval from SBA under certain circumstances. SBA has formalized such delegated authorities in this rule. The rule makes several minor modifications to the 504 Loan Program and governance rules for Certified Development Company (CDC) in a follow-on to the Final Rule: 504 and 7(a) Loan Program Updates (March 21, 2014). The rule also aligns terminology for 7(a) lenders that are federally regulated to synchronize with existing industry requirements. SBA is also making several other miscellaneous amendments to improve oversight and operations of its finance programs.

This rule makes four changes to the Surety Bond Guarantee (SBG) Program. The first changes the threshold for notification to SBA of changes in the contract or bond amount. Second, the change requires sureties to submit quarterly contract completion reports. Third, SBA is increasing the eligible contract limit for the Quick Bond Application and Agreement from $250,000 to $400,000. Finally, the rule increases the guarantee percentage in the Preferred Surety Bond program to reflect the statutory change made by the National Defense Authorization Act of 2016. The guarantee percentage increases from 70 percent to 80 percent or 90 percent, depending on contract size and socioeconomic factors currently in effect in the Prior Approval Program.

Completed:

Reason	Date	FR Cite
Final Rule	08/21/17	82 FR 39491
Final Rule Effective.	09/20/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dianna L. Seaborn, *Phone:* 202 205–3645, *Email: dianna.seaborn@sba.gov.*

RIN: 3245–AF85

205. Disaster Loan Programs; Federal Flood Risk Management Standard

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 15 U.S.C. 634(b)(6); E.O. 11988

Abstract: Due to the revocation of Executive Order 11988, SBA is withdrawing this rule which would have described which disaster loans were to be subject to federal flood risk managements standards. It would have applied to disaster loans that met one of the following conditions: (1) SBA funds used for total real estate reconstruction at the damaged site that is located in the Special Flood Hazard Area (SFHA); (2) SBA funds used for new real estate construction at a relocation site that is located in the SFHA; or (3) SBA funds used for code required elevation at the damaged site that is located in the SFHA.

Completed:

Reason	Date	FR Cite
Withdrawn	03/26/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alejandro Contreras, *Phone:* 202 205–6674, *Email: alejandro.contreras@sba.gov.*

RIN: 3245–AG77

[FR Doc. 2018–11293 Filed 6–8–18; 8:45 am]

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Part XX

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866, Regulatory Planning and Review. This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking website at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405–0001, 202–501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at *http://www.acquisition.gov/far*.

Dated: February 27, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
206	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 to Encourage Vendor Feedback.	9000–AN43

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
207	Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts.	9000–AM94
208	Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy	9000–AN03
209	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance	9000–AN31
210	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
211	Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States.	9000–AN34
212	Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement	9000–AN38
213	Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties	9000–AN39
214	Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification.	9000–AN40
215	Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information.	9000–AN44
216	Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority	9000–AN45
217	Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology.	9000–AN46
218	Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions.	9000–AN47
219	Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements-Adequate Price Competition.	9000–AN53
220	Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts.	9000–AN54
221	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)	9000–AN56
222	Federal Acquisition Regulation (FAR); FAR 2017–020, Ombudsman for Indefinite-Delivery Contracts	9000–AN58
223	Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures	9000–AN59
224	Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting.	9000–AN61
225	Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance	9000–AN62
226	Federal Acquisition Regulation (FAR); FAR Case 2017–017, Rental Cost Analysis in Equipment Acquisitions.	9000–AN63
227	Federal Acquisition Regulation (FAR); FAR Case 2018–006; Provisions and Clauses for Commercial Items and Simplified Acquisitions.	9000–AN66
228	Federal Acquisition Regulation (FAR); FAR Case 2018–005, Modifications to Cost or Pricing Data and Reporting Requirements.	9000–AN69

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
229	Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program.	9000–AM58
230	Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts	9000–AM93
231	Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''.	9000–AN02
232	Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information.	9000–AN10
233	Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration	9000–AN19
234	Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals	9000–AN26
235	Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors	9000–AN27
236	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
237	Federal Acquisition Regulation (FAR); FAR Case 2016–011, (S) Revision of Limitations on Subcontracting	9000–AN35
238	Federal Acquisition Regulation (FAR); FAR Case 2017–004, Liquidated Damages Rate Adjustment	9000–AN37
239	Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task- and Delivery-Order Protests	9000–AN41
240	Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of Arms Control Treaties or Agreements With the United States.	9000–AN57
241	Federal Acquisition Regulation (FAR); FAR Case 2018–010, Use of Product and Services of Kaspersky Lab.	9000–AN64
242	Federal Acquisition Regulation (FAR); FAR Case 2018–004; Increased Micro-Purchase and Simplified Acquisition Thresholds.	9000–AN65
243	Federal Acquisition Regulation (FAR); FAR Case 2018–009, One Dollar Coins	9000–AN70

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
244	Federal Acquisition Regulation (FAR); FAR Case 2013–018; Clarification of Requirement for Justifications for 8(a) Sole Source Contracts.	9000–AM90
245	Federal Acquisition Regulation (FAR); FAR Case 2015–028, Performance-Based Payments	9000–AN49
246	Federal Acquisition Regulation (FAR); FAR Case 2017–012, Increased Micro-Purchase Threshold for Certain Procurement Activities.	9000–AN50
247	Federal Acquisition Regulation (FAR); Far Case 2015–004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That do not Exceed the Simplified Acquisition Threshold.	9000–AN51

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Prerule Stage

206. Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 To Encourage Vendor Feedback

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule would create FAR policy to encourage regular feedback in accordance with agency practice (both on contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies would be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences on the pre-award process.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/18	
ANPRM Comment Period End.	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN43

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

207. Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to direct ordering activity contracting officers to make a determination of fair and reasonable pricing when placing an order against using GSA's Federal Supply Schedules (FSS). The Federal Acquisition Streamlining Act (FASA) of 1994 established a preference for the types of information used to assess price reasonableness.

This rule establishes a practice that will ensure that prices are fair and

reasonable at the time the order is placed under the GSA's Federal Supply Schedules. This government-wide FAR rule will ensure uniform implementation of this FAR change across FAR-based contracts and avoid the proliferation of agency-wide rules and actions (*e.g.* revisions to FAR supplements or issuance of policy guidance) implementing this requirement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AM94

208. Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement subtitle E of title VIII of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015, which prohibits the Government from providing funds to the enemy. The Act requires the Secretary of Defense to notify executive agencies of persons or entities providing funds under certain contracts to persons or entities that are actively opposing the United States or coalition forces where the Armed Forces are actively engaged in a contingency operation; or has failed to exercise due diligence to ensure that none of the funds under certain contracts are provided to those persons or entities. After receiving such notification, the executive agency's Head of the Contracting Activity (HCA) may rescind, void the contract or terminate for default. The HCA's decision is entered into the Federal Awardee Performance and Integrity Information System (FAPIIS), or other formal system of records. Since, review of FAPIIS is required before making certain award decision, this rule helps to prevent the flow of funds to such persons or entities. The statute does not apply to contracts that are equal to or less than $50,000, and contracts performed inside the United States or its outlying areas, or contracts subject to a national security exception.

Timetable:

Action	Date	FR Cite
NPRM	04/00/19	
NPRM Comment Period End.	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN03

209. FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over rounds of bidding in order to win federal contracts. This change incorporates guidance from the Office of Federal Procurement Policy (OFPP) memorandum, ''Effective Use of Reverse Auctions,'' which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings* (GAO–14–108). Reverse auctions are one tool used by federal agencies to increase competition and reduce the cost of certain items. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer. This change to the FAR will include guidance that will standardize agencies' use of reverse auctions help agencies maximize competition and savings when using reverse auctions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN31

210. Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 4712, Enhancement of contractor protection from reprisal for disclosure of certain information and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. The rule makes clear that contractors and subcontractors are prohibited from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing, to any of the entities such as agency Inspector Generals and Congress, information the employee reasonably believes is evidence of gross mismanagement of a Federal contract; a gross waste of Federal funds; an abuse of authority relating to a Federal contract; a substantial and specific danger to public health or safety; or violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract. This rule enhances whistleblower protections for contractor employees, by making permanent the protection for disclosure of the aforementioned information, and ensuring that the prohibition on reimbursement for legal fees accrued in defense against reprisal claims applies to subcontractors, as well as contractors.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	
NPRM Comment Period End.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN32

211. Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) consistent with SBA's regulation at 13 CFR 125.2 as finalized in their rule Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation'' issued on October 2, 2013, to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation (78 FR 61113).

In its final rule, SBA has clarified that, as a general matter, its small business contracting regulations apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR both to bring its coverage into alignment with SBA's regulation and to give agencies the tools they need especially the ability to use set-asides to maximize opportunities for small businesses overseas.

SBA intends to include contracts performed outside of the United States in agencies' prime contracting goals beginning in FY 2016. Although inclusion for goaling purposes is not dependent on FAR changes, amending FAR part 19 will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States.

This rule will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States. This will make it easier for small businesses to receive additional opportunities for contracts performed outside of the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AN34

212. Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C ch 37; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a final rule issued by the Department of the Treasury (published at 81 FR 55133) that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111347. This section imposes on any foreign person that receives a specified Federal procurement payment a tax equal to two percent of the amount such payment. This rule applies to Federal Government contracts for goods or services that are awarded to foreign persons.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN38

213. Federal Acquisition Regulation (FAR); FAR Case 2017–003; Individual Sureties

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to change the kinds of assets that individual sureties must use as security for their individual surety bonds. This change will implement section 874 of the NDAA for FY 2016 (Pub. L. 114–92), codified at 31 U.S.C. 9310, Individual Sureties. Individual sureties will no longer be able to pledge real property, corporate stocks, corporate bonds, or irrevocable letters of credit. The requirements of 31 U.S.C. 9310 are intended to strengthen the assets pledged by individual sureties, thereby mitigating risk to the Government.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	
NPRM Comment Period End.	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN39

214. Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require the use of Department of Defense (DoD) Wide Area Workflow (WAWF) for the electronic submission of the DD Form 254, Contract Security Classification Specification. This form is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to the Defense Security Services (DSS) when contractors or subcontractors require access to classified information under contracts awarded by agencies covered by the National Industrial Security Program (NISP). By changing the submittal process of the form from a manual process to an automated one, the government will reduce the cost of maintaining the forms, while also providing a centralized repository for classified contract security requirements and supporting data.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN40

215. Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to create and implement appropriate contract clauses and regulatory coverage to address contractor requirements for breach response consistent with the requirements. This FAR change will implement the requirements outlined in Office of Management and Budget (OMB) Memorandum, M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information'' section V part B.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	
NPRM Comment Period End.	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN44

216. Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an proposed rule amending the Federal Acquisition Regulation (FAR) to implement sections of the National Defense Authorization Act for Fiscal Year 2017 to expand special emergency procurement authorities for acquisitions of supplies or services that facilitate defense against or recovery from a cyber attack, provide international disaster assistance under the Foreign Assistance Act of 1961, or support response to an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/18	
NPRM Comment Period End.	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN45

217. Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508—Based Standards in Information and Communication Technology

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to incorporate revisions and updates to standards in section 508 of the Rehabilitation Act of 1973, developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the ''Access Board''). This FAR change incorporates the U.S. Access Board's final rule, Information and Communication Technology (ICT) Standards and Guidelines, published on January 18, 2017, which implemented revisions and updates to the section 508-based standards and section 255-based guidelines. This rule is expected to impose additional costs on federal agencies. The purpose is to increase productivity for federal employees with disabilities, time savings due to improved accessibility of federal websites for members of the public with disabilities, and reduced call volumes to federal agencies. Additionally, this rule harmonizes standards with national and international consensus standards which would assist American ICT companies by helping to achieve economies of scale created by wider use of these technical standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	
NPRM Comment Period End.	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN46

218. Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to allow for incrementally funding of certain fixed-price contracting action to help minimize disruptions to agency operations, and provide Federal acquisition professionals with new funding flexibility for fixed-price contracting actions. The FAR addresses incremental funding on cost reimbursement contracts, however, does not provide coverage on fixed price contracts. Because the FAR is silent on the incremental funding of fixed-price contracts, contracting professionals endorse the full funding of fixed-price contracts as a best practice, however, in many cases full funding is not possible. Implementing this policy will provide the flexibility sought by several agencies. Although individual agencies have implemented policy changes for themselves, making this change to the FAR will provide consistency across Government agencies, from both policy and procedural perspectives.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN47

219. Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: The proposed rule implements section 822 of the NDAA for FY 2017 (Pub. L. 114–328) to modify the Federal Acquisition Regulation (FAR) for DoD, NASA, and the Coast Guard to amend the FAR to implement exceptions from certified cost or pricing data requirements when price is based on adequate price competition at FAR 15.403(c)(1). This rule also limits the exception for price based on adequate price competition to circumstances in which there is adequate competition that results in at least two or more responsive and viable competing bids.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	
NPRM Comment Period End.	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN53

220. Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal

Acquisition Regulation (FAR) to implement section 825 of the NDAA for FY 17 (Pub. L. 114–328). Section 825 amends 10 U.S.C. 2305(a)(3) to change the requirement regarding the consideration of cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task order contracts awarded by DoD, NASA, or the Coast Guard. At the Government's discretion, solicitations for multiple-award contracts, which intend to award the same or similar services to each qualifying offeror, do not require price or cost as an evaluation factor for the base contract award. This will streamline the award of contracts for DoD, NASA, and Coast Guard because they won't have to consider cost or price in the evaluation of the award decision. Relieving the requirement to account for cost or price when evaluating proposals for these types of contracts, which feature competitive orders, will enable procurement officials to focus their energy on establishing and evaluating the non-price factors that will result in more meaningful distinctions among offerors.

Timetable:

Action	Date	FR Cite
NPRM	09/00/18	
NPRM Comment Period End.	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN54

221. Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of Nov 4, 2010. As the executive agent designated to oversee the Governmentwide CUI program, NARA issued implementing regulations in late 2016 designed to address agency policies for designating, safeguarding, disseminating, marking, decontrolling and disposing of CUI. The NARA rule affects contractors that handle, possess, use, share or receive CUI. The NARA regulation is codified at 32 CFR 2002. This FAR rule is necessary to ensure uniform implementation of the requirements of the CUI program in contracts across the government, thereby avoiding potentially inconsistent agency-level action.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AN56

222. Federal Acquisition Regulation (FAR); FAR 2017-020, Ombudsman for Indefinite-Delivery Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) by providing a new clause with contact information for the agency task and delivery order ombudsman as required by FAR.). Specifically, FAR 16.504(a)(4)(v) requires that the name, address, telephone number, facsimile number, and email address of the agency task and delivery order ombudsman be included in solicitations and contracts for an indefinite quantity requirement, if multiple awards may be made for uniformity and consistency.

Timetable:

Action	Date	FR Cite
NPRM	11/00/18	
NPRM Comment Period End.	01/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN58

223. Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA), Small Business Mentor Protégé Programs, published on July 25, 2016 (81 FR 48557), regarding joint ventures and to clarify policy on 8(a) joint ventures. The regulatory changes provide industry with a new way to compete for small business or socioeconomic set-asides using a joint venture made up of a mentor and a protégé. The 8(a) joint venture clarification prevents confusion on an 8(a) joint venture's eligibility to compete for an 8(a) competitive procurement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AN59

224. Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement section 1614 of the National Defense Authorization Act of Fiscal Year 2014, as implemented in the Small Business Administration's final rule issued on December 23, 2016. Section 1614 allows other than small prime contractors to receive small business subcontracting credit for subcontracts their subcontractors award to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AN61

225. Federal Acquisition Regulation (FAR); FAR Case 2018–002, Protecting Life in Global Health Assistance

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Presidential Memorandum, entitled the Mexico City Policy,'' issued on January 13, 2017, in accordance with the Department of State's implementation plan dated May 9, 2017. This rule would extend requirements of the memorandum and plan to new funding agreements for global health assistance furnished by all departments or agencies. This expanded policy will cover global health assistance'' to include funding for international health programs, such as those for HIV/AIDS, maternal and child health, malaria, global health security, and certain family planning and reproductive health.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
NPRM Comment Period End.	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN62

226. • Federal Acquisition Regulation (FAR); FAR Case 2017–017, Rental Cost Analysis in Equipment Acquisitions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch.137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a proposed rule to ensure short-term rental agreements are considered as part of the decision whether to lease or purchase equipment. This rule proposes to amend the FAR to add a factor to consider the cost-effectiveness of short-term versus long-term agreements (*e.g.,* leases and rentals) to the list of minimum factors to be considered when deciding to lease or purchase equipment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	
NPRM Comment Period End.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN63

227. • Federal Acquisition Regulation (FAR); FAR Case 2018–006; Provisions and Clauses for Commercial Items and Simplified Acquisitions

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to implement section 820 of the NDAA for FY 2018. Section 820 amends 41 U.S.C. 1906(c)(1) to change the definition of subcontract in certain circumstances. Implements a new approach to the prescription and flowdown for provisions and clauses applicable to acquisitions of commercial items or acquisitions that do not exceed the simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AN66

228. • Federal Acquisition Regulation (FAR); FAR Case 2018–005, Modifications To Cost or Pricing Data and Reporting Requirements

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to increase the TINA threshold to $2 million and require other than certified cost or pricing data. The rule reduces burden in that contractors would not be required to certify their cost or pricing data between $750,000 and $2 million. This change will implement section 811 of the NDAA for FY 2018. Section 811 modifies 10 U.S.C. 2306a and 41 U.S.C. 3502.

Timetable:

Action	Date	FR Cite
NPRM	12/00/18	
NPRM Comment Period End.	02/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN69

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

229. Federal Acquisition Regulation (FAR); FAR Case 2013–002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program

E.O. 13771 Designation: Regulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to expand Government and contractor requirements for reporting of nonconforming items. This rule partially implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and implement requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 91–3, entitled Reporting Nonconforming Products,'' dated April 9, 1991. This change will help mitigate the growing threat that counterfeit items pose when used in systems vital to an agency's mission. The primary benefit of this rule is to reduce the risk of counterfeit items entering the supply chain by ensuring that contractors report suspect items to a widely available database. This will allow the contracting officer to provide disposition instructions for counterfeit or suspect counterfeit items in accordance with agency policy. In some cases, agency policy may require the contracting officer to direct the contractor to retain such items for investigative or evidentiary purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/10/14	79 FR 33164
NPRM Comment Period End.	08/11/14	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov*.

RIN: 9000–AM58

230. Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement regulatory changes regarding procedures for the use of small business partial set-asides, reserves, and orders placed under multiple-award contracts. This rule incorporates statutory requirements discussed at section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)) and the Small Business Administration's final rule at 78 FR 61114, dated October 2, 2013.

Multiple-award contracts, due to their inherent flexibility, competitive nature, and administrative efficiency, are commonly used in Federal procurement. They have proven to be an effective means of contracting for large quantities of supplies and services for which the quantity and delivery requirements cannot be definitively determined at contract award. However, prior to 2011, the FAR was largely silent on the use of acquisition strategies to promote small business participation in conjunction with multiple-award contracts. This rule increases small business participation in Federal prime contracts by ensuring that small businesses have greater access to multiple award contracts and clarifying the procedures for partially setting aside and reserving multiple-award contracts for small business, and setting aside orders placed under multiple-award contracts for small business, thereby ensuring that small businesses have greater access to these commonly used vehicles.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88072
NPRM Comment Period End.	02/06/17	
Final Rule	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AM93

231. Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts, and title XVII of the National Defense Authorization Act for Fiscal Year 2013. The rule adds a definition of ''recruitment fees'' to FAR subpart 22.17, Combating Trafficking in Persons, and the associated clauses in order to clarify how the Government uses recruitment fees in the treatment of this prohibited practice that has been associated with labor trafficking under contracts and subcontracts. The purpose of the rule is to provide a standardized definition that clarifies prohibited recruitment to help fight against human trafficking.

Timetable:

Action	Date	FR Cite
NPRM	05/11/16	81 FR 29244
NPRM Comment Period End.	07/11/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN02

232. Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13665, entitled ''Non-Retaliation for Disclosure of Compensation Information,'' (79 FR 20749) and the final rule issued by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) at 80 FR 54934, entitled ''Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions.''

This rule provides for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/16	81 FR 67732
Interim Final Rule Comment Period End.	11/29/16	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN10

233. Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to update the instructions for System for Award Management (SAM) registration requirements and to correct an inconsistency with offeror representation and certification requirements. The language in the FAR was not consistent in terms of whether offerors need to register in SAM prior to submitting an offer or prior to award of a contract. This rule clarifies and makes the language consistent by requiring offerors' registration in SAM prior to submitting an offer. The rule does not place any new requirements on businesses and is considered administrative because the only change is when the requirement for registering in SAM must occur. Registering in SAM eliminates the need for potential offerors to complete representations and certifications multiple times a year when responding to solicitations, which reduces the burden on both the contractor and the government.

Timetable:

Action	Date	FR Cite
NPRM	05/20/16	81 FR 31895
NPRM Comment Period End.	07/19/16	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN19

234. Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amends the Federal Acquisition Regulation (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to the Truth In Negotiation Act (TINA) threshold of $750,000 to help alleviate the backlog of contract close-outs and to enable contracting officers to more quickly deobligate excess funds from terminated contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/14/16	81 FR 63158
NPRM Comment Period End.	11/14/16	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN26

235. Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) requiring Federal Government contractors to ensure that employees on those contracts can earn up to seven days or more of paid sick leave annually, including paid sick leave for family care. This rule implements the objective of Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors and Department of Labor's final rule (81 FR 91627).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/16	81 FR 91627
Interim Final Rule Effective.	01/01/17	
Interim Final Rule Comment Period End.	02/14/17	
Final Rule	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN27

236. Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement section 887 of the NDAA for FY 2016 (Pub. L. 114–92). This law provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry. This change will permit and encourage government acquisition personnel to engage in responsible and constructive exchanges with industry as part of market research as long as those exchanges are consistent with existing laws, regulations, and promote a fair competitive environment.

Timetable:

Action	Date	FR Cite
NPRM	11/29/16	81 FR 85914
NPRM Comment Period End.	03/02/17	
Final Rule	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949 *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN29

237. Federal Acquisition Regulation (FAR); FAR Case 2016–011, (S) Revision of Limitations on Subcontracting

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to revise and standardize the limitations on subcontracting (LOS), including the nonmanufacturer rule (NMR), which apply to small business concerns under FAR part 19 procurements. This FAR change incorporates SBA's final rule at 81 FR 34243, which implemented the statutory requirements of section 1651 of the National Defense Authorization Act for Fiscal Year 2013. This action is necessary to meet the Congressional intent of clarifying the limitations on subcontracting with which small businesses must comply, as well as the ways in which they can comply. The rule will benefits small businesses and agencies. Prompt implementation of this rule will allow small businesses to take advantage of subcontracts with similarly situated entities. As a result, these small businesses will be able to compete for larger contracts, which would positively affect their potential for growth as well as that of their potential subcontractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/18	
Interim Final Rule Comment Period End.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov.*

RIN: 9000–AN35

238. Federal Acquisition Regulation (FAR); FAR Case 2017–004, Liquidated Damages Rate Adjustment

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to adjust the civil monetary penalties for inflation pursuant to the Inflation Adjustment Act Improvements Act. This Act requires agencies to adjust the levels of civil monetary penalties with an initial catch-up adjustment, followed by the annual adjustment for inflation.

This rule implements the Department of Labor (DOL) interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, finalized at 82 FR 5373 on January 18, 2017. The DOL rule adjusted the civil monetary penalties for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation

Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74).

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN37

239. Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task-and Delivery-Order Protests

E.O. 13771 Designation: Deregulatory.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to raise the threshold for task- and delivery-order protests from $10 million to $25 million for DoD and make permanent the General Accountability Office's authority to hear protests on civilian task or delivery contracts valued in excess of $10 million. The rule implements sections 835 of the National Defense Authorization Act for FY 2017 (Pub. L. 114–328) and Public Law 114–260 835(a).

Timetable:

Action	Date	FR Cite
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 795–6328, *Email: chuck.gray@gsa.gov.*

RIN: 9000–AN41

240. Federal Acquisition Regulation (FAR); FAR Case 2017–018, Violation of ARMS Control Treaties or Agreements With the United States

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 1290(c)(3) of the NDAA for FY 2017, which requires the offeror to certify or any of its subsidiaries to certify that it does not engage in any activity that contributed to or is a significant factor in the determination that a country is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/18	
Interim Final Rule Comment Period End.	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN57

241. • Federal Acquisition Regulation (FAR); FAR Case 2018–010, Use of Product and Services of Kaspersky Lab

E.O. 13771 Designation: Fully or Partially Exempt.

Legal Authority: 40 U.S.C 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 1634 of the National Defense Authorization Act of Fiscal Year 2018 to prohibit any department, agency, organization, or other element of the Federal government from using products and services developed or provided by Kaspersky Lab or any entity of which Kaspersky Lab has majority ownership.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/18	
Interim Final Rule Comment Period End.	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN64

242. • Federal Acquisition Regulation (FAR); FAR Case 2018–004; Increased Micro-Purchase and Simplified Acquisition Thresholds

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: This is a final rule to amend the FAR to implement sections 805, 806, and 1702(a) of the NDAA for FY 2018. Section 805 increases the micro-purchase threshold (MPT) to $10,000 and limits the use of convenience checks to not more than one half the MPT. Section 806 increases the SAT to $250,000. Section 1702(a) amends section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) to replace specific dollar thresholds with the terms micro-purchase threshold and simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN65

243. • Federal Acquisition Regulation (FAR); Far Case 2018–009, One Dollar Coins

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to implement section 885 of the NDAA for FY 2018. Section 885 amends 31 U.S.C. 5112(p) to provide an exception for business operations from requirements to accept $1 coins.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN70

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

244. Federal Acquisition Regulation (FAR); FAR Case 2013–018; Clarification of Requirement for Justifications for 8(A) Sole Source Contracts

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: Justification: The case was closed based on analysis of data collected from FPDS and agency surveys. The FPDS data shows there are only a few 8(a) sole source orders over $22 million are awarded annually. The agency surveys indicated actions have been taken to address the concerns in the GAO report.

DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to clarify the guidance for sole source 8(a) contract awards exceeding $22 million. This rule implements guidance from a Government Accountability Office (GAO) report entitled Federal Contracting: Slow Start to Implementation of Justifications for 8(a) Sole-Source Contracts'' (GA0–13–118, December 2012). Sole-source contracting regulations are statutory and are found in section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 11184) (see 77 FR 23369). These clarifications improve the contracting officer's ability to comply with the sole source contracts statutory requirements by providing guidance, including when justification is necessary, how contracting officers should comply, and when a separate sole-source justification is necessary for out-of-scope modifications to 8(a) sole-source contracts. The GAO report indicates that the FAR needed additional clarification of the justification requirement to help ensure that agencies are applying the requirement consistently.

Completed:

Reason	Date	FR Cite
Closed	04/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov.*

RIN: 9000–AM90

245. Federal Acquisition Regulation (FAR); FAR Case 2015–028, Performance-Based Payments

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: Justification: This case, FAR Case 2015–028 has been withdrawn and will be merged with a future case that will also address progress payments.

DoD, GSA and NASA are proposing to amend the FAR Clause 52.232–32, Performance-Based Payments, to include the text for subcontract flowdown addressed at FAR 32.504(f), but not currently specified in the clause itself. No new requirements are added. This rule takes guidance to prime contractors on the terms and conditions for flowdown of performance-based payments currently in the FAR text and places it in the applicable contract clause so that the contractor can readily see what language is to be used in subcontracts authoring performance-based payments.

Completed:

Reason	Date	FR Cite
Withdrawn	04/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN49

246. Federal Acquisition Regulation (FAR); FAR Case 2017–012, Increased Micro-Purchase Threshold for Certain Procurement Activities

E.O. 13771 Designation: Other.

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: Justification: This case, FAR Case 2017–012 has been withdrawn and merged with FAR Case 2018–004 on January 31, 2018.

DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to update the definition of micro-purchase threshold'' in FAR 2.101 to implement the higher micro-purchase threshold provided by section 217(b) of the NDAA for FY 2017 (Pub. L. 114–328). Specifically, section 217(b) amends 41 U.S.C. 1902 to increase the micro-purchase threshold for acquisitions from institutions of higher education or related or affiliated nonprofit entities, or from nonprofit research organizations or independent research institutes, to $10,000, or a higher amount as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under 31 U.S.C. chapter 75, an internal institutional risk assessment, or state law. As a result of this rule, affected contractors will no longer receive a written request for quote (RFQ) and/or a Government purchase order for requirements valued between $3,501 and $10,000. Instead, the order can be placed online, by phone, in person, or by fax via the Government purchase card (GPC). Therefore, the contractor will no longer be required to read the RFQ and/or purchase order for various Government-provided information.

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN50

247. Federal Acquisition Regulation (FAR); FAR Case 2015–004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That Do Not Exceed the Simplified Acquisition Threshold

E.O. 13771 Designation: Other.

Legal Authority: Not Yet Determined

Abstract: Justification: This case, FAR Case 2015–004 has been withdrawn and merged with FAR Case 2018–006 on January 10, 2018.

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) with an internal administrative change to support the use of automated contract writing systems and reduce FAR maintenance when clauses are updated. Currently, the FAR provides a single, consolidated list of all provisions and clauses applicable to the acquisition of commercial items. When new clauses applicable to commercial items are added the FAR, a manual process of cross checking and renumbering of the list is employed to conform the FAR, The process is cumbersome and inefficient, and challenging to maintain, especially for contract writing systems. The proposed rule would propose a change to each clause prescription and each clause flowdown for commercial items to specify required information within the prescription/clause itself, without having to cross-check another clause, list or other parts of the FAR.

Completed:

Reason	Date	FR Cite
Withdrawn	04/05/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN51

[FR Doc. 2018–11297 Filed 6–8–18; 8:45 am]

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Part XXI

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission (''Commission''), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rulemakings that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Christopher J. Kirkpatrick, Secretary of the Commission, (202) 418–5964, *ckirkpatrick@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601, *et seq.,* includes a requirement that each agency publish semiannually in the **Federal Register** a regulatory flexibility agenda. Such agendas are to contain the following elements, as specified in 5 U.S.C. 602(a):

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and,

(3) The name and telephone number of an agency official knowledgeable about the items listed in the agenda.

Accordingly, the Commission has prepared an agenda of rulemakings that it presently expects may be considered during the course of the next year. Subject to a determination for each rule, it is possible as a general matter that some of these rules may have some impact on small entities.[1] The Commission notes also that, under the RFA, it is not precluded from considering or acting on a matter not included in the regulatory flexibility agenda, nor is it required to consider or act on any matter that is listed in the agenda. See 5 U.S.C. 602(d).

The Commission's spring 2018 regulatory flexibility agenda is included in the Unified Agenda of Federal Regulatory and Deregulatory Actions. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the Agenda database.

Issued in Washington, DC, on April 4, 2018, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
248	Indemnification Rulemaking	3038–AE44

COMMODITY FUTURES TRADING COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
249	Regulation Automated Trading	3038–AD52

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Final Rule Stage

248. Indemnification Rulemaking

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 12a and 24a

Abstract: The FAST Act repealed CEA 21(d)(2), added to the CEA by Dodd-Frank 728, which provided that domestic and foreign regulators that are otherwise eligible to, and that do, request data from an SDR (collectively, Regulators) agree to indemnify the SDR and the CFTC for expenses resulting from litigation relating to the information provided. When considered in light of the CFTC's current regulations addressing Regulators' access to SDR data, the removal of the indemnification requirement presents a number of issues, primarily related to the scope of Regulators' access to SDR data, and maintaining the confidentiality of such data consistent with CEA 8. The Commission addressed these issues in a notice of proposed rulemaking (NPRM) that revises the current approach to Regulators' access to SDRs' swap data and sets forth more information regarding the confidentiality agreement that is required by CEA 21(d).

Timetable:

Action	Date	FR Cite
NPRM	01/25/17	82 FR 8369
NPRM Comment Period End.	03/27/17	
Final Rule	05/00/18	
Final Action Effective.	07/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel J. Bucsa, Deputy Director, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5435, *Email: dbucsa@cftc.gov.*

[1] The Commission published its definition of a ''small entity'' for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to list—but nonetheless does—many of the items contained in this regulatory flexibility agenda. *See also* 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant and other substantive rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public's opportunity to participate in the rulemaking process.

David E. Aron, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–6621, *Email: daron@cftc.gov*.

Owen Kopon, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, *Phone:* 202 418–5360, *Email: okopon@cftc.gov*.

RIN: 3038–AE44

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Long-Term Actions

249. Regulation Automated Trading

E.O. 13771 Designation: Independent agency.

Legal Authority: 7 U.S.C. 1a(23), 7 U.S.C. 6c(a); 7 U.S.C. 7(d); and 7 U.S.C. 12(a)(5)

Abstract: On November 7, 2016, the Commodity Futures Trading Commission (''Commission'') approved a supplemental notice of proposed rulemaking for Regulation AT (''Supplemental NPRM''). The Supplemental NPRM modifies certain rules proposed in the Commission's December 2015, notice of proposed rulemaking for Regulation AT. The Supplemental NPRM was published in the **Federal Register** on November 25, 2016, with a 90-day comment period closing on January 24, 2017. The Commission subsequently extended the comment period until May 1, 2017.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/13	78 FR 56542
ANPRM Comment Period End.	12/11/13	
ANPRM Comment Period Extended.	01/24/14	79 FR 4104
ANPRM Comment Period Extended End.	02/14/14	
NPRM	12/17/15	80 FR 78824
NPRM Comment Period End.	03/16/16	
NPRM Comment Period Reopened.	06/10/16	81 FR 36484
NPRM Comment Period Reopened End.	06/24/16	
Supplemental NPRM.	11/25/16	81 FR 85334
Supplemental NPRM Comment Period End.	01/24/17	
Supplemental NPRM Comment Period Extended.	01/26/17	82 FR 8502
Supplemental NPRM Comment Period Extended End.	05/01/17	
NPRM	06/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilee Dahlman, *Phone:* 202 418–5264, *Email: mdahlman@cftc.gov*.

RIN: 3038–AD52

[FR Doc. 2018–11228 Filed 6–8–18; 8:45 am]

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Part XXII

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR CH. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is publishing this agenda as part of the Spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Bureau reasonably anticipates having the regulatory matters identified below under consideration during the period from May 1, 2018, to April 30, 2019. The next agenda will be published in fall 2018 and will update this agenda through fall 2019. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of March 15, 2018.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Bureau is publishing its spring 2018 Agenda as part of the Spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda lists the regulatory matters that the Bureau reasonably anticipates having under consideration during the period from May 1, 2018, to April 30, 2019, as described further below.[1] The Bureau's participation in the Unified Agenda is voluntary. The complete Unified Agenda is available to the public at the following website: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the Bureau has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the authority to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the Bureau from seven Federal agencies on July 21, 2011. The Bureau's general purpose, as specified in section 1021 of the Dodd-Frank Act, is to implement and enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.

The Bureau is working on various initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities. Section 1021 of the Dodd-Frank Act specifies the objectives of the Bureau, including ensuring that consumers are provided with timely and understandable information to make responsible decisions about financial transactions; that consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination; that outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burden; that Federal consumer financial law is enforced consistently without regard to the status of a person as a depository institution in order to promote fair competition; and that markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

The Bureau is under interim leadership pending the appointment and confirmation of a permanent director. In light of this status, Bureau leadership is prioritizing during coming months (a) Meeting specific statutory responsibilities; (b) continuing selected rulemakings that were already underway; and (c) reconsidering two regulations issued under the prior leadership. Those projects are described further below. The Bureau's Acting Director has decided to reclassify as ''inactive'' certain other rulemakings that had been listed in previous editions of the Bureau's Unified Agenda in the expectation that final decisions on whether and when to proceed with such projects will be made by the Bureau's next permanent director. This change in designation is not intended to signal a substantive decision on the merits of the projects. For similar reasons, and also in light of general directions by the Office of Management and Budget with regard to agencies' inclusion or exclusion of longer-term items, the Bureau has designated as ''inactive'' several items that were listed as potential long-term projects in the fall 2017 Unified Agenda.

The Bureau has recently launched a ''call for evidence'' to ensure that the Bureau is fulfilling its proper and appropriate functions to best protect consumers. As part of that initiative, the Bureau is seeking public feedback with respect to the regulations that the Bureau inherited from other agencies as well as regulations that the Bureau has adopted. In addition, the Bureau is in the process of assessing the effectiveness of three rules pursuant to section 1022(d) of the Dodd-Frank Act, and, as part of those assessments, has solicited and received public comment on recommendations for modifying, expanding, or eliminating those significant rules. In developing future regulatory agendas, the Bureau will carefully consider the feedback received through the call for evidence and the assessment project to identify areas in which rulemaking may be appropriate to achieve the Bureau's strategic goals and objectives.

Implementing Statutory Directives

Much of the Bureau's rulemaking work is focusing on implementing directives mandated in the Dodd-Frank Act and other statutes. As part of these rulemakings, the Bureau is working to achieve the consumer protection objectives of the statutes while minimizing regulatory burden on financial services providers and facilitating a smooth implementation process for both industry and consumers.

For example, the Bureau is conducting follow-up rulemakings as warranted to address issues that have arisen during the process of implementing various mortgage requirements under the Dodd-Frank Act. The Bureau recently issued a final rule to address certain narrow issues concerning the timing of providing mortgage servicing statements to consumers in bankruptcy. It also expects in May 2018, to issue a final rule to amend regulations that implement a Dodd-Frank Act requirement to consolidate various disclosures that consumers receive under the Real Estate Settlement Procedures Act (RESPA) and Truth in Lending Act (TILA) when applying for and closing a mortgage loan. Specifically, the follow-up rule addresses when a creditor may compare charges paid by or imposed on the consumer to amounts disclosed on a Closing Disclosure, instead of a Loan Estimate, to determine if an estimated

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

closing cost was disclosed in good faith and if an increase may therefore be passed on to the consumer. The broader consolidated disclosures rule is the cornerstone of the Bureau's broader ''Know Before You Owe'' mortgage initiative.

The Bureau is also working to implement section 1071 of the Dodd-Frank Act, which amends the Equal Credit Opportunity Act to require financial institutions to collect, report, and make public certain information concerning credit applications made by women-owned, minority-owned, and small businesses. This rulemaking could provide important information about how these businesses—which are critical engines for economic growth—access credit. In 2017, the Bureau released a white paper summarizing preliminary research on the small business lending market and held a public hearing to gather feedback on related issues. The Bureau also issued a Request for Information seeking public comment on, among other things, the types of credit products offered and the types of data currently collected by lenders in this market and the potential complexity of, cost of, and privacy issues related to, small business data collection. The information received will help the Bureau determine how to implement the rule efficiently while minimizing burdens on lenders.

Continuation of Other Rulemakings

The Bureau is also continuing certain other rulemakings to ensure that markets for consumer financial products and services operate transparently and efficiently and to address potential unwarranted regulatory burdens.

For example, the Bureau has engaged in research and pre-rulemaking activities regarding the debt collection market, which continues to be a top source of complaints to the Bureau. The Bureau has also received encouragement from industry to engage in rulemaking to resolve conflicts in case law and address issues of concern under the Fair Debt Collection Practices Act (FDCPA), such as the application of the FDCPA to modern communication technologies under the 40-year-old statute. The Bureau released an outline of proposals under consideration in July 2016, concerning practices by companies that are debt collectors under the FDCPA, in advance of convening a panel in August 2016, under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking. The Bureau is preparing a proposed rule focused on FDCPA collectors that may address such issues as communication practices and consumer disclosures.

The Bureau also announced in spring 2017, that it had launched the first in what it expects to be the first in a series of reviews of existing regulations that it inherited from other agencies through the transfer of authorities under the Dodd-Frank Act.[2] The Bureau expects to focus its initial review on subparts B and G of Regulation Z, which implement the Truth in Lending Act with respect to open-end credit generally and credit cards in particular. For instance, the Bureau expects to consider adjusting rules concerning the database of credit card agreements that it is required to maintain under the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) to reduce burden on issuers that submit credit card agreements to the Bureau and make the database more useful for consumers and the general public. The Bureau expects to identify other opportunities to clarify ambiguities, address developments in the marketplace, and modernize or streamline the open-end credit provisions. Because of timing and resource considerations, the Bureau has reclassified the project as a long-term action. As noted above, the Bureau has also issued two Requests for Information seeking feedback on other potential revisions to both rules that the Bureau inherited from other Federal regulators and rules that the Bureau has issued over time, and may identify other projects for future regulatory agendas after reviewing the responses.

As noted above, Bureau leadership has decided to reclassify as ''inactive'' certain other projects that had been listed in previous editions of the Bureau's Unified Agenda in the expectation that final decisions on whether and when to proceed with such rulemakings will be made by the Bureau's next permanent director. These projects include potential rulemakings regarding overdraft programs on checking accounts and to exercise the Bureau's authority, pursuant to section 1024 of the Dodd-Frank Act, to supervise certain non-depository institutions that offer personal loans by defining larger participants in that market.[3] The decision to classify such projects as inactive is not intended as a decision on the merits.

Reconsideration of Previous Rules

The Bureau announced in December 2017, that it intends to open a rulemaking to reconsider various aspects of a 2015 final rule that amended regulations implementing the Home Mortgage Disclosure Act. The reconsideration could involve such issues as the institutional and transactional coverage tests and the rule's discretionary data points. The Bureau also expects the rulemaking to follow up on its action in August 2017, to amend Regulation C to increase the threshold for collecting and reporting data with respect to open-end lines of credit for a period of 2 years so that financial institutions originating fewer than 500 open-end lines of credit in either of the preceding 2 years would not be required to begin collecting such data until January 1, 2020. The Bureau indicated at the time of that initial rulemaking that it intended to conduct follow-up rulemaking in that interim period to consider whether to make permanent adjustments to the open-end threshold.

The Bureau also announced in January 2018, that it intends to engage in a rulemaking to reconsider a 2017 rule titled Payday, Vehicle Title, and Certain High-Cost Installment Loans. Most provisions of that rule would not require compliance until August 2019. The Bureau also noted that it will entertain requests to waive the application deadline for preliminary approval to become a registered information system under that rule.

[2] As noted in previous agendas, the Bureau had previously sought feedback on the inherited rules as a whole and identified and executed several burden reduction projects from that undertaking. *See* 76 FR 75825 (Dec. 5, 2011); *see also* 79 FR 64057 (Oct. 28, 2014); 78 FR 25818 (May 3, 2013); 78 FR 18221 (Mar. 26, 2013). The Bureau believed the next logical step was to review individual regulations—or portions of large regulations—in more detail to identify opportunities to clarify ambiguities, address developments in the marketplace, or modernize or streamline provisions. The Bureau noted that other Federal financial services regulators have engaged in these types of reviews over time, and viewed such an initiative as a natural complement to its work to facilitate implementation of new regulations. *See* 83 FR 1968 (Jan. 12, 2018).

[3] Section 1024 of the Dodd-Frank Act authorizes the Bureau to supervise ''larger participants'' of markets for various consumer financial products and services as defined by Bureau rule. The Bureau had previously announced that it was preparing to conduct a rulemaking to define larger participants in the market for personal loans, including consumer installment loans and vehicle title loans, and considering whether rules to require registration of these or other non-depository lenders would facilitate supervision. The Bureau believes that further consideration of these issues should be postponed pending reconsideration of the Bureau's 2017 rule concerning payday, vehicle title, and certain high-cost installment loans as discussed further below.

Further Planning

As required by the Dodd-Frank Act, the Bureau is continuing to monitor the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets. Future regulatory agendas are expected to reflect this monitoring, the feedback received through the call for evidence initiative and the assessment project, and prioritization by the Bureau's next permanent director to determine which rulemakings are appropriate to achieve the Bureau's strategic goals and objectives.

Dated: March 15, 2018.

Kelly Thompson Cochran,

Assistant Director for Regulations, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
250	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

250. Business Lending Data (Regulation B)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The amendments to ECOA made by the Dodd-Frank Act require that certain data be collected, maintained, and reported, including the number of the application and date the application was received; the type and purpose of the loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue of the business; and the race, sex, and ethnicity of the principal owners of the business. The Dodd-Frank Act also provides authority for the CFPB to require any additional data that the CFPB determines would aid in fulfilling the purposes of this section. The Bureau issued a Request for Information in 2017 seeking public comment on, among other things, the types of credit products offered and the types of data currently collected by lenders in this market, and the potential complexity, cost of, and privacy issues related to, small business data collection. The information received will help the Bureau determine how to implement the rule efficiently while minimizing burdens on lenders.

Timetable:

Action	Date	FR Cite
Request for Information.	05/15/17	82 FR 22318
Request for Information Comment Period End.	09/14/17	
Prerule Activities	03/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Wylie, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

[FR Doc. 2018–11229 Filed 6–8–18; 8:45 am]

BILLING CODE 4810–AM–P

FEDERAL REGISTER

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Part XXIII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. The Commission welcomes comments on the agenda and on the individual agenda entries.

DATES: Comments should be received in the Office of the Secretary on or before July 11, 2018.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned, ''Regulatory Flexibility Agenda,'' and email to: *cpsc-os@cpsc.gov.* Comments may also be mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda, in general, contact Charu Krishnan, Directorate for Economic Analysis, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408; *ckrishnan@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed, ''Contact,'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda also is required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year, and the Executive Order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the fall 2017 agenda and have been completed by the Commission prior to publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive Orders, the Commission does follow Executive Order 12866 regarding the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

The internet is the basic means through which the Unified Agenda is disseminated. The complete Unified Agenda will be available online at: *www.reginfo.gov* in a format that offers Users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in law may alter anticipated timing. In addition, no final determination by staff or the Commission regarding the need for, or the substance of, any rule or regulation should be inferred from this agenda.

Dated: February 21, 2018.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
251	Flammability Standard for Upholstered Furniture	3041–AB35
252	Regulatory Options for Table Saws	3041–AC31
253	Portable Generators	3041–AC36
254	Recreational Off-Road Vehicles	3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
255	Standard for Infant Bouncer Seats	3041–AD29

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

251. Flammability Standard for Upholstered Furniture

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 1193; 5 U.S.C. 801

Abstract: In October 2003, the Commission issued an advance notice of proposed rulemaking (ANPRM) to address the risk of fire associated with cigarette and small open-flame ignitions of upholstered furniture. The Commission published a notice of proposed rulemaking (NPRM) in March 2008, and received public comments. The Commission's proposed rule would require that upholstered furniture have cigarette-resistant fabrics or cigarette and open flame-resistant barriers. The proposed rule would not require flame-resistant chemicals in fabrics or fillings. Since the Commission published the NPRM, CPSC staff has conducted testing of upholstered furniture, using both full-scale furniture and bench-scale models, as proposed in the NPRM. In FY 2016, staff was directed to prepare a briefing package summarizing the feasibility of adopting California's Technical Bulletin 117–2013 (TB 117–2013) as a mandatory standard. Staff submitted this briefing package to the Commission in September 2016 with staff suggestions to continue developing of the ASTM and NFPA voluntary standards. In the FY 2017 Operating Plan, the Commission directed staff to work with the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI), as well as voluntary standards development organizations, to improve upon and further refine the technical aspects of TB117–2013.

Currently, staff is working with voluntary standards organizations, both ASTM and NFPA, and BEARHFTI to evaluate new provisions and improve the existing consensus standards related to upholstered furniture flammability. Depending upon progress of the various standards, in FY 2019, staff plans to prepare a briefing package with options for Commission consideration that include continuing with or terminating rulemaking, pursuing alternative approaches to address the hazard and/or continuing with voluntary standards development.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame-Retardant Chemicals.	03/17/98	63 FR 13017
Meeting Notice	03/20/02	67 FR 12916
Notice of Public Meeting.	08/27/03	68 FR 51564
Public Meeting	09/24/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End.	12/22/03	
Staff Held Public Meeting.	10/28/04	
Staff Held Public Meeting.	05/18/05	
Staff Sent Status Report to Commission.	01/31/06	
Staff Sent Status Report to Commission.	11/03/06	
Staff Sent Status Report to Commission.	12/28/06	
Staff Sent Options Package to Commission.	12/22/07	
Commission Decision to Direct Staff to Prepare Draft NPRM.	12/27/07	
Staff Sent Draft NPRM to Commission.	01/22/08	
Commission Decision to Publish NPRM.	02/01/08	
NPRM	03/04/08	73 FR 11702
NPRM Comment Period End.	05/19/08	
Staff Published NIST Report on Standard Test Cigarettes.	05/19/09	
Staff Publishes NIST Report on Standard Research Foam.	09/14/12	
Notice of April 25 Public Meeting and Request for Comments.	03/20/13	78 FR 17140
Staff Holds Upholstered Furniture Fire Safety Technology Meeting.	04/25/13	
Comment Period End.	07/01/13	
Staff Sends Briefing Package to Commission on California's TB117–2013.	09/08/16	
Staff Updates Options Package to Commission.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Lock, Project Manager, Directorate for Laboratory Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2099, *Email: alock@cpsc.gov.*

RIN: 3041–AB35

252. Regulatory Options for Table Saws

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2051

Abstract: On July 11, 2006, the Commission voted to grant a petition requesting that the Commission issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission also directed CPSC staff to prepare an advance notice of proposed rulemaking (ANPRM) initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to: (1) Identify the risk of injury associated with table saw blade-contact injuries; (2) summarize regulatory alternatives, and (3) invite comments from the public. An ANPRM was published on October 11, 2011. The comment period ended on February 10, 2012. Staff participated in the Underwriters Laboratories (UL) working group to develop performance requirements for table saws, conducted performance tests on sample table saws, conducted survey work on blade guard use, and evaluated comments to the ANPRM. Staff prepared a briefing package with a notice of proposed

rulemaking (NPRM) and submitted the package to the Commission on January 17, 2017. The Commission voted to publish the NPRM, and the comment period for the NPRM closed on July 26, 2017. Public oral testimony to the Commission was heard on August 9, 2017. Staff conducted a study of table saw incidents that occurred and were reported through the National Electronic Injury Surveillance System (NEISS) between January 1, 2017 and December 31, 2017. Staff will prepare a report summarizing the 2017 study findings and request the Commission publish a notice in the **Federal Register** requesting comments on the report by August 2018. Staff plans to prepare a final rule briefing package for Commission consideration in FY 2019.

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
ANPRM Comment Period End.	12/12/11	
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sends Final Rule Briefing Package to Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov*.

RIN: 3041–AC31

253. Portable Generators

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2051

Abstract: On December 5, 2006, the Commission voted to issue an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discusses regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. The ANPRM was published in the **Federal Register** on December 12, 2006. Staff reviewed public comments and conducted technical activities. In FY 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also in FY 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. NIST's test house, a double-wide manufactured home, is designed for conducting residential indoor air quality (IAQ) studies, and the scenarios tested are typical of those involving consumer fatalities. These tests provide empirical data on CO accumulation in the garage and infiltration into the house; staff used these data to evaluate the efficacy of the prototype in reducing the risk of fatal or severe CO poisoning. Under this IAG, NIST also modeled the CO infiltration from the garage under a variety of other conditions, including different ambient conditions and longer generator run times. In FY 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. In 2011, staff prepared a package containing staff and contractor reports on the technology demonstration of the low CO emission prototype portable generator. This included, among other staff reports, a summary of the prototype development and durability results, as well as end-of-life emission test results performed on the generator by an independent emissions laboratory. Staff's assessment of the ability of the prototype to reduce the CO poisoning hazard was also included. In September 2012, staff released this package and solicited comments from stakeholders.

In October 2016, staff delivered a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission. In November 2016, the Commission voted to approve the NPRM. The notice was published in the **Federal Register** on November 21, 2016, with a comment period deadline of February 6, 2017. In December 2016, the Commission voted to extend the comment period until April 24, 2017, in response to a request to extend the comment period an additional 75 days. The Commission held a public hearing on March 8, 2017, to provide an opportunity for stakeholders to present oral comments on the NPRM. Staff will review the comments on the NPRM and begin to prepare a final rule briefing package for Commission consideration in FY 2019. Staff continues to work on voluntary standards and is conducting tests to assess standards recently developed by UL and PGMA.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
Staff Sends NPRM Briefing Package to Commission.	10/05/16	
NPRM	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Final Rule Briefing Package to Commission.	09/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2293, *Email: jbuyer@cpsc.gov*.

RIN: 3041–AC36

254. Recreational Off-Road Vehicles

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. ROVs are motorized vehicles having four or more low-pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or more persons. The salient characteristics of an ROV include a steering wheel for steering control, foot controls for throttle and braking, bench or bucket seats, a roll-over protective structure, and a maximum speed greater than 30 mph. On October 21, 2009, the Commission voted to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**. The ANPRM was published in the **Federal Register** on October 28, 2009, and the comment period ended December 28, 2009. The Commission received two letters requesting an extension of the comment period. The Commission extended the comment period until March 15, 2010. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. On October 29, 2014, the Commission voted to publish an NPRM proposing standards addressing vehicle stability, vehicle handling, and occupant protection. The NPRM was published in the **Federal Register** on November 19, 2014. On January 23, 2015, the Commission published a notice of extension of the comment period for the NPRM, extending the comment period to April 8, 2015. The Omnibus Appropriations Bill provides that during fiscal year 2016, none of the amounts made available by the Appropriations Bill may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the CPSC in the **Federal Register** on November 19, 2014 (79 FR 68964) (ROV NPRM) until after the National Academy of Sciences completes a study to determine specific information as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package in FY 2015 and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1–2016 and ANSI/OPEI B71.9–2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in **Federal Register**.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff is Evaluating Voluntary Standards.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov*.

RIN: 3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

255. Standard for Infant Bouncer Seats

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 110–314, sec. 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that no later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. The Commission proposed a consumer product safety standard for infant bouncer seats as part of this series of standards for durable infant and toddler products. Staff sent an NPRM briefing package for Commission consideration on September 30, 2015. On October 9, 2015, the Commission voted to publish the proposed rule. The NPRM was published in the **Federal Register** on October 19, 2015, with a comment closing date of January 4, 2016. Staff reviewed and responded to comments and submitted the final rule briefing package to the Commission on August 23, 2017. On September 1, 2017, the Commission voted to approve the final rule for publication. The final rule was published on September 18, 2017 with an effective date of March 19, 2018.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	09/30/15	

Action	Date	FR Cite
Commission Votes to Publish NPRM in **Federal Register**.	10/09/15	
NPRM Published in the **Federal Register**.	10/19/15	80 FR 63168
NPRM Comment Period Closed.	01/04/16	
Staff Sends Final Rule Briefing Package to Commission.	08/23/17	
Commission Decision.	09/01/17	
Final Rule	09/18/17	82 FR 43470
Final Rule Effective.	03/19/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Suad Wanna-Nakamura Ph.D., Project Manager, Directorate for Health Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2550, *Email: snakamura@cpsc.gov*.

RIN: 3041–AD29

[FR Doc. 2018–11233 Filed 6–8–18; 8:45 am]

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Part XXIV

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2018

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in the spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at *www.reginfo.gov*.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Policy Specialist, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 15–137,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
256	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129).	3060–AG46
257	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
258	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
259	Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)	3060–AI72
260	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'') (CC Docket No. 98–170; CG Docket Nos. 09–158, 11–116).	3060–AJ72
261	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
262	Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178; CG Docket No. 1645)	3060–AK58
263	Advanced Methods to Target and Eliminate Unlawful Robocalls; (CG Docket No. 17–59)	3060–AK62

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
264	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
265	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
266	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
267	Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
268	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10
269	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)	3060–AK29

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
270	Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)	3060–AK30

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
271	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
272	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98
273	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408.	3060–AK59

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
274	Broadcast Ownership Rules	3060–AH97
275	Promoting Diversification of Ownership in the Broadcast Services (MB Docket Nos. 07–294 and 17–289)	3060–AJ27
276	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
277	Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
278	Elimination of Main Studio Rule; (MB Docket No. 17–106)	3060–AK61
279	Amendment of 47 CFR 73.624(g) Regarding Submission of FCC Form 2100 and 47 CFR 73.3580 Regarding Public Notice of the Filing of Broadcast Application (MB Docket No. 17–264).	3060–AK68
280	FCC Form 325 Data Collection (MB Docket No. 17–290)	3060–AK69
281	Electronic Delivery of MVPD Communications (MB Docket No. 17–317)	3060–AK70
282	Filing of Paper Broadcast Contracts (MB Docket No. 18–4)	3060–AK71

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
283	Assessment and Collection of Regulatory Fees for Fiscal Year 2017; MD Docket No. 17–134	3060–AK64

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
284	Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114.	3060–AG60
285	Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)	3060–AI22
286	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
287	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87.	3060–AK19
288	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
289	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80.	3060–AK40
290	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
291	Wireless Emergency Alerts (WEA); PS Docket No. 15–91	3060–AK54
292	Blue Alert EAS Event Code	3060–AK63

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
293	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
294	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
295	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
296	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; (GN Docket No. 12–268).	3060–AJ82

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
297	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
298	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
299	Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258	3060–AK12
300	800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40	3060–AK13
301	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)	3060–AK28
302	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112	3060–AK44

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
303	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115).	3060–AG43
304	Numbering Resource Optimization	3060–AH80
305	Jurisdictional Separations	3060–AJ06
306	Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
307	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
308	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
309	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
310	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
311	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
312	Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet; (GN Docket No. 14–28).	3060–AK21
313	Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84.	3060–AK32
314	Modernizing Common Carrier Rules, WC Docket No. 15–33	3060–AK33
315	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36
316	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AK57

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

256. Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 258

Abstract: Section 258 of the Communications Act of 1934, as amended, makes it unlawful for any telecommunications carrier to submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with verification procedures that the Commission prescribes. Failure to comply with such procedures is known as ''slamming.'' In CC Docket No. 94–129, the Commission implements and interprets section 258 by adopting rules, policies, and declaratory rulings.

Timetable:

Action	Date	FR Cite
MO&O on Recon and FNPRM.	08/14/97	62 FR 43493
FNPRM Comment Period End.	09/30/97	
Second R&O and Second FNPRM.	02/16/99	64 FR 7745
First Order on Recon.	04/13/00	65 FR 47678
Third R&O and Second Order on Recon.	11/08/00	65 FR 66934
Third FNPRM	01/29/01	66 FR 8093
Order	03/01/01	66 FR 12877
First R&O and Fourth R&O.	06/06/01	66 FR 30334
Second FNPRM	03/17/03	68 FR 19176
Third Order on Recon.	03/17/03	68 FR 19152
Second FNPRM Comment Period End.	06/17/03	
First Order on Recon & Fourth Order on Recon.	03/15/05	70 FR 12605
Fifth Order on Recon.	03/23/05	70 FR 14567
Order	02/04/08	73 FR 6444
Fourth R&O	03/12/08	73 FR 13144
NPRM	08/14/17	82 FR 37830
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Wild, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1324, *Email: kimberly.wild@fcc.gov*.

RIN: 3060–AG46

257. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 227

Abstract: In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on: Robocalls (calls using an automatic telephone dialing system an ''autodialer'' or a prerecorded or

artificial voice), telemarketing calls, and unsolicited fax advertisements.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O	11/16/16	81 FR 80594
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristi Thornton, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2467, *Email: kristi.thornton@fcc.gov*.

RIN: 3060–AI14

258. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding continues the Commission's inquiry into improving the quality of telecommunications relay service (TRS) and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78 FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Reconsideration; Request for Comment.	12/16/13	78 FR 76096
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362

Action	Date	FR Cite
Petition for Reconsideration Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
R&O and Order ...	10/21/14	79 FR 62875
FNPRM	10/21/14	79 FR 62935
FNPRM Comment Period End.	12/22/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
FNPRM	11/08/15	80 FR 72029
FNPRM Comment Period End.	01/01/16	
Public Notice	01/20/16	81 FR 3085
Public Notice Comment Period End.	02/16/16	
R&O	03/21/16	81 FR 14984
FNPRM	08/24/16	81 FR 57851
FNPRM Comment Period End.	09/14/16	
NOI and FNPRM	04/12/17	82 FR 17613
NOI and FNPRM Comment Period End.	05/30/17	
R&O	04/13/17	82 FR 17754
R&O	04/27/17	82 FR 19322
FNPRM	04/27/17	82 FR 19347
FNPRM Comment Period End.	07/11/17	
R&O	06/23/17	82 FR 28566
Public Notice	07/21/17	82 FR 33856
Public Notice—Correction.	07/25/17	82 FR 34471
Public Notice Comment Period End.	07/31/17	
Public Notice—Correction Comment Period End.	08/17/17	
R&O	08/22/17	82 FR 39673
Announcement of Effective Date.	10/17/17	82 FR 48203
Public Notice; Petition for Reconsideration.	10/25/17	82 FR 49303
Oppositions Due Date.	11/20/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI15

259. Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding has resolved issues regarding the quality of closed-captioning. Further action is required to resolve a petition that has been filed regarding video programmer registration and certification rules.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Reconsideration.	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule (Announcement of Effective Date).	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Final Rule Effective.	03/16/15	
FNPRM	03/27/14	79 FR 17094
R&O	03/31/14	79 FR 17911
FNPRM Comment Period End.	07/25/14	
Final Action (Announcement of Effective Date).	12/29/14	79 FR 77916
2nd FNPRM	12/31/14	79 FR 78768
Comment Period End.	01/30/15	
2nd R&O	08/23/16	81 FR 57473
Announcement of Effective Date.	12/22/17	82 FR 60679
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI72

260. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''CRAMMING'') (CC Docket No. 98–170; CG Docket Nos. 09–158, 11–116)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: Cramming is the placement of unauthorized charges on a telephone bill, an unlawful practice under the Communications Act. In these dockets, the Commission considers rules and policies to help consumers detect and prevent cramming.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
NPRM	08/14/17	82 FR 37830
NPRM Comment Period End.	09/13/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Wild, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1324, *Email: kimberly.wild@fcc.gov*.

RIN: 3060–AJ72

261. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The FCC initiated this proceeding in its effort to ensure that internet-Protocol Captioned Telephone Service (IP CTS) is available for eligible users only. In doing so, the FCC adopted rules to address certain practices related to the provision and marketing of IP CTS. IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, the Commission adopted rules establishing several requirements and issued an FNPRM to address additional issues.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petiton for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AK01

262. Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178; CG Docket No. 1645)

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–260, sec. 106; 47 U.S.C. 154(i); 47 U.S.C. 225; 47 U.S.C. 255; 47 U.S.C. 151; 47 U.S.C. 301; 47 U.S.C. 303(r); 47 U.S.C. 316; 47 U.S.C. 403; 47 U.S.C. 615(c); 47 U.S.C. 616; 47 U.S.C. 617

Abstract: The Commission amended its rules to facilitate a transition from text telephone (TTY) technology to real-time text (RTT) as a reliable and interoperable universal text solution over wireless internet protocol (IP) enabled networks for people who are deaf, hard of hearing, deaf-blind, or have a speech disability. RTT, which allows text characters to be sent as they are being created, can be sent simultaneously with voice, and permits the use of off-the-shelf end user devices to make text telephone calls. The Commission also sought comment on the application of RTT to telecommunications relay services (TRS) and sought further comment on a sunset date for TTY support, as well as other matters pertaining to the deployment of RTT.

Timetable:

Action	Date	FR Cite
NPRM	05/25/16	81 FR 33170
NPRM Comment Period End.	07/25/16	
FNPRM	01/23/17	82 FR 7766
R&O	01/23/17	82 FR 7699
Public Notice	03/16/17	82 FR 13972
FNPRM Comment Period End.	03/24/17	
Public Notice Comment Period End.	04/10/17	
Announcement of Effective Date.	12/21/17	82 FR 60562
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Scott, Attorney Advisor, Disability Rights Office, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1264, *Email: michael.scott@fcc.gov*.

RIN: 3060–AK58

263. Advanced Methods To Target and Eliminate Unlawful Robocalls; (CG Docket No. 17–59)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

Abstract: The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17–59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing; whether to allow carriers to block calls based on their own analyses of which calls are likely to be unlawful; and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers who did not consent to such calls.

Timetable:

Action	Date	FR Cite
NPRM/NOI	05/17/17	82 FR 22625
2nd NOI	07/13/17	
NPRM Comment Period End.	07/31/17	
FNPRM	01/08/18	83 FR 770
R&O	01/12/18	83 FR 1566
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK62

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

264. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where

that spectrum is not being used by licensed services. (This unused TV spectrum is often termed ''white spaces.'') This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov.*

RIN: 3060–AI52

265. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service. The Commission also asked, in a notice of inquiry, about approaches for creating opportunities for full use of the 2 GHz band for standalone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system. Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Reconsideration.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov.*

RIN: 3060–AJ46

266. Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 302; 47 U.S.C. 303(f)

Abstract: The Commission proposed to amend its rules to enable enhanced vehicular radar technologies in the 76–

77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). The Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. Specifically, the Commission eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). Petitions for Reconsideration were filed by Navtech Radar, Ltd. and Honeywell International Inc.

Navtech Radar, Ltd. and Honeywell International, Inc., filed petitions for reconsideration in response to the *Vehicular Radar R&O* that modified the Commission's part 15 rules to permit vehicular radar technologies and airport-based fixed radar applications in the 76–77 GHz band.

The Commission denied Honeywell's petition. Section 1.429(b) of the Commission's rules provides three ways in which a petition for reconsideration can be granted, and none of these have been met. Honeywell has not shown that its petition relies on facts regarding fixed radar use which had not previously been presented to the Commission, nor does it show that its petition relies on facts that relate to events that changed since Honeywell had the last opportunity to present its facts regarding fixed radar use.

The Commission stated in the Vehicular Radar R&O, ''that no parties have come forward to support fixed radar applications beyond airport locations in this band,'' and it decided not to adopt provisions for unlicensed fixed radar use other than those for FOD detection applications at airport locations. Because Navtech first participated in the proceeding when it filed its petition well after the decision was published, its petition fails to meet the timeliness standard of section 1.429(d).

In connection with the Commission's decision to deny the petitions for reconsideration discussed above, the Commission terminates ET Docket Nos. 10–28 and 11–90 (pertaining to vehicular radar).

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Petition for Reconconsideration.	11/11/12	77 FR 68722
Reconsideration Order.	03/06/15	80 FR 12120
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov*.

RIN: 3060–AJ68

267. Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum For Non-Federal Space Launch Operations; ET Docket No. 13–115

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space-related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9 to 400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our Nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov.*

RIN: 3060–AK09

268. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has

led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May of 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

This Report and Order updates the Commission's radiofrequency (RF) equipment authorization program to build on the success realized by its use of Commission-recognized Telecommunications Certification Bodies (TCBs). The rules the Commission is adopting will facilitate the continued rapid introduction of new and innovative products to the market while ensuring that these products do not cause harmful interference to each other or to other communications devices and services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
R&O	06/12/15	80 FR 33425
Memorandum, Opinion & Order.	06/29/16	81 FR 42264
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK10

269. Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 332; 47 U.S.C. 337

Abstract: In this proceeding, the Commission amends its rules to permit vehicular radars and certain non-vehicular fixed and mobile radars used at airports to operate in the entire 76–81 GHz band on an interference-protected basis. Access to the entire 76–81 GHz band is intended to provide sufficient spectrum bandwidth to enable the deployment of wideband high-precision short-range vehicular radar (SRR) applications, such as blind spot detectors, that can enhance the safety of drivers and other road users, while continuing to allow the deployment of proven long-range vehicular radar (LRR) applications, such as adaptive cruise control. The amended rules also permit the deployment in airport air operations areas of fixed and mobile radars that detect foreign object debris (FOD) on runways, which could harm aircraft on take-off and landing, and aircraft-mounted radars that can help aircraft avoid colliding with equipment, buildings, and other aircraft while moving on airport grounds. In addition, the amended rules allow for the continued shared use of the 76–81 GHz band by other incumbent users, including amateur radio operators and the scientific research community.

Timetable:

Action	Date	FR Cite
NPRM	03/06/15	80 FR 12120
NPRM Comment Period End.	04/06/15	
NPRM Reply Comment Period End.	04/20/15	
R&O	09/20/17	82 FR 43865
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov.*

RIN: 3060–AK29

270. Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Notice of Proposed Rule Making initiated a proceeding to address how to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and broadcast live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. Recent actions by the Commission, and in particular the repurposing of broadcast television band spectrum for wireless services set forth in the Incentive Auction R&O, will significantly alter the regulatory environment in which wireless microphones operate, which necessitates our addressing how to accommodate wireless microphone users in the future.

In the Report and Order, the Commission takes several steps to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. In particular, the Commission provide

additional opportunities for wireless microphone operations in the TV bands following the upcoming incentive auction, and the Commission provide new opportunities for wireless microphone operations to access spectrum in other frequency bands where they can share use of the bands without harming existing users.

In the Order on Reconsideration, we address the four petitions for reconsideration of the Wireless Microphones R&O concerning licensed wireless microphone operations in the TV bands, the 600 MHz duplex gap,'' and several other frequency bands, as well as three petitions for reconsideration of the TV Bands part 15 R&O concerning unlicensed wireless microphone operations in the TV bands, the 600 MHz guard bands and duplex gap, and the 600 MHz service band. Because these petitions involve several overlapping technical and operational issues concerning wireless microphones, we consolidate our consideration of them in this one order.

In the Further Notice, we propose to permit certain professional theater, music, performing arts, or similar organizations that operate wireless microphones on an unlicensed basis and that meet certain criteria to obtain a part 74 license to operate in the TV bands (and the 600 MHz service band during the post-auction transition period), thereby allowing them to register in the white spaces databases for interference protection from unlicensed white space devices at venues where their events/productions are performed. In addition, we propose to permit these same users, based on demonstrated need, also to obtain a part 74 license to operate on other bands available for use by Part 74 wireless microphone licensees provided that they meet the applicable requirements for operating in those bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69387
NPRM Comment Period End.	01/05/15	
NPRM Reply Comment Period End.	01/26/15	
R&O	11/17/15	80 FR 71702
FNPRM	09/01/17	82 FR 41583
Order on Recon	09/01/17	82 FR 41549
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK30

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

271. International Settlements Policy Reform (IB Docket No. 11–80)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: The FCC is reviewing the International Settlements Policy (ISP). It governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic, and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In 2011, the FCC released an NPRM which proposed to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposed to remove the ISP from all international routes, except Cuba. Second, the FCC sought comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. In 2012, the FCC adopted a Report and Order which eliminated the ISP on all routes, but maintained the nondiscrimination requirement of the ISP on the U.S.-Cuba route and codified it at 47 CFR 63.22(f). In the Report and Order the FCC also adopted measures to protect U.S. consumers from anticompetitive conduct by foreign carriers. In 2016, the FCC released an FNPRM seeking comment on removing the discrimination requirement on the U.S.-Cuba route.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
FNPRM	03/04/16	81 FR 11500
FNPRM Comment Period End.	04/18/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ77

272. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to initiate a comprehensive review of part 25 of the Commission's rules, which governs the licensing and operation of space stations and earth stations. The Commission proposed amendments to modernize the rules to better reflect evolving technology, to eliminate unnecessary technical and information filing requirements, and to reorganize and simplify existing requirements. In the ensuing Report and Order, the Commission adopted most of its proposed changes and revised more than 150 rule provisions. Several proposals raised by commenters in the proceeding, however, were not within the scope of the original NPRM. To address these and other issues, the Commission released a Further Notice of Proposed Rulemaking (FNPRM). The FNPRM proposed additional rule changes to facilitate international coordination of proposed satellite networks, to revise system implementation milestones and the associated bond, and to expand the applicability of routine licensing standards. Following the FNPRM, the Commission issued a Second Report and Order adopting most of its proposals in the FNPRM. Among other changes, the Commission established a two-step licensing procedure for most geostationary satellite applicants to facilitate international coordination, simplified the satellite development milestones, adopted an escalating bond requirement to discourage speculation, and refined the two-degree orbital spacing policy for most geostationary

satellites to protect existing services. In addition, in May 2016, the International Bureau published a Public Notice inviting comment on the appropriate implementation schedule for a Carrier Identification requirement adopted in the first Report and Order in this proceeding. In July 2017, the Commission adopted a waiver of the Carrier Identification requirement for certain earth stations that cannot be suitably upgraded.

Timetable:

Action	Date	FR Cite
NPRM	11/08/12	77 FR 67172
NPRM Comment Period End.	02/13/13	
Report and Order	02/12/14	79 FR 8308
FNPRM	10/31/14	79 FR 65106
FNPRM Comment Period End.	03/02/15	
Public Notice	05/31/16	81 FR 34301
2nd R&O	08/18/16	81 FR 55316
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov*.

RIN: 3060–AJ98

273. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

Abstract: On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The proposed changes would, among other things, provide for more flexible use of the 17.8–20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems. The Commission subsequently adopted a Report and Order establishing new sharing criteria among NGSO FSS systems and providing additional flexibility for FSS spectrum use. The Commission also released a Further Notice of Proposed Rulemaking proposing to remove the domestic coverage requirement for NGSO FSS systems.

Timetable:

Action	Date	FR Cite
NPRM	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
FNPRM	11/15/17	82 FR 52869
R&O	12/18/17	82 FR 59972
FNPRM Comment Period End.	01/02/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov*.

RIN: 3060–AK59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

274. Broadcast Ownership Rules

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition. Accordingly, every four years, the Commission undertakes a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The last review undertaken was the 2014 review. The Commission incorporated the record of the 2010 review, and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule. In 2016, the Commission retained the existing rules with modifications to account for the digital television transition. Upon reconsideration, repealed and modified several ownership rules. Specifically repealed were the newspaper/broadcast cross-ownership rule, the radio/television cross-ownership rule, and the attributions rule for television joint-sales agreements.

Timeline:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Reconsideration.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
2nd R&O	11/01/16	81 FR 76220
Order on Reconsideration.	01/08/18	83 FR 733
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH97

275. Promoting Diversification of Ownership in the Broadcast Services (MB Docket Nos. 07–294 AN 17–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. In 2016, the Commission made improvements to the collection of data reported on Forms 323 and 323–E. On reconsideration in 2017, the Commission provided NCE filers with alternative means to file required Form

323–E without submitting personal information.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules. The Commission sought additional comment in 2014. The Commission addressed the remand in the 2016 Second Report and Order in the Broadcast Ownership proceeding. The Commission developed a revenue-based definition of eligible entity in order to promote small business participation in the broadcast industry. The Commission failed to adopt a race or gender conscious eligible entity standard. The Commission found the record was not sufficient to satisfy the constitutional standards to adopt race or gender conscious measures. In the 2017 Notice of Proposed Rulemaking, the Commission seeks comment on an incubatior program to promote ownership diversity.

Timeline:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
7th FNPRM	02/26/15	80 FR 10442
Comment Period End.	03/30/15	
Reply Comment Period End.	04/30/15	
R&O	04/04/16	81 FR 19432
2nd R&O	11/01/16	81 FR 76220
Order on Recon	05/10/17	82 FR 21718
NPRM	01/08/18	83 FR 774
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AJ27

276. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
2nd Order on Recon.	08/05/14	79 FR 45354
2nd FNPRM	08/05/14	79 FR 45397
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maria Mullarkey, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1067, *Email: maria.mullarkey@fcc.gov.*

RIN: 3060–AJ67

277. Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

Abstract: In this proceeding, the Commission seeks to authorize television broadcasters to use the ''Next Generation'' ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. In the Report and Order, the Commission adopted rules to afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

The FNPRM sought comment on three topics: (1) Issues related to the local simulcasting requirement, (2) whether to let broadcasters use vacant channels in the broadcast band, and (3) the import of the Next Gen standard on simulcasting stations.

Timetable:

Action	Date	FR Cite
NPRM	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	
FNPRM	12/20/17	82 FR 60350
R&O	02/02/18	83 FR 4998
FNPRM Comment Period End.	02/20/18	
FNPRM Reply Comment Period End.	03/20/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7142, *Email: evan.baranoff@fcc.gov.*

RIN: 3060–AK56

278. Elimination of Main Studio Rule; (MB Docket No. 17–106)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154(i) ; 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 307(b); 47 U.S.C. 336(f)

Abstract: In this proceeding, the Commission to eliminated its rule requiring each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license.

Timetable:

Action	Date	FR Cite
NPRM	06/02/17	82 FR 25590
NPRM Comment Period End.	07/03/17	
R&O	12/08/17	82 FR 57876
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AK61

279. • Amendment of 47 CFR 73.624(g) Regarding Submission of FCC Form 2100 and 47 CFR 73.3580 Regarding Public Notice of the Filing of Broadcast Application (MB Docket No. 17–264)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151

Abstract: In this proceeding, the Commission considers how to modernize two provisions in Part 73 of the Commission's rules governing broadcast licensees: 47 CFR 73.624(g), which establishes certain reporting obligations relating to the provision of ancillary or supplementary services, and 47 CFR 73.3580, which sets forth requirements concerning public notice of the filing of broadcast applications. Specifically, the Commission seeks comment on relieving certain television broadcasters of the obligation to submit FCC Form 2100, Schedule G, which is used to report information about the provision of ancillary or supplementary services. Also, the Commission seeks comment on whether to update or repeal 47 CFR 73.3580 to afford broadcast applicants more flexibility in how they provide required notices.

Timetable:

Action	Date	FR Cite
NPRM	11/29/17	82 FR 56574
NPRM Comment Period End.	12/29/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Heller, Chief, Policy, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: martha.heller@fcc.gov.*

RIN: 3060–AK68

280. • FCC Form 325 Data Collection (MB Docket No. 17–290)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151

Abstract: In this proceeding, the Commission seeks comment on whether to eliminate Form 325, Annual Report of Cable Television Systems, or, in the alternative, on ways to modernize and streamline the form. Form 325 collects operational information from cable television systems nationwide, including their network structure, system-wide capacity, programming, and number of subscribers.

Timetable:

Action	Date	FR Cite
NPRM	12/12/17	82 FR 58365
NPRM Comment Period End.	02/12/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Heller, Chief, Policy, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: martha.heller@fcc.gov.*

RIN: 3060–AK69

281. • Electronic Delivery of MVPD Communications (MB Docket No. 17–317)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151

Abstract: In this proceeding, the Commission addresses ways to modernize certain notice provisions in Part 76 of the Commission's rules governing multichannel video and cable television service. The Commission considers allowing various types of written communications from cable operators to subscribers to be delivered electronically. Additionally, the Commission considers permitting cable operators to reply to consumer requests or complaints by email in certain circumstances. Then Commission also evaluates updating the requirement in the Commission's rules that requires broadcast television stations to send carriage election notices via certified mail.

Timetable:

Action	Date	FR Cite
NPRM	01/16/18	83 FR 2119
NPRM Comment Period End.	02/15/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Heller, Chief, Policy, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2120, *Email: martha.heller@fcc.gov.*

RIN: 3060–AK70

282. • Filing of Paper Broadcast Contracts (MB Docket No. 18–4)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151

Abstract: In this proceeding, the Commission considers whether and how to modernize Section 73.3613 of the Commission's rules, which requires each licensee or permittee of a commercial and noncommercial AM, FM, television, or international broadcast station to file certain contracts and other documents with the Commission within 30 days after execution.

Timetable:

Action	Date	FR Cite
NPRM (release date).	01/30/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AK71

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

283. Assessment and Collection of Regulatory Fees for Fiscal Year 2017; MD Docket No. 17–134

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	06/06/17	82 FR 26019
R&O	09/22/17	82 FR 44322
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AK64

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

284. Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The policies set forth in the Report and Order will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network. The public notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov.*

RIN: 3060–AG60

285. Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 155; 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 251

Abstract: The 2004 Report and Order extended the Commission's outage reporting requirements to non-wireline carriers and streamlined reporting through a new electronic template. A Further Notice of Proposed Rulemaking regarding the unique communications needs of airports also remains pending. The 2012 Report and Order extended the Commission's outage reporting requirements to interconnected Voice over internet Protocol (VOIP) services where there is a complete loss of connectivity that has the potential to affect at least 900,000 user minutes. Interconnected VoIP services providers must now file outage reports through the same electronic mechanism as providers of other services. The Commission indicated that the technical issues involved in identifying and reporting significant outages of broadband internet services require further study. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 04–35 and 15–80). The FNPRM proposed rules to extend part 4 outage reporting to broadband services. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Reconsideration.	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
NPRM	06/09/11	76 FR 33686
NPRM Comment Period End.	08/08/11	
R&O	04/27/12	77 FR 25088
Final Rule; Correction.	01/30/13	78 FR 6216
R&O	07/12/16	81 FR 45055
FNPRM	07/12/16	81 FR 45095
Order Denying Reply Comment Deadline Extension Request.	09/08/16	
FNPRM Comment Period End.	09/12/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AI22

286. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Order Granting Waiver.	07/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov.*

RIN: 3060–AJ52

287. Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769–775 and 799–805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Final Rule	12/20/14	79 FR 71321
Final Rule Effective.	01/02/15	
FNPRM	09/29/16	81 FR 65984
Order on Recon	09/29/16	81 FR 66830
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AK19

288. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/17/15	
R&O	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/31/16	81 FR 75368
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Merritt Baer, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7095, *Email: merritt.baer.com.*

RIN: 3060–AK39

289. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 CFR 0; 47 CFR 4; 47 CFR 63

Abstract: The 2004 Report and Order extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template (see docket ET Docket 04–35). In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 11–82 & 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
FNPRM Comment Period End.	09/12/16	
Order Denying Reply Comment Deadline Extension Request.	09/18/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AK40

290. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154 to 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47, and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly found in 47 CFR 63.100, and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with states, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see dockets 11–82 & 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761

Action	Date	FR Cite
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Interconnected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
R&O and Order on Recon.	06/16/15	80 FR 34321
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
Order Denying Extension of Time to File Reply Comments.	09/08/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7835, *Email: robert.finley@fcc.gov.*

RIN: 3060–AK41

291. Wireless Emergency Alerts (WEA); PS Docket No. 15–91

E.O. 13771 Designation: Independent agency.

Legal Authority: Public Law 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: This proceeding was initiated to improve WEA messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Order	11/01/16	81 FR 75710
FNPRM	11/08/16	81 FR 78539
Comment Period End.	12/08/16	
Reply Comment Period End.	01/07/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov.*

RIN: 3060–AK54

292. Blue Alert EAS Event Code

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301; 47 U.S.C. 303(r) and (v); 47 U.S.C. 307; 47 U.S.C. 309 ; 47 U.S.C. 335; 47 U.S.C. 403; 47 U.S.C.544(g); 47 U.S.C. 606 and 615

Abstract: In 2015, Congress adopted the Blue Alert Act to help the States provide effective alerts to the public and law enforcement when police and other law enforcement officers are killed or are in danger. To ensure that these state plans are compatible and integrated throughout the United States as envisioned by the Blue Alert Act, the Blue Alert Coordinator made a series of recommendations in a 2016 Report to Congress. Among these recommendations, the Blue Alert Coordinator identified the need for a dedicated EAS event code for Blue Alerts, and noted the alignment of the EAS with the implementation of the Blue Alert Act. On June 22, 2017, the FCC released an NPRM proposing to revise the EAS rules to adopt a new event code, which would allow transmission of ''Blue Alerts'' to the public over the EAS, and thus satisfy the stated need for a dedicated EAS event code.

Timetable:

Action	Date	FR Cite
NPRM	06/30/17	82 FR 29811
NPRM Comment Period End.	07/31/17	
NPRM Reply Comment Period End.	08/29/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Pintro, Attorney Advisor, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 21043, *Phone:* 202 418–7490, *Email: linda.pintro@fcc.gov.*

Gregory Cooke, Deputy Chief, Policy and Licensing Division, PSHSB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2351, *Email: gregory.cooke@fcc.gov.*

RIN: 3060–AK63

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

293. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

294. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C.

160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ47

295. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
FNPRM	07/09/14	79 FR 39196
R&O, Declaratory Ruling, Order, MO&O, and 7th Order on Recon.	07/09/14	79 FR 39163
FNPRM Comment Period End.	09/08/14	
R&O	10/07/16	81 FR 69696
FNPRM	10/07/16	81 FR 69772
FNPRM	03/13/17	82 FR 13413
R&O	03/28/17	82 FR 15422
R&O Correction	04/04/17	82 FR 16297
Order on Recon and 2nd R&O.	09/08/17	82 FR 42473
2nd Order on Recon (release date).	02/27/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ58

296. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the incentive auction consist of a reverse auction ''to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights and a forward auction'' that would allow mobile broadband providers to bid for licenses in the reallocated spectrum. Broadcast television licensees who elected to voluntarily participate in the auction had three basic options: voluntarily go off the air, share spectrum, or move channels in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers.

In June 2014, the Commission adopted a Report and Order that laid out the general framework for the incentive auction. The incentive auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees that had submitted timely and complete applications. The incentive auction officially ended on April 13, 2017, with the release of the Auction Closing and Channel Reassignment Public Notice that also marked the start of the 39-month transition period during which broadcasters will transition their stations to their post-auction channel assignments in the reorganized television bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
R&O	08/15/14	79 FR 48441
Final Rule	10/11/17	82 FR 47155
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ82

297. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step

transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ87

298. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332; 47 U.S.C. 302(a)

Abstract: In the Report and Order, the Commission addresses the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals requiring Commission authorization—in correctional facilities. In particular, the Commission eliminates certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems.

In the Further Notice, the Commission seeks comment on a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission also seeks comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM	05/18/17	82 FR 22780
R&O	05/18/17	82 FR 22742
Final Rule Effective (except for rules requiring OMB approval).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Final Rule Effective for 47 CFR 1.9020(n), 1.9030(m), 1.9035(o), and 20.23(a).	10/20/17	82 FR 48773
Final Rule Effective for 47 CFR 1.902(d)(8), 1.9035(d)(4), 20.18(a), and 20.18(r).	02/12/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Mobility Div., Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov.*

RIN: 3060–AK06

299. Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307(e); 47 U.S.C. 316

Abstract: The Report and Order and Second Further Notice of Proposed Rulemaking adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

The Order on Reconsideration and Second Report and Order addressed several Petitions for Reconsideration submitted in response to the Report and Order and resolved the outstanding issues raised in the Second Further Notice of Proposed Rulemaking.

The 2017 NPRM sought comment on limited changes to the rules governing Priority Access Licenses in the band, adjacent channel emissions limits, and public release of base station registration information.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Order on Recon and 2nd R&O.	07/26/16	81 FR 49023
NPRM	11/28/17	82 FR 56193
NPRM Comment Period End.	01/29/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK12

300. 800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to 154(j); 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 U.S.C. 332

Abstract: The proceeding was launched to modernize rules governing the 800 MHz Cellular Radiotelephone Service (Cellular Service). On November 10, 2014, the FCC released a Report and Order (R&O) and a companion Further Notice of Proposed Rulemaking (FNPRM). In the R&O, the FCC eliminated or streamlined numerous regulatory requirements, while retaining Cellular licensees' ability to expand into areas not yet licensed. In the FNPRM, the FCC proposed and sought comment on additional reforms, including the Cellular radiated power and related technical rules, to promote flexibility and help foster deployment of new technologies such as LTE. On March 24, 2017, the FCC released a Second R&O and a companion Second FNPRM. In the Second R&O, the FCC revised the

Cellular radiated power rules to permit compliance with limits based on power spectral density (PSD) as an option for licensees deploying wideband technologies such as LTE, while retaining the existing non-PSD limits for licensees that deploy narrowband technologies. This ensures that carriers are treated similarly regardless of technology choice, and aligns the Cellular power rules with those used to provide mobile broadband in other service bands. The Second R&O also made conforming changes to Cellular technical rules to accommodate PSD, and adopted additional licensing reforms. In the Second FNPRM, the FCC seeks comment on other measures to give Cellular licensees more flexibility and administrative relief, and on ways to consolidate and clarify the rules for the Cellular Service as well as other geographically licensed wireless services.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15665
NPRM Comment Period End.	05/15/12	
NPRM Reply Comment Period End.	06/14/12	
R&O	12/05/14	79 FR 72143
FNPRM	12/22/14	79 FR 76268
Final Rule Effective (with 3 exceptions).	01/05/15	
FNPRM Comment Period End.	01/21/15	
FNPRM Reply Comment Period End.	02/20/15	
2nd R&O	04/12/17	82 FR 17570
2nd FNPRM	04/14/17	82 FR 17959
Final Rule Effective (with 7 exceptions).	05/02/17	
2nd FNPRM Comment Period End.	05/15/17	
2nd FNPRM Reply Comment Period End.	06/14/17	
Final Rule Effective.	12/01/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK13

301. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
Public Notice	03/16/15	80 FR 15715
Public Notice	04/23/15	80 FR 22690
R&O	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Order on Recon	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK28

302. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 to 302; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307; 47 U.S.C. 309 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

Abstract: In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O	11/14/16	81 FR 79894
R&O	01/02/18	83 FR 37
FNPRM	01/02/18	83 FR 85
FNPRM Comment Period End.	01/23/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK44

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

303. Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes,

among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Public Notice	07/13/12	77 FR 35336
Inactive per Maura McGowan.	10/02/17	
Final Rule	09/21/17	82 FR 44188
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AG43

304. Numbering Resource Optimization

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 *et seq.;* 47 U.S.C. 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99–200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration. In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering). In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next three years. The Commission also established a five-year term for the national pooling administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission addressed several issues raised in the notice, concerning area code relief. Specifically, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include zero or one, or to grant State commissions the authority to implement the expansion of the ''D'' digit as a numbering resource optimization measure presently. In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources. In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs), and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANPA database for data pertaining to NPAs located within their State. The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers. These measures are designed to create national standards to optimize the use of numbering resources by: (1) Minimizing the negative impact on consumers of premature area code exhausts; (2) ensuring sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; (3) avoiding premature exhaust of the NANP; (4) extending the life of the NANP; (5) imposing the least societal cost possible, and ensuring competitive neutrality, while obtaining the highest benefit; (6) ensuring that no class of carrier or consumer is unduly favored or disfavored by the Commission's optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers. In NRO Third Order on Recon in CC Docket No. 99–200, Third Further

Notice of Proposed Rulemaking in CC Docket No. 99–200 and Second Further Notice of Proposed Rulemaking in CC Docket No. 95–116, the Commission reconsidered its findings in the NRO Third Report and Order regarding the local Number portability (LNP) and thousands-block number pooling requirements for carriers in the top 100 Metropolitan Statistical areas (MSAs). Specifically, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs. In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs identified in the 1990 U.S. Census reports, as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs. In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

In its 2013 Notice of Proposed Rulemaking, the Commission proposed to allow interconnected Voice over internet Protocol (VOIP) providers to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator, subject to certain requirements. The Commission also sought comment on a forward-looking approach to numbers for other types of providers and uses, including telematics and public safety, and the benefits and number exhaust risks of granting providers other than interconnected VoIP providers direct access.

In its 2015 Report and Order, the Commission established an authorization process to enable interconnected VoIP providers that choose to obtain access to North American Numbering Plan telephone numbers directly from the North American Numbering Plan Administrator and/or the Pooling Administrator (Numbering Administrators), rather than through intermediaries. The Order also set forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. Specifically, the Commission required interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. The requirements included any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Commission also required interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. In addition, as conditions to requesting and obtaining numbers directly from the Numbering Administrators, the Commission required interconnected VoIP providers to (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant state commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area. Finally, the Order also modified Commission's rules in order to permit VoIP Positioning Center providers to obtain pseudo-Automatic Number Identification codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM.	02/08/01	66 FR 9528
Third R&O and Second Order on Recon.	02/12/02	67 FR 643
Third O on Recon and Third FNPRM.	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM.	07/21/03	68 FR 43003
Order and Fifth FNPRM.	03/15/06	71 FR 13393
Order	06/19/13	78 FR 36679
NPRM & NOI	06/19/13	78 FR 36725
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH80

305. Jurisdictional Separations

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission adopted a Report and Order extending the separations freeze for an additional two years to June 2014. In 2014, the Commission adopted a Report and Order extending the separations freeze for an additional three years to June 2017.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
FNPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Hunter, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1520, *Email: john.hunter@fcc.gov*.

RIN: 3060–AJ06

306. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
NPRM	08/03/17	82 FR 40118
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chelsea Fallon, Assistant Division Chief, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7991, *Email: chelsea.fallon@fcc.gov*.

RIN: 3060–AJ15

307. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Public Notice	12/21/11	76 FR 79607
Public Notice	06/06/13	78 FR 34015
R&O	05/26/15	80 FR 29978
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AJ32

308. Implementation of Section 224 of the Act; a National Broadband Plan For Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment regarding others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive

regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement. In 2015, the Commission issued an Order on Reconsideration that further harmonized the pole attachment rates paid by telecommunications and cable providers.

The 2015 Order on Reconsideration was upheld on appeal before the U.S. Court of Appeals for the Eighth Circuit in *Ameren Corporation, et al.* v. *FCC*, Case No: 16–1683.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Order on Recon	02/03/16	81 FR 5605
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Ray, Attorney, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0357.

RIN: 3060–AJ64

309. Rural Call Completion; WC Docket No. 13–39

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 257(a); 47 U.S.C. 403

Abstract: The recordkeeping, retention, and reporting requirements in the Report and Order improve the Commission's ability to monitor problems with completing calls to rural areas, and enforce restrictions against blocking, choking, reducing, or restricting calls. The Further Notice of Proposed Rulemaking sought comment on additional measures intended to further ensure reasonable and nondiscriminatory service to rural areas. The Report and Order applies new recordkeeping, retention, and reporting requirements to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines which, in most cases, is the calling party's long-distance provider. Covered providers are required to file quarterly reports and retain the call detail records for at least six calendar months. Qualifying providers may certify that they meet a Safe Harbor which reduces their reporting and retention obligations, or seek a waiver of these rules from the Wireline Competition Bureau, in consultation with the Enforcement Bureau. The Report and Order also adopts a rule prohibiting all originating and intermediate providers from causing audible ringing to be sent to the caller before the terminating provider has signaled that the called party is being alerted.

On February 13, 2015, the Wireline Competition Bureau provided additional guidance regarding how providers must categorize information. The Commission also adopted an Order on Reconsideration addressing petitions for reconsideration. Reports have been due quarterly beginning with the second quarter of 2015.

The Second FNPRM (released on July 14, 2017 (FCC 17–92)) seeks comment on proposals to revise its regulations to better address ongoing problems in the completion of long-distance telephone calls to rural areas.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
Public Notice	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum	01/08/15	80 FR 1007
Public Notice	03/04/15	80 FR 11593
2nd FNPRM	07/27/17	82 FR 34911
2nd FNPRM Comment Period End.	08/28/17	
Reply Comment Period End.	09/25/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: E. Alex Espinoza, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0849, *Email: alex.espinoza@fcc.gov*.

RIN: 3060–AJ89

310. Rates for Inmate Calling Services; WC Docket No. 12–375

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable, as required by statute, and limits ancillary service charges imposed by ICS providers. In the Report and Order, the Commission sets caps on all interstate and intrastate calling rates for ICS, establishes a tiered rate structure based on the size and type of facility being served, limits the types of ancillary services that ICS providers may charge for and caps the charges for permitted fees, bans flat-rate calling, facilitates access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposes reporting and certification requirements to facilitate continued oversight of the ICS market. In the Further Notice portion of the item, the Commission seeks comment on ways to promote competition for ICS, video visitation, rates for international calls, and considers an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amends its rate caps and amends the definition of ''mandatory tax or mandatory fee.''

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
Announcement of Effective Date.	06/20/14	79 FR 33709
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM	12/18/15	80 FR 79020
2nd R&O	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Strobel, Deputy Pricing Policy Division Chief, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7084.

RIN: 3060–AK08

311. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219; 47 U.S.C. 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted an Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O	04/04/17	82 FR 20833
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robin Cohn, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2747, *Email: robin.cohn@fcc.gov*.

RIN: 3060–AK20

312. Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet; (GN Docket No. 14–28)

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In May 2017, the Commission adopted a Notice of Proposed Rulemaking (NPRM) that proposes to restore the internet to a light-touch regulatory framework by classifying broadband internet access service as an information service and seeks comment on the existing rules governing internet service providers' practices. The NPRM proposes to end title II regulation of the internet and return broadband internet access service to its longstanding classification as an information service; proposes to reinstate the determination that mobile broadband internet access service is not a commercial mobile service, and to return it to its original classification as a private mobile service; proposes to eliminate the internet conduct standard and the non-exhaustive list of factors intended to guide application of that standard; and seeks comment on whether the Commission should keep, modify, or eliminate the bright-line rules set forth in the title II Order.

Previously, in February 2015, the Commission adopted a Report and Order on Remand, Declaratory Ruling, and Order (Title II Order) that reclassified broadband internet access service under title II of the Communications Act. The Commission also adopted new bright-line rules under its Title II authority, along with a general conduct standard applicable to broadband service providers, as well as additional reporting obligations. The rules became effective on June 12, 2015, with the exception of the additional reporting obligations, which became effective on January 17, 2017.

In March 2017, the Commission adopted an Order granting a five-year waiver to broadband internet access service providers with 250,000 or fewer broadband connections from the additional reporting obligations.

In December 2017, the Commission adopted the Restoring internet Freedom Declaratory Ruling, Report and Order, and Order (Restoring internet Freedom Order), which restored the light-touch regulatory framework under which the internet had grown and thrived for decades by classifying broadband internet access service as an information service. The Restoring internet Freedom Order ends Title II regulation of the internet and returns broadband internet access service to its long-standing classification as an information service; reinstates the determination that mobile broadband internet access service is not a commercial mobile service, and returns it to its original classification as a private mobile service; finds that transparency, ISPs' economic incentives, and antitrust and consumer protection laws will protect the openness of the internet, and that Title II regulation is unnecessary to do so; adopts a transparency rule similar to that in the 2010 Open internet Order, requiring disclosure of network management practices, performance characteristics, and commercial terms of service. Additionally, the transparency rule requires ISPs to disclose any blocking, throttling, paid prioritization, or affiliate prioritization; and eliminates the internet conduct standard and the bright-line conduct rules set forth in the Title II Order.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM	06/02/17	82 FR 25568
NPRM Comment Period End.	07/03/17	
Declaratory Ruling, R&O, and Order.	02/22/18	83 FR 7852

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AK21

313. Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251

Abstract: On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure NPRM, NOl, and RFC) seeking input on a number of actions designed to accelerate: (1) The deployment of next-generation networks and services by removing barriers to infrastructure investment at the federal, state, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

On November 16, 2017, the Commission adopted a Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking (Wireline Infrastructure Order) that takes a number of actions and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

The Wireline Infrastructure Order takes a number of actions. First, the Report and Order revises the pole attachment rules to reduce costs for attachers, reforms the pole access complaint procedures to settle access disputes more swiftly, and increases access to infrastructure for certain types of broadband providers. Second, the Report and Order revises the section 2 14(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy services with advanced broadband networks and innovative new services. Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers. Fourth, the Declaratory Ruling abandons the 2014 ''functional test'' interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike. Finally, the Further Notice of Proposed Rulemaking seeks comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters.

The Wireline Infrastructure NPRM, NOI, and RFC sought comment on additional issues not addressed in the November Wireline Infrastructure Order. It sought comment on changes to the Commission's pole attachment rules to: (1) Streamline the tirneframe for gaining access to utility poles; (2) reduce charges paid by attachers for work done to make a pole ready for new attachments; and (3) establish a formula for computing the maximum pole attachment rate that may be imposed on an incumbent LEC. The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on eliminating a requirement that carriers notify customers when changes to their facilities and equipment could reasonably render customer terminal equipment incompatible.

The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on whether the Commission should enact rules, consistent with its authority under section 253 of the Act, to promote the deployment of broadband infrastructure by preempting state and local laws that inhibit broadband deployment. It also sought comment on whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that (i) proposed new backup power rules; (ii) proposed new or revised rules for copper retirements and service discontinuances; and (iii) adopted a functional test in determining what constitutes a service'' for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) Lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier's actions will discontinue service to a carrier-customer's retail end users; (iii) adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and (v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) Adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM	09/25/15	80 FR 57768
R&O	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O	09/12/16	81 FR 62632
NPRM	05/16/17	82 FR 224533
NPRM Comment Period End.	06/15/17	
NPRM Reply Comment Period End.	07/17/17	
R&O	12/28/17	82 FR 61520
FNPRM Comment Period End.	01/17/18	

Action	Date	FR Cite
FNPRM Reply Comment Period End.	02/16/18	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Levy Berlove, Attorney Advisor, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1477, *Email: michele.berlove@fcc.gov*.

RIN: 3060–AK32

314. Modernizing Common Carrier Rules, WC Docket No. 15–33

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(j); 47 U.S.C. 154(i); 47 U.S.C. 160 to 161; 47 U.S.C. 201 to 205; 47 U.S.C. 214; 47 U.S.C. 218 to 221; 47 U.S.C. 225 to 228; 47 U.S.C. 254; 47 U.S.C. 303; 47 U.S.C. 308; 47 U.S.C. 403; 47 U.S.C. 410; 47 U.S.C. 571; 47 U.S.C. 1302; 52 U.S.C. 30141

Abstract: The Notice of Proposed Rulemaking (Notice) seeks to update our rules to better reflect current requirements and technology by removing outmoded regulations from the Code of Federal Regulations. The Notice proposes to update the CFR by (1) eliminating certain rules from which the Commission has forborn, and (2) eliminating references to telegraph service in certain rules. We propose to eliminate several rules from which the Commission has granted unconditional forbearance for all carriers. These are: (1) Section 64.804(c)–(g), which governs a carrier's recordkeeping and other obligations when it extends to federal candidates unsecured credit for communications service; (2) sections 42.4, 42.5, and 42.7, which require carriers to preserve certain records; (3) section 64.301, which requires carriers to provide communications service to foreign governments for international communications; (4) section 64.501, governing telephone companies' obligations when recording telephone conversations; (5) section 64.5001(a)–(c)(2), and (c)(4), which imposes certain reporting and certification requirements for prepaid calling card providers; and (6) section 64.1, governing traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service. We also propose to remove references to telegraph from certain sections of the Commission's rules. This proposal is consistent with Recommendation 5.38 of the Process Reform Report. Specifically, we propose to remove telegraph from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance).

The Report and Order (Order) updates our rules to remove outmoded regulations from the Code of Federal Regulations (CFR) that no longer reflect current requirements or technology. We eliminate certain rules from which the Commission has granted unconditional forbearance for all carriers, and we eliminate references to telegraph service from certain sections of the Commission's rules. Specifically, the Order deletes the following CFR provisions from which the Commission has forborne: (1) Sections 42.4, 42.5, and 42.7, which required carriers to preserve certain records; (2) section 64.1, which governed traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service; (3) section 64.301, which required carriers to provide communications services to foreign governments for international communications; (4) section 64.501, which governed telephone companies' obligations when recording telephone conversations; (5) section 64.804(c)–(g), which governed a carrier's recordkeeping and other obligations when it extended unsecured credit for communications services to candidates for federal office; and (6) section 64.5001(a)–(c)(2), and (c)(4), which imposed certain reporting and certification requirements on prepaid calling card providers. The Order also finds that references to telegraph service in other rules are unnecessary and deletes them from the CFR. Specifically, we remove telegraph'' from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance). We also grant forbearance from the application of all exit regulation pursuant to section 214(a) of the Communications Act, as amended, to telegraph service.

Timetable:

Action	Date	FR Cite
NPRM	05/06/15	80 FR 25989
R&O	10/20/17	82 FR 48774
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nirali Patel, Deputy Chief, Competition Policy Division, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–7830, *Email: nirali.patel@fcc.gov*.

RIN: 3060–AK33

315. Numbering Policies for Modern Communications, WC Docket No. 13–97

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a state certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) Provide the relevant State commissions

with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

Finally, the Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Jones, Senior Counsel, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2357, *Fax:* 202 418–2345, *Email: marilyn.jones@fcc.gov*.

RIN: 3060–AK36

316. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

E.O. 13771 Designation: Independent agency.

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation's schools, libraries and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Health Care.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon ..	05/19/17	82 FR 22901
Order on Recon ..	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov*.

RIN: 3060–AK57

[FR Doc. 2018–11237 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

Vol. 83 Monday,
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Part XXV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2018, through October 31, 2018. The next agenda will be published in fall 2018.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2018 agenda as part of the Spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: *www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into five sections. The first, Pre-rule Stage, reports on matters the Board is considering for future rulemaking. The second, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. The fourth section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. And a fifth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda.

Yao-Chin Chao,

Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
317	Source of Strength (**Section 610 Review**)	7100–AE73

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
318	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
319	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68

FEDERAL RESERVE SYSTEM (FRS)

Prerule Stage

317. Source of Strength (Section 610 Review)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 1831(o)

Abstract: The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act by December 2018. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution.

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking.	12/00/18	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Conni Allen, Special Counsel, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 912–4334.

Melissa Clark, Sr. Supervisory Financial Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–2277.

Barbara Bouchard, Senior Associate Director, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–3072.

Jay Schwarz, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2970.

Will Giles, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3351.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AE73

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

318. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

E.O. 13771 Designation: Independent agency.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: C. Tate Wilson, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3696.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

319. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

E.O. 13771 Designation: Independent agency.

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Board of Governors of the Federal Reserve System (the Board) is amending Regulation CC, which implements the Expedited Funds Availability Act (EFAA), which governs the availability of funds after a check deposit, as well as check collection and return. In March 2011, the Board proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to subpart C to encourage depository banks to receive and paying banks to send returned check electronically and proposed amendments to subpart B's funds availability schedule provisions. Subsequently, section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFAA to provide the Consumer Financial Protection Bureau (CFPB) with joint rulemaking authority with the Board over certain EFAA provisions, including those implemented by subpart B of Regulation CC. Based on its analysis of comments received, the Board revised its proposed amendments to subpart C of Regulation CC. The Board finalized its proposed amendments to subpart C in June 2017.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Published Final Rule.	06/15/17	82 FR 27552
Board Expects Further Action on Subpart B.	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gavin Smith, Counsel, Federal Reserve System, Legal Division, Washington, DC 20558, *Phone:* 202 452–3474.

Ian Spear, Manager, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, Washington, DC 20551, *Phone:* 202 452–3959

RIN: 7100–AD68

[FR Doc. 2018–11243 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part XXVI

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2018–0032]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 6 rulemaking activities since publication of our last Agenda on January 12, 2018 (83 FR 2018). This issuance of our Agenda contains 28 active and 20 long-term rulemaking activities: 3 are Economically Significant; 8 represent Other Significant agency priorities; 35 are Substantive, Nonsignificant rulemaking activities; and 2 are Administrative rulemaking activities. In addition, 3 rulemaking activities impact small entities. We are requesting comment on the rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by July 11, 2018.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to *http://www.regulations.gov* and searching for Docket ID NRC–2018–0032. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions on any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0032 when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- *Reginfo.gov:*
  - For completed rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed,* select ''spring 2018 Unified Agenda of Federal Regulatory and Deregulatory Actions'' from drop down menu, and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For active rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain* and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For long-term rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain,* select ''Current Long Term Actions'' link, and select ''Nuclear Regulatory Commission'' from drop down menu.
- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0032.
- *NRC's Public Document Room:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0032 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into the Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency's last Agenda; active rulemaking activities are those for which an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

We assign a ''Regulation Identifier Number'' (RIN) to a rulemaking activity when our Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission-delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire ''lifecycle'' of a particular rulemaking activity. We report all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on January 12, 2018 (83 FR 2018). Specifically, the information in this Agenda has been updated through February 23, 2018. The NRC provides additional information on planned

rulemaking and petition for rulemaking activities, including priority and schedule, on our website at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html#cprlist.*

The date for the next scheduled action under the heading ''Timetable'' is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from the NRC's website at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Public Comments Received on NRC Unified Agenda

As part of the most recent publication of the NRC's Agenda in January 2018, the NRC requested public comment on its rulemaking activities. In response, the Nuclear Energy Institute commented on the number and average age of the rules that the NRC reports in its Agenda and recommended that the NRC refine its prioritization process for rulemaking activities to take into account the cost and burden imposed by a proposed regulation.

The NRC actively seeks to improve its rulemaking process and annually reviews its methodology for prioritizing rulemaking activities. The NRC will align its prioritization process with the ''NRC Strategic Plan: Fiscal Years 2018–2022'' (February 2018; ADAMS Accession No. ML18032A561) and will consider the Nuclear Energy Institute's suggestions upon the NRC's next review of the prioritization methodology.

Dated at Rockville, Maryland, this 23rd day of February 2018.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Office of Nuclear Material Safety and Safeguards.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
320	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032] ..	3150–AJ99

NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
321	Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026] ..	3150–AJ95

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
322	Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228] ..	3150–AK10

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

320. Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission (NRC) to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ99

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

321. Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This proposed rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission (NRC) to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the NRC's cost of providing services to identifiable applicants and licensees. Examples of services provided by the NRC for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/25/18	83 FR 3407
NPRM Comment Period End.	02/26/18	
Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ95

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

322. • Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC–2017–0228]

E.O. 13771 Designation: Independent agency.

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commissions fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the Nuclear Regulatory Commission's cost of providing services to identifiable applicants and licensees. Examples of services provided by the Nuclear Regulatory Commission for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AK10

[FR Doc. 2018–11244 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

Vol. 83 Monday,
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Part XXVII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–10470, 34–82869, IA–4869, IC–33045, File No. S7–06–18]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sept. 19, 1980). The items listed in the Regulatory Flexibility Agenda for spring 2018 reflect only the priorities of the Chairman of the U.S. Securities and Exchange Commission and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on March 13, 2018, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before July 11, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–06–18 on the subject line.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–06–18. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Sarit Klein, Office of the General Counsel, 202–551–5037.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda
(5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

''JOBS Act''—Jumpstart Our Business Startups Act

''FAST Act''—Fixing America's Surface Transportation Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: March 14, 2018.

Brent J. Fields,

Secretary.

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
323	Disclosure of Hedging by Employees, Officers and Directors	3235–AL49
324	Amendments to Interactive Data (XBRL) Program	3235–AL59
325	Amendments to Smaller Reporting Company Definition	3235–AL90
326	Modernization of Property Disclosures for Mining Registrants	3235–AL81
327	Disclosure Update and Simplification	3235–AL82

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
328	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
329	Pay Versus Performance	3235–AL00
330	Universal Proxy	3235–AL84

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS—Continued

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DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
332	Use of Derivatives by Registered Investment Companies and Business Development Companies	3235–AL60

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

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DIVISION OF INVESTMENT MANAGEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
334	Reporting of Proxy Votes on Executive Compensation and Other Matters	3235–AK67

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
335	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

323. Disclosure of Hedging by Employees, Officers and Directors

E.O. 13771 Designation: Independent agency.

Legal Authority: Public Law 111–203

Abstract: The Commission proposed rules to implement section 955 of the Dodd-Frank Act, which added section 14(j) to the Exchange Act to require annual meeting proxy statement disclosure of whether employees or members of the board of directors are permitted to engage in transactions to hedge or offset any decrease in the market value of equity securities granted to the employee or board member as compensation, or held directly or indirectly by the employee or board member.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8486
NPRM Comment Period End.	04/20/15	
Final Action	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carolyn Sherman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500, *Email: shermanc@sec.gov*.

RIN: 3235–AL49

324. Amendments to Interactive Data (XBRL) Program

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 78w(a); 15 U.S.C. 80a–37

Abstract: The Commission proposed amendments to the XBRL rules to provide for companies to use Inline XBRL to file a single combined document.

Timetable:

Action	Date	FR Cite
NPRM	03/17/17	82 FR 14282
NPRM Comment Period End.	05/16/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–0301, *Phone:* 202 551–3430, *Fax:* 202 772–9207.

RIN: 3235–AL59

325. Amendments to Smaller Reporting Company Definition

E.O. 13771 Designation: Independent agency.

Legal Authority: Not Yet Determined

Abstract: The Commission proposed revisions to the ''smaller reporting company'' definitions and related provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/01/16	81 FR 43130
NPRM Comment Period End.	08/30/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Reischauer, Securities and Exchange Commission, 110 F Street NE, Washington, DC 20549, *Phone:* 202 551–3460, *Email: reischauerp@sec.gov*.

RIN: 3235–AL90

326. Modernization of Property Disclosures for Mining Registrants

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77c(b); 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o(d)

Abstract: The Commission proposed rules to modernize and clarify the disclosure requirements for companies engaged in mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/16	81 FR 41652
NPRM Comment Period End.	08/26/16	
NPRM Comment Period Extended.	08/26/16	81 FR 58877
NPRM Comment Period Extended End.	09/26/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3450, *Email: staffine@sec.gov*.

RIN: 3235–AL81

327. Disclosure Update and Simplification

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a–1 *et seq.;* Pub. L. 114–94

Abstract: The Commission proposed rules to update certain disclosure requirements in Regulations S–X and S–K that may have become redundant, duplicative, overlapping, outdated or superseded in light of other Commission disclosure requirements, U.S. Generally Accepted Accounting Principles, International Financial Reporting Standards, or changes in the information environment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51607
NPRM Comment Period Extended.	09/29/16	81 FR 66898
NPRM Comment Period End.	10/03/16	
NPRM Comment Period Extended End.	11/02/16	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsay McCord, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3255, *Email: mccordl@sec.gov*.

RIN: 3235–AL82

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Long-Term Actions

328. Listing Standards for Recovery of Erroneously Awarded Compensation

E.O. 13771 Designation: Independent agency.

Legal Authority: Public Law 111–203, sec. 954; 15 U.S.C. 78j–4

Abstract: The Commission proposed rules to implement section 954 of the Dodd-Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AK99

329. Pay Versus Performance

E.O. 13771 Designation: Independent agency.

Legal Authority: Public Law 111–203, sec. 953(a); 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed rules to implement section 953(a) of the Dodd-Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

Timetable:

Action	Date	FR Cite
NPRM	05/07/15	80 FR 26329
NPRM Comment Period End.	07/06/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov*.

RIN: 3235–AL00

330. Universal Proxy

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78n; 15 U.S.C. 78w(a)

Abstract: The Commission proposed to amend the proxy rules to expand shareholders' ability to vote by proxy to select among duly-nominated candidates in a contested election of directors.

Timetable:

Action	Date	FR Cite
NPRM	11/10/16	81 FR 79122
NPRM Comment Period End.	01/09/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov*.

RIN: 3235–AL84

331. Form 10–K Summary

E.O. 13771 Designation: Independent agency.

Legal Authority: Public Law 114–94; 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w

Abstract: The Commission adopted an interim final amendment to implement Section 72001 of the FAST Act by permitting an issuer to include a summary in its Form 10–K and also requested comment on the interim final amendment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/16	81 FR 37132
Interim Final Rule Effective.	06/09/16	
Interim Final Rule Comment Period End.	07/11/16	

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–3430, *Fax:* 202 772–9207, *Email: harrisons@sec.gov*.

RIN: 3235–AL89

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Proposed Rule Stage

332. Use of Derivatives by Registered Investment Companies and Business Development Companies

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–31(a); 15 U.S.C. 80a–12(a); 15 U.S.C. 80a–38(a); 15 U.S.C. 80a–8; 15 U.S.C. 80a–30; 15 U.S.C. 80a–38

Abstract: The Division is considering recommending that the Commission repropose a new rule designed to enhance the regulation of the use of derivatives by registered investment companies, including mutual funds, exchange-traded funds, closed-end funds and business development companies. The proposed rule would regulate registered investment companies' use of derivatives and require enhanced risk management measures.

Timetable:

Action	Date	FR Cite
NPRM	12/28/15	80 FR 80884
NPRM Comment Period End.	03/28/16	
NPRM	04/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov*.

RIN: 3235–AL60

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

333. Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 77 *et seq.;* 15 U.S.C. 77aaa *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a *et seq.;* 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Commission proposed new rule 30e–3, which would permit but not require registered investment companies to transmit periodic reports to their shareholders by making the reports accessible on a website and satisfying certain other conditions. The Commission adopted new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33590
NPRM Comment Period End.	08/11/15	
NPRM Comment Period Reopened.	10/12/15	80 FR 62274
NPRM Comment Period Reopened End.	01/13/16	
Final Action	11/18/16	81 FR 81870
Final Action Effective.	01/17/17	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov*.

RIN: 3235–AL42

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Long-Term Actions

334. Reporting of Proxy Votes on Executive Compensation and Other Matters

E.O. 13771 Designation: Independent agency.

Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80a–44; Pub. L. 111–203, sec 951

Abstract: The Division is considering recommending that the Commission repropose rule amendments to implement section 951 of the Dodd-Frank Act. The Commission previously proposed amendments to rules and Form N–PX that would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew DeLesDernier, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6792, *Email: delesdernierj@sec.gov*.

RIN: 3235–AK67

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

335. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

E.O. 13771 Designation: Independent agency.

Legal Authority: Pub. L. 111–203, sec. 939A

Abstract: Section 939A of the Dodd-Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6439, Email: *guidrozj@sec.gov*.

RIN: 3235–AL14

[FR Doc. 2018–11245 Filed 6–8–18; 8:45 am]

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FEDERAL REGISTER

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Part XXVIII

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 44)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Acting Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for spring 2018.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Acting Chairman's best estimate of rules that may be considered over the next 12 months, but does not necessarily reflect the views of any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Acting Chairman is publishing the agency's Regulatory Flexibility Agenda for spring 2018 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

February 21, 2018.

By the Board, Acting Chairman Begeman.

Jeffrey Herzig,

Clearance Clerk.

SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
336	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140–AB29

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

336. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)

E.O. 13771 Designation: Independent agency.

Legal Authority: 49 U.S.C. 10502; 49 U.S.C. 13301

Abstract: The Board proposed to revoke the class exemptions for the rail transportation of: (1) Crushed or broken stone or rip-rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings.

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott M. Zimmerman, Acting Director, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0386, *Email: scott.zimmerman@stb.gov*.

Francis O'Connor, Section Chief, Chemical & Agricultural Transportation, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, *Phone:* 202 245–0331, *Email: francis.o'connor@stb.gov*.

RIN: 2140–AB29

[FR Doc. 2018–11260 Filed 6–8–18; 8:45 am]

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