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FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R–1590]

RIN 7100 AE–92

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is repealing its Regulation C, which was issued to implement the Home Mortgage Disclosure Act (HMDA). Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) transferred rulemaking authority for a number of consumer financial protection laws, including HMDA, from the Board to the Bureau of Consumer Financial Protection (Bureau). HMDA requires covered financial institutions to collect and report loan data in connection with residential mortgage applications and loans. Although the Board retains authority to issue some consumer financial protection rules, all rulemaking authority under HMDA concerning mortgage loan transactions was transferred to the Bureau. In December 2011, the Bureau published an interim final rule establishing its own Regulation C to implement HMDA, which superseded the Board's Regulation C. In October 2015, the Bureau revised its own Regulation C to expand and revise the data collection and reporting regime required under HMDA, as amended by the Dodd-Frank Act. In April 2016, the Bureau published a final rule adopting the December 2011 interim final rule, as revised by the October 2015 final rule. Accordingly, the Board is repealing its Regulation C and the Official Staff Commentary that accompanies the regulation.

DATES: The final rule is effective January 22, 2018.

FOR FURTHER INFORMATION CONTACT: Nikita M. Pastor, Senior Counsel, Division of Consumer and Community Affairs, at (202) 452–3667, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.,* historically was implemented by the Board's Regulation C, published at 12 CFR part 203. The purpose of the act and regulation is to provide the public with sufficient information about mortgage loans to determine whether financial institutions are serving the housing credit needs of their communities; encourage private investments to areas in need; and collect and report applicant and borrower characteristic data to identify potential lending discrimination. Accordingly, HMDA requires covered financial institutions to report loan data in connection with mortgage loan applications.

Title X of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011, with some exceptions. In connection with the transfer of the Board's rulemaking authority for HMDA, the Bureau published an interim final rule to establish its own Regulation C, 12 CFR part 1003, to implement HMDA (Bureau Interim Final Rule).[1] In October 2015, the Bureau finalized its own Regulation C, including rules that expand and revise the data collection and reporting regime required under HMDA, as amended by the Dodd-Frank Act.[2] In April 2016, the Bureau published a final rule adopting the December 2011 interim final rule, as revised by the October 2015 final rule. Accordingly, the Board is repealing its Regulation C and the Official Staff Commentary that accompanies the regulation.[3]

Under Section 1029(a) of the Dodd-Frank Act, the Board generally retains authority to issue rules for certain motor vehicle dealers that are predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both. For purposes of Section 1029, a ''motor vehicle'' is defined to include, among other things, motor homes, recreational vehicle trailers (RVs) and recreational boats.[4] The Dodd-Frank Act also provided several exceptions to the Board's rulemaking authority over motor vehicle dealers. Specifically, Section 1029(b)(1) of the Dodd-Frank Act provides that the Board's rulemaking authority does not apply to any motor vehicle dealer to the extent that the motor vehicle dealer ''provides consumers with any services related to residential or commercial mortgages or self-financing transactions involving real property.'' [5] Thus, all rulemaking authority under HMDA concerning mortgage loan transactions was transferred to the Bureau. Accordingly, on February 22, 2016 (81 FR 8667), the Board published a proposal to repeal its Regulation C (Proposed Rule).

II. Discussion

Two commenters responded to the proposed repeal of the Board's Regulation C. These commenters supported the Board's proposal to repeal its Regulation C in order to avoid confusion and simplify compliance. The Board is finalizing the repeal of Regulation C, as proposed.

As discussed in the proposal, entities that are subject to HMDA must collect and report loan data to the appropriate federal agency on its housing-related loan activities (*i.e.,* mortgage loan applications). HMDA's requirements concerning mortgage loans were implemented in Regulation C to apply to home purchase loans secured by a dwelling (or refinancings) and home improvement loans.[6] The Dodd-Frank

[1] 12 CFR part 1003. *See* 76 FR 78465 (Dec. 19, 2011).

[2] *See Home Mortgage Disclosure (Regulation C),* 80 FR 66128 (Oct. 28, 2015), as amended by 82 FR 43088 (Sept. 13, 2017).

[3] *See* 81 FR 25323 (April 28, 2016).

[4] Dodd-Frank Act, Public Law 111–2033, Section 1029(f)(1).

[5] Dodd-Frank Act, Public Law 111–2033, Section 1029(b)(1).

[6] Regulation C covers loans secured by a ''dwelling,'' which is defined as any residential structure, whether or not it is attached to real property, which would include mobile homes or manufactured homes. 12 CFR 1003.2. Under the Bureau's 2015 final rule, however, recreational vehicles used as a residence are not covered as

Continued

Act transferred the Board's rulemaking authority under HMDA and other enumerated consumer protection laws to the Bureau, but Section 1029 of the Dodd-Frank Act also preserved the Board's rulemaking authority over certain motor vehicle dealers, with some exceptions. The rulemaking authority retained by the Board under Section 1029, however, does not extend to residential or commercial mortgages or self-financing transactions involving real property.[7] Thus, all rulemaking authority under HMDA, which pertains only to mortgage loan transactions, was transferred to the Bureau. The repeal of the Board's Regulation C, 12 CFR part 203, also repeals the Official Staff Commentary that accompanies the regulations.

III. Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) generally requires an agency to perform an assessment of the impact a rule is expected to have on small entities. Based on its analysis, and for the reasons stated below, the Board believes that this final rule will not have a significant economic impact on a substantial number of small entities.

1. *Statement of the need for, and objectives of, the proposed rule.* As noted above, title X of the Dodd-Frank Act transferred rulemaking authority for HMDA and other enumerated consumer financial protection laws from the Board to the Bureau, effective July 21, 2011. Although the Board retains authority to issue some consumer financial protection rules, all rulemaking authority under HMDA concerning mortgage loan transactions was transferred to the Bureau. In December 2011, the Bureau issued an Interim Final Rule to implement HMDA pursuant to the transfer of rulemaking authority, as amended further by final rules issued by the Bureau in October 2015, pursuant to the Dodd-Frank Act. Accordingly, the Board is repealing the Board's Regulation C, 12 CFR part 203, and the Official Staff Commentary that accompanies the regulation, which has been superseded by the final rules issued by the Bureau.

2. *Summary of issues raised by comments in response to the initial regulatory flexibility analysis.* The Board did not receive any comments on the initial regulatory flexibility analysis.

3. *Small entities affected by the final rule.* Any entity that is currently covered by HMDA is subject to the rules issued by the Bureau, located in 12 CFR part 1003. Therefore the Board believes the repeal of its Regulation C will not affect any entity, including any small entity.

4. *Recordkeeping, reporting, and compliance requirements.* The final rule repeals the Board's Regulation C, 12 CFR part 203, and therefore does not impose any recordkeeping, reporting, or compliance requirements on any entities.

5. *Significant alternatives to the final revisions.* Because the repeal of Regulation C will have no impact, there are no alternatives that would further minimize the economic impact of the final rule on small entities.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Federal Reserve by the Office of Management and Budget (OMB). The final rule contains no collections of information under the PRA. *See* 44 U.S.C. 3502(3). Accordingly, there is no paperwork burden associated with the final rule.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

PART 203—[REMOVED AND RESERVED]

■ For the reasons set forth in the preamble, under the authority of 12 U.S.C. 5581, the Board removes and reserves Regulation C, 12 CFR part 203.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–27491 Filed 12–21–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–1048]

Drawbridge Operation Regulation; Merrimack River, Newburyport, MA

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 US1 Bridge across the Merrimack River, mile 3.4, at Newburyport, MA. The deviation is necessary to replace the electrical power and control systems which are at the end of their life cycle. This deviation allows the bridge to be closed to navigation.

DATES: This deviation is effective from 12:01 a.m. on January 2, 2018 through 11:59 p.m. on April 15, 2018.

ADDRESSES: The docket for this deviation, USCG–2017–1048 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jeffrey Stieb, First Coast Guard District Bridge Branch, Coast Guard; telephone 617–223–8364, email *Jeffrey.D.Stieb@uscg.mil.*

SUPPLEMENTARY INFORMATION: The owner of the bridge, the Massachusetts Department of Transportation, requested a temporary deviation. The existing electrical power and control system malfunctions and is at the end of its expected life. The US1 Bridge across the Merrimac River, mile 3.4, at Newburyport, Massachusetts, has a vertical clearance in the closed position of 35 feet at mean high water. The existing bridge operating regulations are found at 33 CFR 117.605.

This temporary deviation allows the bridge to remain in the closed to navigation position from 12:01 a.m. on January 2, 2018 through 11:59 p.m. on April 15, 2018. The deviation will have negligible effect on vessel navigation. The waterway is transited primarily by seasonal recreational vessels of various sizes. During this time period, no requests for an opening were made in 2016 and only one request was made in 2017.

Vessels that can pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies; however, Coast Guard and harbormaster vessels are able to pass through the bridge in the closed position. The Newburyport and Salisbury harbormasters support the repair work being conducted in the winter season rather than the recreational boating season. The Massachusetts Department of Transportation has notified local yacht

dwellings for purposes of HMDA. *See* 80 FR 66128, 66145 (Oct. 28, 2015).

[7] Section 1029(b)(1) of the Dodd-Frank Act states: Subsection (a) shall not apply to any person, to the extent such person (1) provides consumers with any services related to residential or commercial mortgages or self-financing transaction involving real property. . . .'' 12 U.S.C. 5519(b).

yards and marinas and will release a media advisory. No objections to the proposed deviation have been received. The Coast Guard will inform waterway users of the closure through our Local and Broadcast Notices to Mariners.

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: December 8, 2017.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2017–27642 Filed 12–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–1071]

Safety Zone; Captain of the Port Boston Fireworks Display Zone, Boston Harbor, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones for First Night Fireworks on December 31, 2017, to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for Captain of the Port (COTP) Boston fireworks display zones, Boston Harbor, Boston, MA identifies the regulated areas for this fireworks display. During the enforcement period, no vessel may transit these regulated areas without approval from the COTP Boston or a designated representative.

DATES: The regulation in 33 CFR 165.119(a)(2) and 33 CFR 165.119(a)(3) will be enforced from 10 p.m. on December 31, 2017, until 12:15 a.m. on January 1, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mark Cutter, Sector Boston Waterways Management Division, U.S. Coast Guard; telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.119(a)(2) and 33 CFR 165.119(a)(3) from 10:00 p.m. on Sunday, December 31, 2017 until 12:15 a.m. on Monday, January 1, 2018, for the First Night Fireworks in Boston Inner Harbor. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for COTP Boston Fireworks display zone, Boston Harbor, Boston, MA, 33 CFR 165.119(a)(2), specifies the location of the regulated area as all U.S. navigable waters of Boston inner Harbor within a 700-foot radius of the fireworks barge in the approximate position 42°21′41.2″ N 071°02′36.5″ W (NAD 1983), located off of Long Wharf, Boston, MA. Regulation 33 CFR 165.119(a)(3), specifies the location of the regulated area as all U.S. navigable waters of Boston inner Harbor within a 700-foot radius of the fireworks barge in the approximate position 42°21′23.2″ N 071°02′26″ W (NAD1983), located off of Fan Pier, Boston, MA. As specified in 33 CFR 165.119(e), during the enforcement period, no vessel except for fireworks barges and accompanying vessels may transit these regulated areas without approval from the COTP Boston or a COTP designated representative.

This notice of enforcement is issued under authority of 33 CFR 165.119 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide mariners with advanced notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: December 14, 2017.

C.C. Gelzer,

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

[FR Doc. 2017–27582 Filed 12–21–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2017–0146; FRL–9972–06–OAR]

RIN 2060–AT69

Approval of Tennessee's Request To Relax the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Shelby County (Memphis)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a request from the state of Tennessee for EPA to relax the Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year (summertime ozone season) in Shelby County, Tennessee (the Memphis Area). Specifically, EPA is approving amendments to the regulations to allow the gasoline RVP standard for Shelby County to rise from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to the federal RVP regulation is consistent with the applicable provisions of the Clean Air Act (CAA).

DATES: This final rule is effective on January 22, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2017–0461. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: David Dickinson, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343–9256; email address: *dickinson.david@epa.gov,* or Rudolph Kapichak, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4574; email address: *kapichak.rudolph@epa.gov.*

SUPPLEMENTARY INFORMATION:

The contents of this preamble are listed in the following outline:

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in Shelby County.

Examples of potentially regulated entities	NAICS [1] codes
Petroleum refineries	324110
Gasoline Marketers and Distributors	424710, 424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220, 484230

[1] North American Industry Classification System.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is EPA's authority for taking this action?

The statutory authority for this action is granted to EPA by Sections 211(h) and 301(a) of the CAA, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Action Being Taken

This final rule approves a request from the state of Tennessee to change the summertime gasoline RVP standard for Shelby County (the Memphis Area) from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). Tennessee did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when it submitted the CAA section 175A maintenance plan for the 2008 ozone national ambient air quality standard (NAAQS) that was approved on June 23, 2016 (81 FR 40816). In a subsequent rulemaking, based on Tennessee's April 12, 2017 request, EPA approved a CAA section 110(l) non-interference demonstration that relaxing the federal RVP gasoline requirement from 7.8 psi to 9.0 psi for gasoline sold from June 1 to September 15 of each year would not interfere with maintenance of the NAAQS in Shelby County. For more information on EPA's approval of Tennessee's CAA section 110(l) non-interference demonstration for Shelby County, please refer to the July 7, 2017 rulemaking (82 FR 31462).

The preamble for this rulemaking is organized as follows: Section III, provides the history of the federal gasoline volatility regulation; Section IV, describes the policy regarding relaxation of volatility standards in ozone nonattainment areas that are redesignated as attainment areas; Section V, provides information specific to Tennessee's request for Shelby County; and Section VI, presents the final action in response to Tennessee's request.

III. History of the Gasoline Volatility Requirement

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide was becoming increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function, thereby aggravating asthma and other respiratory conditions, increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under CAA section 211(c), EPA promulgated regulations on March 22, 1989 (54 FR 11868) that set maximum limits for the RVP of gasoline sold during the regulatory control periods that were established on a state-by-state basis in the final rule. The regulatory control periods addressed the portion of the year when peak ozone concentrations were expected. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of gasoline during the high ozone season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum gasoline RVP standards of 9.0 psi or 7.8 psi (depending on the state, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS).

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. CAA section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. CAA section 211(h) also prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi high ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate changes to their respective volatility programs. EPA's policy for approving such changes is described below in Section IV. of this preamble.

The state of Tennessee initiated this change by requesting that EPA relax the 7.8 psi gasoline RVP standard to 9.0 psi for Shelby County. Accordingly, the state of Tennessee provided a technical demonstration showing that relaxing the federal gasoline RVP requirements from 7.8 psi to 9.0 psi would not interfere with maintenance of the NAAQS in Shelby County or with any other applicable CAA requirement. *See* Section V. of this preamble for information specific to Tennessee's request for Shelby County.

IV. EPA's Policy Regarding Relaxation of Gasoline Volatility Standards in Ozone Nonattainment Areas That Are Redesignated as Attainment Areas

As stated in the rulemaking for EPA's amended Phase II volatility standards (56 FR 64706, December 12, 1991), any change in the volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi RVP gasoline requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal RVP gasoline standard in that area from 7.8 psi to 9.0 psi.

As explained in the December 12, 1991 (56 FR 64706) rulemaking, EPA believes that relaxation of an applicable gasoline RVP standard is best accomplished in conjunction with the redesignation process. In order for an

ozone nonattainment area to be redesignated as an attainment area, CAA section 107(d)(3) requires the state to make a showing, pursuant to CAA section 175A(a), that the area is capable of maintaining attainment for the ozone NAAQS for ten years. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent gasoline volatility standard or that the more stringent gasoline volatility standard may be necessary for the area to maintain attainment of the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not initiate the rulemaking to amend 40 CFR 80.27 to relax the gasoline volatility standard unless the state specifically requests a relaxation and the maintenance plan demonstrates to the satisfaction of EPA that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

V. Tennessee's Request To Relax the Federal Gasoline RVP Requirement for Shelby County

On April 12, 2017, the state of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a CAA section 110(l) non-interference demonstration which illustrated that removal of the federal RVP requirement of 7.8 psi for gasoline during the summertime ozone season for Shelby County would not interfere with maintenance of any NAAQS, including the 2008 ozone NAAQS. Specifically, TDEC provided a technical demonstration showing that relaxing the federal gasoline RVP requirement would not interfere with maintenance of the ozone NAAQS or with any other applicable requirement of the CAA. As noted above, Tennessee did not request relaxation of the federal RVP standard from 7.8 psi to 9.0 psi when it submitted a CAA section 175A maintenance plan for the 2008 ozone NAAQS that was approved on June 23, 2016 (81 FR 40816). However, the approved maintenance plan included the use of gasoline with an RVP standard of 9.0 psi. Therefore, a revised maintenance plan with an RVP standard of 9.0 psi is not needed. Nevertheless, TDEC has appropriately requested (by its April 21, 2017 letter) that EPA approve its non-interference demonstration and requested that Shelby County no longer be subject to the federal RVP standard of 7.8 psi for gasoline during the summertime ozone season.

On May 11, 2017, EPA proposed to approve the CAA section 110(l) non-interference demonstration. The proposal provided an opportunity for the public to comment on the action. *See* 82 FR 21966. EPA received no comments on the proposal to approve the non-interference demonstration for Shelby County. In a July 7, 2017 final rule, EPA approved Tennessee's non-interference demonstration for Shelby County. *See* 82 FR 31462.

EPA's proposal to amend the applicable gasoline RVP standard from 7.8 psi to 9.0 psi (82 FR 39098, August 17, 2017) was subject to public notice and comment. EPA received no comment on its proposal. In this action, EPA is approving Tennessee's request to relax the summertime ozone season gasoline RVP standard for Shelby County from 7.8 psi to 9.0 psi. Specifically, EPA is amending the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2). This action to approve Tennessee's request to relax the summertime ozone season RVP standard for Shelby County from 7.8 psi to 9.0 psi is based on EPA's July 7, 2017 approval of Tennessee's non-interference demonstration.

VI. Final Action

EPA is taking final action to approve Tennessee's request for the Agency to relax the RVP standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year in Shelby County from 7.8 psi to 9.0 psi as provided at 40 CFR 80.27(a)(2). This approval is based on Tennessee's request and EPA's final determination in its July 7, 2017 final rule (82 FR 31462) that Tennessee, as required by CAA section 110(l), made an adequate demonstration to show that removal of this federal requirement would not interfere with the ozone NAAQS in the Shelby County and is consistent with CAA requirements. This action amends the applicable gasoline RVP standard from 7.8 psi to 9.0 psi provided at 40 CFR 80.27(a)(2) for Shelby County.

VII. Statutory and Executive Order Reviews

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

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

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

This action is considered an Executive Order 13771 deregulatory action. This final rule provides meaningful burden reduction because it relaxes the federal RVP standard for gasoline in Shelby County, Tennessee and as a result, fuel suppliers will no longer be required to provide 7.8 psi lower RVP gasoline anywhere in Tennessee during the summer months (June 1st through September 15th). Relaxing the volatility requirements will also be beneficial because this action can improve the fungibility of gasoline sold in the State of Tennessee by allowing the gasoline sold in Memphis to be identical to the fuel sold throughout Tennessee.

C. Paperwork Reduction Act (PRA)

This action does not impose any information collection burden under the PRA, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Tennessee, and gasoline distributers and retail stations in Tennessee. This action relaxes the federal RVP standard for gasoline sold in Shelby County, Tennessee during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold in this county to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) RVP program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of $100 million or

more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates that are specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by the EPA.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. This final rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Shelby County and gasoline distributers and retail stations in the Area. Thus, Executive Order 13175 does not apply to this action.

H. 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 concern an environmental health risk or safety risk. The EPA has no reason to believe that this action will disproportionately affect children since Tennessee has provided evidence that a relaxation of the gasoline RVP will not interfere with its attainment of the ozone NAAQS for Shelby County, or any other applicable CAA requirement. By separate action, the EPA has approved Tennessee's non-interference demonstration regarding its maintenance plan for the 2008 ozone NAAQS, and that Tennessee's relaxation of the gasoline RVP standard in Shelby County to 9.0 RVP will not interfere with any other NAAQS or CAA requirement.

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule relaxes the applicable volatility standard of gasoline during the summer. The EPA has concluded that the relaxation will not cause a measurable increase in ozone concentrations that would result in a violation of any ozone NAAQS including the 2008 ozone NAAQS and the more stringent 2015 ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA's proposed and final rules for Tennessee's non-interference demonstration. A copy of Tennessee's April 12, 2017 letter requesting that the EPA relax the gasoline RVP standard, including the technical analysis demonstrating that the less stringent gasoline RVP would not interfere with continued maintenance of the 2008 ozone NAAQS in Shelby County, or with any other applicable CAA requirement, has been placed in the public docket for this action.

L. Congressional Review Act (CRA)

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

M. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2).

VIII. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: December 15, 2017.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. In § 80.27, paragraph (a)(2)(ii) is amended in the table by revising the entry for ''Tennessee'' and footnote 10 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

(ii) * * *

APPLICABLE STANDARDS [1] 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
* * *	*	*	*	*	*
Tennessee [10]	9.0	9.0	9.0	9.0	9.0
* * *	*	*	*	*	*

[1] Standards are expressed in pounds per square inch (psi).

[10] The standard for Knox County from June 1 until September 15 in 1992 through June 2, 1994 was 7.8 psi. The standard for the Middle Tennessee Area (Davidson, Rutherford, Sumner, Williamson, and Wilson Counties) from June 1 until September 15 in 1992 through June 7, 2017 was 7.8 psi. The standard in Shelby County (Memphis Area) from June 1 until September 15 in 1992 through 2017 was 7.8 psi.

[FR Doc. 2017–27630 Filed 12–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[CG Docket No. 05–231; FCC 16–17]

Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with rules adopted in the Commission's document *Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking,* Second Report and Order (*Second Report and Order*). This document is consistent with the *Second Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those sections.

DATES: The stay on 47 CFR 79.1(g)(3) is lifted effective December 22, 2017. Title 47 CFR 79.1(g)(1) through (9) and (i)(1) through (2), and the removal of 47 CFR 79.1(j)(4), published at 81 FR 57473, August 23, 2016, are effective December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–2235, or email: *Eliot.Greenwald@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on December 4, 2017, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Report and Order,* FCC 16–17, published at 81 FR 57473, August 23, 2016. The OMB Control Number is 3060–0761. The Commission publishes this notification as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–0761, in your correspondence. The Commission will also accept your comments via the internet if you send them to *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (844) 432–2275 (videophone), or (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on December 4, 2017, for the information collection requirements contained in 47 CFR 79.1(g)(1) through (9) and (i)(1) through (2), and the removal of 47 CFR 79.1(j)(4), published at 81 FR 57473, August 23, 2016. Title 47 CFR 79.1(i)(3), (j)(1), (k)(1)(iv), and (m) will become effective at a later time and the Commission will publish another document in the **Federal Register** announcing the effective date of those sections.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0761.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0761.

OMB Approval Date: December 4, 2017.

OMB Expiration Date: December 31, 2020.

Title: Section 79.1, Closed Captioning of Video Programming, CG Docket No. 05–231.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Individuals or households; and Not-for-profit entities.

Number of Respondents and Responses: 59,995 respondents; 512,831 responses.

Estimated Time per Response: 0.25 (15 minutes) to 60 hours.

Frequency of Response: Annual reporting requirements; Third party disclosure requirement; Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this obligation is found at section 713 of the Communications Act of 1934, as amended, 47 U.S.C. 613, and implemented at 47 CFR 79.1.

Total Annual Burden: 702,562 hours.

Total Annual Cost: $35,638,596.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB–1, ''Informal Complaints,

Inquiries, and Requests for Dispute Assistance.'' As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 ''Informal Complaints, Inquiries, and Requests for Dispute Assistance'' in the **Federal Register** on August 15, 2014, published at 79 FR 48152, which became effective on September 24, 2014.

Privacy Impact Assessment: Yes.

Needs and Uses: On February 19, 2016, the Commission adopted the *Second Report and Order,* amending its rules to allocate the responsibilities of VPDs and video programmers with respect to the provision and quality of closed captioning. The Commission took the following actions, among others:

(a) Revised the procedures for receiving, serving, and addressing television closed captioning complaints in accordance with a burden-shifting compliance model; and

(b) Established a compliance ladder for the Commission's television closed captioning quality requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–27556 Filed 12–21–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XF890

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category bluefin tuna quota transfer.

SUMMARY: NMFS is transferring 14.3 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the 24.3-mt General category December 2018 subquota to the January 2018 subquota period (from January 1 through March 31, 2018, or until the available subquota for this period is reached, whichever comes first). This action is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective January 1, 2018, through March 31, 2018.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014). NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The base quota for the General category is 466.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a ''subquota'' or portion of the annual General category quota. Although it is called the ''January'' subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. The subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods.

Although the 2017 ICCAT recommendation regarding western BFT management would result in an increase to the baseline U.S. BFT quota (*i.e.,* from 1,058.79 mt to 1,247.86 mt) and subquotas for 2018 (including an expected increase in General category quota from 466.7 mt to 555.7 mt, consistent with the annual BFT quota calculation process established in Amendment 7), domestic implementation of that recommendation will take place in a separate rulemaking, likely to be finalized in mid-2018.

Transfer of 14.3 mt From the December Subquota to the January Subquota

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories, after considering regulatory determination criteria provided under § 635.27(a)(8). NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota. These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by General category fishermen and provided by tuna dealers provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status.

NMFS also considered the catches of the General category quota to date (including in December 2017 and during the winter fishery in the last several years), and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii)). Without a quota transfer from December 2018 to January 2018 for the General category at this time, the quota available for the January period would be 24.7 mt (5.3 percent of the General category quota), and participants would have to stop BFT fishing activities once that amount is met, while commercial-sized BFT may remain available in the areas where General category permitted vessels operate. Transferring 14.3 mt of the 24.3-mt quota available for December 2018 (with 24.3 mt representing 5.2 percent of the General category quota) would result in 39 mt (8.4 percent of the General category quota) being available for the January subquota period. This quota transfer would provide additional opportunities to harvest the U.S. BFT quota without exceeding it, while preserving the opportunity for General category fishermen to participate in the winter BFT fishery at both the beginning and end of the calendar year.

Regarding the projected ability of the vessels fishing under the particular

category quota (here, the General category) to harvest the additional amount of BFT before the end of the fishing year (§ 635.27(a)(8)(iii)), NMFS considered General category landings over the last several years. General category landings in the winter BFT fishery tend to straddle the calendar year as BFT may be available in late November/December and into January of the following year or later. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. Any unused General category quota from the January subperiod that remains as of March 31 will roll forward to the next subperiod within the calendar year (*i.e.,* the June–August time period). In 2017, NMFS transferred 16.3 mt of quota from the December 2017 subquota to the January 2017 subquota period, resulting in a subquota of 41 mt for the January 2017 period and a subquota of 8 mt for the December 2017 period (81 FR 91873, December 19, 2016). NMFS also transferred 40 mt from the Reserve to the General category effective March 2, resulting in an adjusted subquota of 81 mt for the January 2017 period (82 FR 12747, March 7, 2017). Under a three-fish General category daily retention limit (*i.e.,* of large medium or giant BFT, measuring 73 inches (185 cm) curved fork length (CFL) or greater) effective January 1 through March 4, a total of 68.6 mt were landed. Under a one-fish daily retention limit effective March 5 through March 29, when NMFS closed the General category, an additional 39.1 mt were landed, for a total of 107.7 mt for the January subquota period (82 FR 12747, March 7, 2017; 82 FR 16136, April 3, 2017).

NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(8)(iv)) and the ability to account for all 2018 landings and dead discards. In the last several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. In 2016 and 2017, the General category exceeded its adjusted quota (discussed below) but sufficient quota was available to cover the exceedance without affecting the other categories. NMFS will need to account for 2018 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that.

This transfer would be consistent with the current quotas, which were established and analyzed in the 2015 BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments. (§ 635.27(a)(8)(v) and (vi)). Another principal consideration is the objective of providing opportunities to harvest the full annual U.S. BFT quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and Amendment 7, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)).

NMFS also anticipates that some underharvest of the 2017 adjusted U.S. BFT quota will be carried forward to 2018 and placed in the Reserve category, in accordance with the regulations. This, in addition to the fact that any unused General category quota will roll forward to the next subperiod within the calendar year, as well as the anticipated increase in the U.S. quota and subquotas for 2018 as a result of ICCAT recommendations and NMFS' plan to actively manage the subquotas to avoid any exceedances, makes it likely that General category quota will remain available through the end of 2018 for December fishery participants, even with the quota transfer. NMFS also may choose to transfer unused quota from the Reserve or other categories, inseason, based on consideration of the determination criteria, as NMFS did for late 2017 (*i.e.,* transferred 156.4 mt from the Reserve category, effective October 1, 2017 (82 FR 46000, October 3, 2017)), and later transferred another 25.6 mt from the Harpoon category, effective December 1 (82 FR 55520, November 22, 2017).

In 2017, NMFS closed the General category fishery several times to prevent further overharvest of the adjusted General category quota, specifically August 16 for the June through August subquota period (82 FR 39047, August 17, 2017); September 17 for the September subquota period (82 FR 43711, September 19, 2017); October 4 for the October through November subquota period (82 FR 46934, October 10, 2017); and December 6 for the December subquota period (82 FR 57885, December 8, 2017). General category landings were relatively high in the summer and fall of 2017, due to a combination of fish availability, favorable fishing conditions, and higher daily retention limits in June through early August (*i.e.,* four fish June 1 through August 4 (82 FR 22616, May 17, 2017), and two fish August 5 through August 16 (82 FR 36689, August 7, 2017)). NMFS anticipates that General category participants in all areas and time periods will have opportunities to harvest the General category quota in 2018, through active inseason management such as retention limit adjustments and/or the timing of quota transfers, as practicable. Thus, this quota transfer would allow fishermen to take advantage of the availability of fish on the fishing grounds, consider the expected increases in available 2018 quota later in the year, and provide a reasonable opportunity to harvest the full U.S. BFT quota.

Based on the considerations above, NMFS is transferring 14.3 mt of the 24.3-mt General category quota allocated for the December 2018 period to the January 2018 period, resulting in a subquota of 39 mt for the January 2018 period and a subquota of 10 mt for the December 2018 period. NMFS will close the General category fishery when the adjusted January period subquota of 39 mt has been reached, or it will close automatically on March 31, 2018, whichever comes first, and it will remain closed until the General category fishery reopens on June 1, 2018.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the HMS Catch Reporting App.

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant bluefin tuna over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8). However, at this time, NMFS is maintaining the default daily retention limit of one large medium or giant BFT per vessel per day/trip (§ 635.23(a)(2)) for the January 2018 General category fishery. Regardless of the duration of a fishing trip, no more than a single day's retention limit may be possessed, retained, or landed. For example (and specific to the limit that will apply beginning January 1, 2018), whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the daily limit of one fish may not be

exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeting fishing for BFT, and applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT fishing commercially for BFT. For information regarding the CHB commercial sale endorsement, see 82 FR 57543, December 6, 2017.

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional action (*e.g.,* quota adjustment, daily retention limit adjustment, or closure) is necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

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

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the quota transfer for the January 2018 subquota period at this time is impracticable and contrary to the public interest as NMFS could not have proposed this action earlier, as it needed to consider and respond to updated data and information from the 2017 General category fishery, including the recently-available December 2017 data, in deciding to transfer a portion of the December 2018 quota to the January 2018 subquota. If NMFS was to offer a public comment period now, after having appropriately considered that data, it could preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high for the amount of quota available for the period. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.27(a)(9), and is exempt from review under Executive Order 12866.

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

Dated: December 19, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–27648 Filed 12–20–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170828822–70999–02]

RIN 0648–XF669

Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass Fisheries; 2018 and Projected 2019 Scup Specifications and Announcement of Final 2018 Summer Flounder and Black Sea Bass Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues revised scup specifications for the 2018 fishing year and projected specifications for 2019. Additionally, this action implements a summer flounder accountability measure for 2018. These actions are necessary to comply with regulations implementing the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, and to ensure compliance with the Magnuson-Stevens Fishery Conservation and Management Act. This rule is intended to revise the 2018 scup catch limits based on updated scientific information to afford more opportunity to obtain optimum yield, update the summer flounder catch limits to account for previous overages, finalize the 2018 black sea bass specifications, and inform the public of projected scup specifications for the 2019 fishing year.

DATES: Effective December 22, 2017, through December 31, 2018.

ADDRESSES: Copies of the specifications document, including the Environmental Assessment (EA), are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, (978) 281–9244.

SUPPLEMENTARY INFORMATION:

General Background

Scup, summer flounder, and black sea bass are jointly managed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission as part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). This action implements revised scup specifications for the 2018 fishing year and announces projected 2019 scup specifications. This rule also revises the 2018 summer flounder commercial annual catch limit (ACL) and subsequent state commercial quotas to account for an ACL overage in 2016, consistent with the FMP and regulations. The previously projected 2018 black sea bass specifications (82 FR 24078; May 25 2017) are announced as final in this action.

Final Scup Specifications

Background on how the Council derived the 2018 and 2019 scup specifications was outlined in the proposed rule (82 FR 51594; November 7, 2017) and is not repeated here. We are implementing the 2018 final and 2019 projected scup specifications as proposed.

The 2018 and 2019 annual catch targets (ACTs) implemented by this final rule are based on the 2019 acceptable biological catch (ABC) and setting the ACLs for 2019 equal to the ACTs. The resulting 2018 commercial quota is 38 percent higher than what is currently in place for 2018. Similarly, the resulting 2018 recreational harvest limit is 41 percent higher. This rule makes no changes to the commercial scup management measures (*e.g.,* mesh requirements, fishery seasons, etc.).

TABLE 1—FINAL SCUP SPECIFICATIONS FOR 2018 AND PROJECTED FOR 2019

	Scup specifications					
	2018 (Current)		2018 (Revised)		2019 (Projected)	
	million lb	mt	million lb	mt	million lb	mt
Overfishing Limit (OFL)	29.68	13,462	45.05	20,433	41.03	18,612
ABC	27.05	12,270	39.14	17,755	36.43	16,525
Commercial ACL	21.10	9,571	30.53	13,849	28.42	12,890
Commercial ACT	21.10	9,571	28.42	12,890	28.42	12,890
Commercial Discards	3.76	1,705	4.43	2,011	4.43	2,011
Commercial Quota	17.34	7,866	23.98	10,879	23.98	10,879
Recreational ACL	5.95	2,699	8.61	3,906	8.01	3,636
Recreational ACT	5.95	2,699	8.01	3,636	8.01	3,636
Recreational Discards	0.75	338	0.65	293	0.65	293
Recreational Harvest Limit	5.21	2,361	7.37	3,342	7.37	3,342

The 2018 scup commercial quota is divided into three commercial fishery quota periods, as outlined in Table 2.

TABLE 2—COMMERCIAL SCUP QUOTA ALLOCATIONS FOR 2018 BY QUOTA PERIOD

Quota period	Percent share	2018 Initial quota	
		lb	mt
Winter I	45.11	10,820,000	4,908
Summer	38.95	9,340,986	4,237
Winter II	15.94	3,822,816	1,734
Total	100.0	23,983,802	10,879

Note: Metric tons are as converted from pounds and may not necessarily total due to rounding.

The current quota period possession limits are not changed by this action, and are outlined in Table 3. The Winter I possession limit will drop to 1,000 lb (454 kg) upon attainment of 80 percent of that period's allocation. If the Winter I quota is not fully harvested, the remaining quota is transferred to Winter II. The Winter II possession limit may be adjusted (in association with a transfer of unused Winter I quota to the Winter II period) via notice in the **Federal Register**. The regulations specify that the Winter II possession limit increases consistent with the increase in the quota, as described in Table 4.

TABLE 3—COMMERCIAL SCUP POSSESSION LIMITS BY QUOTA PERIOD

Quota period	Percent share	Federal possession limits (per trip)	
		lb	kg
Winter I	45.11	50,000	22,680
Summer	38.95	N/A	N/A
Winter II	15.94	12,000	5,443
Total	100.0	N/A	N/A

TABLE 4—POTENTIAL INCREASE IN WINTER II POSSESSION LIMITS BASED ON THE AMOUNT OF UNUSED SCUP ROLLED OVER FROM WINTER I TO WINTER II

Initial Winter II possession limit		Rollover from Winter I to Winter II		Increase in initial Winter II possession limit		Final Winter II possession limit after rollover from Winter I to Winter II	
lb	kg	lb	kg	lb	kg	lb	kg
12,000	5,443	0–499,999	0–226,796	0	0	12,000	5,443
12,000	5,443	500,000–999,999	226,796–453,592	1,500	680	13,500	6,123
12,000	5,443	1,000,000–1,499,999	453,592–680,388	3,000	1,361	15,000	6,804
12,000	5,443	1,500,000–1,999,999	680,389–907,184	4,500	2,041	16,500	7,484

TABLE 4—POTENTIAL INCREASE IN WINTER II POSSESSION LIMITS BASED ON THE AMOUNT OF UNUSED SCUP ROLLED OVER FROM WINTER I TO WINTER II—Continued

Initial Winter II possession limit		Rollover from Winter I to Winter II		Increase in initial Winter II possession limit		Final Winter II possession limit after rollover from Winter I to Winter II	
lb	kg	lb	kg	lb	kg	lb	kg
12,000	5,443	* 2,000,000–2,500,000	907,185–1,133,981	6,000	2,722	18,000	8,165

* This process of increasing the possession limit in 1,500 lb (680 kg) increments would continue past 2,500,000 lb (1,122,981 kg), but we end here for the purpose of this example.

Accountability Measure Quota Adjustment Announcements

Each year, NMFS publishes a notice to inform the public and the states of any commercial summer flounder, scup, or black sea bass overages that are deducted from a fishing year's allocations for the start of the fishing year. These overages are determined based on a review of catch and landings information for the previous full year of fishing information as well as any preliminary information in the current fishing year. In this case, the previous full year of fishing information for fishing year 2016 became available in late November 2017. This final rule is announcing a 2018 accountability measure for the summer flounder commercial fishery, as required by the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and in compliance with the regulations at § 648.103.

Summer Flounder

This final rule implements an accountability measure to address a 2016 commercial ACL overage in the summer flounder fishery. Although the 2016 commercial summer flounder quota was not fully harvested, our estimates indicate that the commercial summer flounder 2016 ACL (9.42 million lb; 4,275 mt) was exceeded by 191,218 lb (86.7 mt). This overage was due entirely to the fact that 2016 discard estimates were much higher than originally projected, accounting for 19.3 percent of the total commercial catch in 2016. Ultimately, this results in a 2016 ACL overage of 2 percent. As a result, the regulations require an automatic pound-for-pound payback from the 2018 summer flounder ACL (7.70 million lb; 3,491 mt), which results in a 2.5-percent decrease in the ACL compared to what was previously projected for the year (Table 5). Once the 2018 estimated discards (1.07 million lb; 485 mt) are subtracted from the adjusted ACL, the resulting 2018 commercial quota is reduced by 2.9 percent from the previously projected level. This final 2018 summer flounder commercial quota is 13.7 percent higher than the quota in place for 2017 (5.66 million lb; 2,567 mt).

TABLE 5—2018 FINAL SUMMER FLOUNDER SPECIFICATIONS

	Million lb	Mt
Commercial ACL/ACT [1]	7.51	3,404
Recreational ACL/ACT	5.53	2,508
Commercial Quota [1]	6.44	2,919
Recreational Harvest Limit	4.42	2,004

[1] Incorporates reductions for 2016 overages. The initial 2018 commercial ACL/ACT was 7.70 million lb (3,491 mt) and the initial 2018 commercial quota was 6.63 million lb (3,006 mt).

Table 6 summarizes the commercial summer flounder quotas for each state, incorporating the revised 2018 commercial ACL. This rule announces commercial state quota overage reductions necessary for fishing year 2018. Table 6 includes percent shares as outlined in § 648.102 (c)(1)(i), the resultant 2018 commercial quotas, quota overages (as needed), and the final adjusted 2018 commercial quotas. The 2017 quota overage is determined by comparing landings for January through October 2017, plus any 2016 landings overage that was not previously addressed in establishing the 2017 summer flounder specifications, for each state. For Delaware, this includes continued repayment of overharvest from previous years.

TABLE 6—FINAL STATE-BY-STATE COMMERCIAL SUMMER FLOUNDER QUOTAS FOR 2018

State	FMP percent share	2018 Initial quota		2018 Adjusted quota (ACL overage)		Overages through October 31, 2017		Final adjusted 2018 quota, less overages	
		lb	kg	lb	kg	lb	kg	lb	kg
Maine	0.04756	3,152	1,430	3,061	1,388	0	0	3,061	1,388
New Hampshire	0.00046	30	14	30	13	0	0	30	13
Massachusetts	6.82046	451,998	205,023	438,973	199,115	37,816	17,153	401,157	181,962
Rhode Island	15.68298	1,039,326	471,430	1,009,375	457,845	13,002	5,898	996,373	451,947
Connecticut	2.25708	149,579	67,848	145,268	65,893	0	0	145,268	65,893
New York	7.64699	506,773	229,868	492,169	223,244	0	0	492,169	223,244
New Jersey	16.72499	1,108,381	502,753	1,076,440	488,265	0	0	1,076,440	488,265
Delaware	0.01779	1,179	535	1,145	519	49,638	22,515	−48,493	−21,996
Maryland	2.0391	135,133	61,295	131,239	59,529	0	0	131,239	59,529
Virginia	21.31676	1,412,682	640,782	1,371,972	622,316	0	0	1,371,972	622,316
North Carolina	27.44584	1,818,862	825,022	1,766,447	801,247	0	0	1,766,447	801,247
Total	100	6,627,096	3,006,000	6,436,120	2,919,375			6,384,158	2,895,805

Notes: Kilograms are as converted from pounds and may not necessarily add due to rounding. Total quota is the sum for all states with an allocation. A state with a negative number has a 2018 allocation of zero (0). Total adjusted 2018 quota, less overages, does not include negative allocations (i.e., Delaware's overage).

Delaware Summer Flounder Closure

Table 6 shows the amount of overharvest from previous years for Delaware is greater than the amount of commercial quota allocated to Delaware for 2018. As a result, there is no quota available for 2018 in Delaware. The regulations at § 648.4(b) provide that Federal permit holders, as a condition of their permit, must not land summer flounder in any state that the NMFS Greater Atlantic Region Administrator has determined no longer has commercial quota available for harvest. Therefore, landings of summer flounder in Delaware by vessels holding commercial Federal summer flounder permits are prohibited for the 2018 calendar year, unless additional quota becomes available through a quota transfer and is announced in the **Federal Register**. Federally permitted dealers are advised that they may not purchase summer flounder from federally permitted vessels that land in Delaware for the 2018 calendar year, unless additional quota becomes available through a transfer, as mentioned above.

Black Sea Bass

Although the 2016 commercial quota was not fully harvested, the commercial black sea bass 2016 ACL (3.15 million lb; 1,428 mt) was exceeded by approximately 630,000 lb (286 mt). This overage was due entirely to the fact that 2016 discard estimates were much higher than originally projected, accounting for 40.3 percent of the total commercial catch in 2016. This results in a 2016 ACL overage of 20 percent. However, similar to last year's reconsideration of the 2017 commercial ACL accountability measure given the 2016 benchmark assessment, we will not implement an accountability measure for this overage. The assessment provided updated information on the condition of the stock indicating that the 2016 specifications, including estimated discards, could have been much higher if the assessment had been available when those catch limits were implemented. Because an accountability measure likely would not have been triggered if catch limits had been consistent with our understanding of the stock's status, implementing an accountability measure is unnecessary. Biomass remains well above the biomass target and the stock is not subject to overfishing. The final black sea bass specifications for 2018, unchanged from when first announced as projected, are outlined in Table 7. These specifications are consistent with the Council's Scientific and Statistical Committee's ABC recommendation and are sufficient to ensure the stock is not subject to overfishing or likely to be reduced below the biomass target.

TABLE 7—FINAL 2018 BLACK SEA BASS SPECIFICATIONS

	Million lb	Mt
Commercial ACL/ACT ..	4.35	1,974
Recreational ACL/ACT	4.59	2,083
Commercial Quota	3.52	1,596
Recreational Harvest Limit	3.66	1,661

Comments and Responses

On November 7, 2017, NMFS published the proposed scup specifications for public notice and comment. NMFS received three comments on the proposed rule. Two commenters were in opposition to the increase in the scup catch limits. One offered no reason for opposition, while the other noted concern over market instability and a drop in the price of scup should the market be flooded. This second commenter supported maintaining status quo measures for 2018. This increase in scup catch limit is intended to meet the objective of achieving optimum yield while also accounting for management uncertainty. As outlined in the EA of this action, scup landings have been well below the commercial quota since 2011. It is not anticipated that the commercial quota increase will result in a large increase in landings. The third commenter offered support for the catch limit increases, noting the benefits for both the commercial and recreational fisheries. No changes to the proposed scup specifications were made as a result of these comments.

Classification

The Administrator, Greater Atlantic Region, NMFS, determined that these specifications are necessary for the conservation and management of the summer flounder, scup, and black sea bass fisheries and that they are consistent with the Magnuson-Stevens Act and other applicable laws.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay of effectiveness period for this rule, to ensure that the final specifications are in place on January 1, 2018. This action establishes the final specifications (*i.e.,* annual catch limits) for the scup, summer flounder, and black sea bass fisheries for the 2018 fishing year, which begins on January 1, 2018.

This rule is being issued at the earliest possible date. Preparation of the proposed rule was dependent on the submission of the EA in support of the specifications that is developed by the Council. A complete document was received by NMFS in early December 2017. Documentation in support of the Council's recommended specifications is required for NMFS to provide the public with information from the environmental and economic analyses, as required in rulemaking, and to evaluate the consistency of the Council's recommendation with the Magnuson-Stevens Act and other applicable law. The proposed rule published on November 7, 2017, with a 15-day comment period ending November 22, 2017. Publication of the summer flounder quotas at the start of the fishing year that begins January 1 of each fishing year is required by the order of Judge Robert Doumar in *North Carolina Fisheries Association* v. *Daley.* Although there are currently established 2018 catch limits for summer flounder, this action adjusts overall quotas and state allocations to account for 2016 ACL overages. Without these revised summer flounder specifications in place on January 1, 2018, individual states will not be held to the appropriately reduced limits and will be unable to set accurate commercial possession and/or trip limits, which apportion the catch over the entirety of the calendar year. This is the very issue Judge Doumar sought to remedy by compelling NMFS to provide quota information on or before the start of the fishing year. Disproportionately large harvest occurring within the first weeks of 2018 would disadvantage some gear sectors or owners and operators of smaller vessels that typically fish later in the fishing season.

Furthermore, the revised 2018 scup catch limits increase fishing opportunities, so their timely implementation also relieves the restriction of potentially constrained fishing opportunity. This action will increase the coastwide 2018 scup quota by 31 percent and increases the 2018 scup recreational harvest limit by 41 percent, providing federally permitted vessels additional harvest opportunity.

If this final rule were delayed for 30 days, the scup fishery would forego some amount of landings and revenues during the delay period, as this rule relieves, in part, a quota-related restriction. In addition, NMFS would violate a standing court order regarding summer flounder quotas. For all of these reasons, a 30-day delay in effectiveness would be contrary to the public interest.

As a result, NMFS is waiving the requirement.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

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

Dated: December 18, 2017.

Samuel D. Rauch III,

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

[FR Doc. 2017–27581 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 245
Friday, December 22, 2017

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

Agricultural Marketing Service

7 CFR Part 1212

[Document Number AMS–SC–16–0124]

Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Change in Producer Eligibility Requirements and Implementation of Charges for Past Due Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on revising the eligibility requirements for producer representatives on the Honey Packers and Importers Board (Board) and prescribing late payment and interest charges on past due assessments under the Agricultural Marketing Service's (AMS) regulation regarding a national research and promotion program for honey and honey products. The Board administers the regulations with oversight by the U.S. Department of Agriculture (USDA). This proposal would reduce the minimum production requirement for producers to serve on the Board from 150,000 to 50,000 pounds annually and thereby allow more producers to be eligible to serve on the Board. This proposal would also prescribe late payment and interest charges on past due assessments to help facilitate program administration. Both of these actions were unanimously recommended by the Board.

DATES: Comments must be received by January 22, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (503) 633–4330; facsimile: (202) 205–2800; or electronic mail: *Sue.Coleman@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal affecting 7 CFR part 1212 is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposal invites comments on revising the eligibility requirements for producer representatives on the Board and prescribing late payment and interest charges on past due assessments under the Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order. The part is administered by the Board with oversight by USDA. Under the part, assessments are collected from first handlers and importers and used for research and promotion projects designed to maintain and expand the market for honey and honey products in the United States and abroad. This proposal would reduce the minimum production requirement for producers to serve on the Board from 150,000 to

50,000 pounds annually and thereby allow more producers to be eligible to serve on the Board. This proposal would also prescribe late payment and interest charges on past due assessments to help facilitate program administration. Both of these actions were unanimously recommended by the Board in April 2016.

Producer Eligibility Requirements

Section 1212.46 of the part provides authority for the Board to recommend amendments to the part. Section 1212.40 of the part provides that the Board have ten members—three first handlers, two importers, one importer-handler, three producers, and one marketing cooperative representative. Currently, eligible producers must produce a minimum of 150,000 pounds of honey in the United States annually based on the best three-year average of the most recent five calendar years.

The Board has had difficulty over the past few years in identifying honey producers who meet the current eligibility requirement for production volume. U.S. honey production has decreased and fewer producers can meet the part's eligibility requirement. USDA's National Agricultural Statistics Service estimates U.S. honey production from producers with 5 or more colonies at 164 million pounds in 2008 [1] and at 156 million pounds in 2015.[2] The Board has been having difficulties identifying producer nominees who produce over the 150,000 pound threshold.

Thus, the Board formed a subcommittee in October 2015 to review this issue. Over the following six months, the Board conducted outreach with beekeeping associations to gather input about the need and the level to reduce the annual production volume requirement for producers to serve on the Board. The recommendation from the associations to the subcommittee was that the minimum production requirement for producers be set at 50,000 pounds to increase the pool of eligible producers.

The Board met in April 2016 and unanimously recommended that the part's minimum production requirement for producers be reduced from 150,000 to 50,000 pounds. This should allow more producers to be eligible to serve on the Board. Section 1212.40 of the part is proposed to be revised accordingly.

[1] USDA, National Agricultural Statistics Service, Honey Final Estimates 2008–2012, September 2014, p. 4; *http://usda.mannlib.cornell.edu/usda/nass/SB1039/sb1039.pdf.*

[2] USDA, National Agricultural Statistics Service, Honey, March 22, 2017, p. 2, *http://usda.mannlib.cornell.edu/usda/current/Hone/Hone-03-22-2017.pdf.*

Charges on Past Due Assessments

Section 1212.52 of the part specifies that the Board will cover its expenses by levying an assessment on first handlers and importers. First handlers must pay their assessments to the Board on a monthly basis no later than the fifteenth day of the month following the month in which the honey or honey products were marketed. Importers must pay assessments to the Board on honey and honey products imported into the United States through the U.S. Customs and Border Protection (Customs). If Customs does not collect an assessment from an importer, the importer must pay the assessment directly to the Board.

The honey program also provides for two exemptions. Pursuant to section 1212.53, first handlers and importers who handle or import less than 250,000 pounds of honey or honey products annually, and first handlers and importers of organic honey and honey products are exempt from the payment of assessments.

Section 1212.52(g) of the part specifies that the Board shall impose a late payment charge on any first handler or importer who fails to pay their assessments to the Board on time. First handlers or importers subject to a late payment charge must also pay interest on the unpaid assessments for which they are liable. The late payment and interest charges must be prescribed in regulations issued by USDA.

Assessment funds are used by the Board for activities designed to benefit all industry members. Thus, it is important that all assessed entities pay their assessments in a timely manner. Entities who fail to pay their assessments on time would be able to reap the benefits of Board programs at the expense of others. In addition, they would be able to utilize funds for their own use that should otherwise be paid to the Board to finance Board programs.

Thus, the Board recommended that rates of late payment and interest charges for past due assessments be prescribed in the part's regulations. A late payment charge would be imposed upon first handlers and importers who fail to pay their assessments to the Board within 30 calendar days of the date when assessments are due. This one-time late payment charge would be 10 percent of the assessments due before interest charges have accrued.

Additionally, interest at a rate of ⅔ of 1 percent per month on the outstanding balance (which computes to an annual rate of 8 percent), including any late payment and accrued interest, would be added to any accounts for which payment has not been received within 30 calendar days of the date when assessments are due. Interest would continue to accrue monthly until the outstanding balance is paid to the Board.

This action is expected to help facilitate program administration by providing an incentive for entities to remit their assessments in a timely manner, with the intent of creating a fair and equitable process among all assessed entities. Accordingly, a new Subpart C would be added to the part's regulations regarding past due assessments, and a new section 1212.520 would be added to Subpart C.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000, and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.5 million.

The Board reported that there are about 752 importers and 41 first handlers of honey and honey products covered under the program during the 2016 fiscal period. Seventeen out of the 41 first handlers (41 percent) and 25 out of the 752 importers (3 percent) accounted for 90 percent of the assessments in their respective categories. Total assessments for 2016 were $6.74 million, of which $1.75 million (26 percent) came from first handlers and $4.99 million (74 percent) was paid by importers. This data can be used to compute an estimate of average annual revenue from honey sales from each of these categories, which in turn helps to estimate the number of large and small first handlers and importers. As mentioned above, 17 first handlers account for 90 percent of the domestic assessments. Multiplying first handler assessments in 2016 of $1,750,155 by 0.9 and then dividing by 17 yields an average annual assessment of $92,655 for the first handlers in this category. Dividing this figure ($92,655) by the assessment rate of 1.5 cents per pound ($0.015) yields an average quantity per first handler of 6.177 million pounds.

Multiplying 6.177 million pounds by the average 2016 U.S. domestic price of $2.08 per pound [3] yields an average, annual honey revenue per handler of $12.85 million, which is well above the SBA threshold of $7.5 million. It should be noted that this revenue estimate is based on the average price at the producer level, and the $12.85 million is an estimate of the total value at which the average size handler acquired the honey from producers. Therefore most of the 17 first handlers that pay 90 percent of the domestic assessments are likely to be large firms according to the SBA definition.

An equivalent computation can be made for the 25 importers who paid 90 percent of the $4,991,926 in assessments in 2016. Of the 25 importers, the average assessment per importer was $179,709. Dividing the average assessment per importer by the assessment rate of $0.015 per pound yields an average quantity per importer estimate of 11.981 million pounds.

For honey imports, the equivalent of the season average price for domestic honey is referred to as a ''unit value.'' The unit value of $1.24 per pound is computed by dividing annual imported honey value of $417.31 million by average quantity of 335.69 million pounds (import data from the Foreign Agricultural Service). Multiplying the $1.24 unit value by the average quantity of 11.981 million pounds yields average annual honey revenue per importer figure of $14.856 million, almost two times the SBA threshold figure of $7.5 million for a large firm. Therefore the majority of the 25 importers that pay 90 percent of the assessments are large firms, according to the SBA definition.

Comparable computations can be made to determine the average 2016 honey revenue for the 24 first handlers and 727 importers that paid 10 percent of the assessments in the first handler and importer categories. The first handler and importer average annual honey revenue figures are approximately $1,011,000 and $57,000, respectively, indicating that the vast majority are small businesses (in terms of honey sales), under the SBA large business threshold of $7.5 million in annual sales.

Based on the foregoing, the majority of first handlers and importers may be classified as small entities.

This proposed rule invites comments on relaxing the part's eligibility requirements for producer representatives on the Board as specified in section 1212.40 of the part. The part currently requires that producer representatives produce a minimum of 150,000 pounds of honey (based on the best three year average of the most recent five calendar years) in the United States annually. U.S. honey production has been decreasing and fewer producers can meet this eligibility requirement. Thus, the Board unanimously recommended reducing the minimum production requirement from 150,000 to 50,000 pounds annually. This would allow for a greater pool of producer nominees to be eligible to serve on the Board. Authority for this action is provided in section 1212.46(d) of the part.

This proposal would also prescribe charges for past due assessments under the part. A new section 1212.520 would be added to the part specifying a one-time late payment charge of 10 percent of the assessments due and interest at a rate of ⅔ of 1 percent per month (or 8 percent on an annual basis) on the outstanding balance, including any late payment and accrued interest. This section would be included in a new Subpart C—Regulations Regarding Past Due Assessments. Authority for this action is provided in section 1212.52(g) of the part and section 517(e) of the 1996 Act.

Regarding the economic impact of the proposed rule on affected entities, relaxing the eligibility requirements for producer representatives on the Board is administrative in nature and would have no economic impact on entities covered under the program. This change would help increase the number of producers who would be eligible to serve on the Board. Eligible producers, first handlers and importers interested in serving on the Board would have to complete a background questionnaire. Those requirements are addressed later in this proposal in the section titled *Reporting and Recordkeeping Requirements.*

Prescribing charges for past due assessments would impose no additional costs on first handlers and importers who pay their assessments on time. It merely provides an incentive for entities to remit their assessments in a timely manner. For all entities who are delinquent in paying assessments, both large and small, the charges would be applied uniformly. As for the impact on the industry as a whole, this action would help facilitate program administration by providing an incentive for entities to remit their assessments in a timely manner, with the intent of creating a fair and equitable process for all assessed entities.

Additionally, as previously mentioned, the part also provides for two exemptions. First handlers and importers who handle or import less than 250,000 pounds of honey or honey products annually, and first handlers and importers of organic honey and honey products are exempt from the payment of assessments.

Regarding alternatives, one option to the proposed action regarding producer eligibility would be to maintain the status quo and not reduce the production threshold for producers to be eligible to serve on the Board. However, the Board has been having difficulty identifying producer nominees who produce over 150,000 pounds of honey annually. After outreach to beekeeping associations, the Board concluded that reducing the minimum production requirement for producers from 150,000 to 50,000 pounds annually would be appropriate to increase the pool of eligible producers.

Likewise, an alternative to the proposed action to prescribe late payment and interest charges for past due assessments would be to maintain the status quo and not prescribe these charges. However, the Board determined that implementing such charges would help facilitate program administration by encouraging entities to pay their assessments in a timely manner. The Board reviewed rates of late payment and interest charges prescribed in other research and promotion programs and concluded that the late payment charge and the interest charge contained in this proposal would be appropriate.

Reporting and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are imposed by the part have been previously approved by OMB under OMB control number 0581–0093. Additionally, Board nominees (including producers) must submit a Background Information form (AD–755) to ensure they are qualified to serve on the Board. The time to complete that form is estimated at 30 minutes per response. The background form is approved under OMB control no. 0505–0001. This proposed rule would not result in a change to the information collection and recordkeeping requirements previously approved and would impose no additional reporting requirements and recordkeeping burden on honey producers, first handlers or importers.

As with all Federal promotion programs, reports and forms are

[3] USDA, NASS, Honey, March 22, 2017, p. 3, *http://usda.mannlib.cornell.edu/usda/current/Hone/Hone-03-22-2017.pdf.*

periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

Regarding outreach efforts, as previously mentioned, this action was discussed at a subcommittee in October 2015. The Board conducted outreach over the following six months to beekeeping associations to gather input about the need to reduce the annual production volume requirement for eligible producers on the Board. The Board met in April 2016 and unanimously recommended reducing the production volume requirement from 150,000 to 50,000 pounds annually. The Board also recommended prescribing late payment charges and interest on past due assessments in the part's regulations. All of the Board's meetings are open to the public and interested persons are invited to participate and express their views.

AMS has performed this initial RFA regarding the impact of this proposed action on small entities and invites comments concerning potential effects of this action.

USDA has determined that this proposed rule is consistent with and would effectuate the purposes of the 1996 Act.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because this action would relax the minimum production requirement for producers to serve on the Board, thereby allowing more producers to be eligible to serve on the Board. This action would also prescribe late payment and interest charges for past due assessments which would facilitate the collection of assessments under the program. All written comments received in response to this proposed rule by the date specified will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1212

Administrative practice and procedure, Advertising, Consumer information, Honey Packer and Importer promotion, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1212 is proposed to be amended as follows:

PART 1212—HONEY PACKERS AND IMPORTERS RESEARCH, PROMOTION, CONSUMER EDUCATION AND INDUSTRY INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1212 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Section 1212.40 is revised to read as follows:

§ 1212.40 Establishment and membership.

The Honey Packers and Importers Board is established to administer the terms and provisions of this part. The Board shall have ten members, composed of three first handler representatives, two importer representatives, one importer-handler representative, three producer representatives, and one marketing cooperative representative. The importer-handler representative must import at least 75 percent of the honey or honey products they market in the United States and handle at least 250,000 pounds annually. In addition, the producer representatives must produce a minimum of 50,000 pounds of honey in the United States annually based on the best three-year average of the most recent five calendar years, as certified by producers. The Secretary will appoint members to the Board from nominees submitted in accordance with § 1212.42. The Secretary shall also appoint an alternate for each member.

■ 3. Subpart C—Regulations Regarding Past Due Assessments is added to read as follows:

Subpart C—Regulations Regarding Past Due Assessments

§ 1212.520 Late payment and interest charges for past due assessments.

(1) A late payment charge will be imposed on any first handler or importer who fails to make timely remittance to the Board of the total assessments for which they are liable. The late payment will be imposed on any assessments not received within 30 calendar days of the date when assessments are due. This one-time late payment charge will be 10 percent of the assessments due before interest charges have accrued.

(2) In addition to the late payment charge, ⅔ of 1 percent per month (or an annual rate of 8 percent) interest on the outstanding balance, including any late payment and accrued interest, will be added to any accounts for which payment has not been received within 30 calendar days of the date when assessments are due. Interest will continue to accrue monthly until the outstanding balance is paid to the Board.

Dated: December 18, 2017.

Bruce Summers,

Acting Administrator.

[FR Doc. 2017–27526 Filed 12–21–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0632; Product Identifier 2017–NE–16–AD]

RIN 2120–AA6

Airworthiness Directives; Zodiac Seats France, Cabin Attendant Seats

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Zodiac Seats France, 536 Series Cabin Attendant Seats. This proposed AD was prompted by cracks found in a highly concentrated stress area of the seat pan hinges. This proposed AD would require repetitive inspections and replacement of the seat pan. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this NPRM by February 5, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this NPRM, contact Zodiac Seats France, Rue Robert Marechal Senior B.P. 69, 36100 Issoudun, France; phone: +33 (0) 9 70 83 08 30; email: *zs.tac@zodiacaerospace.com;* internet: *http://www.services.zodiacaerospace.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For

information on the availability of this material at the FAA, call 781–238–7125.

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–2017–0632; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dorie Resnik, Aerospace Engineer, FAA, Boston ACO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7693; fax: 781–238–7199; email: *dorie.resnik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0632; Product Identifier 2017–NE–16–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD 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 with FAA personnel concerning this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0001, dated January 6, 2017 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Cases of cracks were found on Zodiac Seats France cabin attendant seats 536 series installed on some ATR 42 and ATR 72 aeroplanes. The detected damage was located in the area of the seat pan hinges. Investigations identified that fatigue had caused these cracks in a highly concentrated stress area. This condition, if not detected and corrected, could lead to failure of the seat, possibly resulting in injury to the seat occupant. To address this potential unsafe condition, Zodiac Seats France issued Service Bulletin (SB) 536–25–003 to provide inspection and replacement instructions. Consequently, EASA issued AD 2016–0164, requiring repetitive visual inspections of the affected cabin attendant seats and, depending on findings, replacement of the seat pan. Since that AD was issued, Zodiac Seats France developed a reinforced seat pan, and revised SB 536–25–003 accordingly. After installation of a reinforced seat pan, the seat P/N amendment status is updated. For the reason described above, this AD retains the requirements of EASA AD 2016–0164, which is superseded, prohibits installation of unreinforced seat pans on seats already modified, and introduces the reinforced seat pan installation as optional terminating action for the repetitive inspections.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0632.

Related Service Information Under 1 CFR Part 51

Zodiac Aerospace has issued Service Bulletin (SB) No. 536–25–003, Revision 3, dated June 2, 2017. The SB describes procedures for inspection, modification, or replacement of the seat pan, of certain model seats known to be installed on ATR 42 and ATR 72 airplanes. 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 EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require inspection, and modification of certain model seats.

Costs of Compliance

We estimate that this proposed AD affects 55 seat assemblies installed on, but not limited to, ATR 42 and ATR 72 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
Seat inspection, modification, or replacement	1.2 work-hours × $85 per hour = $102	$1,500	$1,602	$88,110

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 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 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):

Zodiac Seats France (formerly SICMA Aero Seat): Docket No. FAA–2017–0632; Product Identifier 2017–NE–16–AD.

(a) Comments Due Date

We must receive comments by February 5, 2018.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all Zodiac Seats France, Cabin Attendant Seat 536 Series, part numbers (P/N) 53600, all dash numbers, all serial numbers, with seat pan P/N F0433453, installed.

(2) These appliances are installed on, but not limited to, ATR 42 and ATR 72 airplanes of U.S. registry.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Reason

This AD was prompted by cracks found in a highly concentrated stress area of the seat pan hinges. We are issuing this AD to prevent failure of affected seats.

(f) Compliance

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

(1) Before exceeding 2,500 flight cycles (FC), or within 100 FC after the effective date of this AD, whichever occurs later, inspect the seat pan structure in both deployed and stowed positions using paragraph 2.A., Accomplishment Instructions, of Zodiac Seats France Service Bulletin (SB) No. 536–25–003, Revision 3, dated June 2, 2017.

(2) If cracks are found, before next flight:

(i) Replace seat pan with reinforced seat pan, P/N F0511530, using paragraph 2.B., Accomplishment Instructions, of Zodiac Seats France SB No. 536–25–003, Revision 3, dated June 2, 2017.

(ii) Re-mark the seat using paragraph 2.C., Accomplishment Instructions, of Zodiac Seats France SB No. 536–25–003, Revision 3, dated June 2, 2017.

(3) If no cracks are found, do the following:

(i) Re-mark the seat using paragraph 2.C., Accomplishment Instructions, of Zodiac Seats France SB No. 536–25–003, Revision 3, dated June 2, 2017.

(ii) Reinspect the seat pan within every 100 FC since last inspection, or replace seat pan with reinforced seat pan, P/N F0511530, using paragraph 2.B., Accomplishment Instructions, of Zodiac Seats France SB No. 536–25–003, Revision 3, dated June 2, 2017.

(4) Until compliance with this AD is accomplished, stow and secure an affected attendant seat in the retracted position to prevent occupancy, in accordance with the provisions and limitations of the applicable Master Minimum Equipment List item.

(g) Optional Terminating Action

Installation of a reinforced seat pan, P/N F0511530, using paragraph 2.B., Accomplishment Instructions, of Zodiac Seats France SB No. 536–25–003, Revision 3, dated June 2, 2017, is terminating action to this AD.

(h) Credit for Previous Actions

You may take credit for inspections and modifications performed in accordance with Zodiac Seats France SB No. 536–25–003, first issued May 24, 2016, or Zodiac Seats France SB No. 536–25–003, Revision 1, dated August 29, 2016 or Zodiac Seats France SB No. 536–25–003, Revision 2, dated September 16, 2016, if you performed these actions before the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, Boston ACO Branch, Compliance and Airworthiness Division, 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 ACO Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. You may email your request to: *9-ane-boston-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.

(j) Related Information

(1) For more information about this AD, contact Dorie Resnik, Aerospace Engineer, FAA, Boston ACO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7693; fax: 781–238–7199; email: *dorie.resnik@faa.gov.*

(2) Refer to MCAI EASA AD 2017–0001, dated January 6, 2017, for more information. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0632.

(3) Zodiac Seats France SB No. 536–25–003, Revision 3, dated June 2, 2017, can be obtained from Zodiac Seats France, using the contact information in paragraph (j)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Zodiac Seats France, Rue Robert Marechal Senior B.P. 69, 36100 Issoudun, France; phone: +33 (0) 9 70 83 08 30; email: *zs.tac@zodiacaerospace.com;* internet: *http://www.services.zodiacaerospace.com.*

(5) You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on December 18, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–27570 Filed 12–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

14 CFR Chapters I, II, and III

23 CFR Chapters I, II, and III

46 CFR Chapter II

48 CFR Chapter 12

49 CFR Chapters I, II, III, V, and VI

Availability of Final Report on Regulatory Review Under Executive Order 13783

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notification of availability of final report on regulatory review.

SUMMARY: The Department of Transportation (DOT) announces the availability of its report issued under Section 2 of Executive Order 13783, ''*Promoting Energy Independence and Economic Growth.*''

DATES: December 22, 2017.

ADDRESSES: The report is available on DOT's website at *https://www.transportation.gov/regulations/dot-report-presidential-energy-initiative.*

FOR FURTHER INFORMATION CONTACT: Finch Fulton, Deputy Assistant Secretary for Transportation Policy, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: (202) 366–8186. Email: *finch.fulton@dot.gov.*

SUPPLEMENTARY INFORMATION: DOT announces the availability of its report issued under Section 2 of Executive Order 13783, ''*Promoting Energy Independence and Economic Growth*.'' The report contains recommendations to reduce regulatory burdens on the use or development of domestic energy resources. The report is available on DOT's website at *https://www.transportation.gov/regulations/dot-report-presidential-energy-initiative.*

Issued in Washington, DC, on December 18, 2017.

Finch Fulton,

Deputy Assistant Secretary for Transportation Policy.

[FR Doc. 2017–27654 Filed 12–21–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 50, 55, 58, 200, 579, 905, 943, 970, and 972

[Docket No. FR–6071–N–01]

Withdrawal of Proposed Rules To Reduce Regulatory and Financial Burden

AGENCY: Office of the General Counsel, HUD.

ACTION: Withdrawal of proposed rules.

SUMMARY: As part of the efforts of HUD's Regulatory Reform Task Force, this document informs the public that HUD has determined not to pursue five proposed rules published in the **Federal Register** and, as a result, is withdrawing the rules from HUD's Unified Agenda of Regulatory and Deregulatory Actions. HUD is taking this action consistent with Executive Order 13771 entitled ''Reducing Regulation and Controlling Regulatory Costs'', and Executive Order 13777, entitled, Enforcing the Regulatory Reform Agenda'' which, among other things, require that the cost of planned regulations be prudently managed and controlled.

DATES: The proposed rules listed in the **SUPPLEMENTARY INFORMATION** are withdrawn as of December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Ariel Pereira, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington DC 20410; telephone number 202–402–5138 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Orders 13771 and 13777

Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' signed January 27, 2017 (82 FR 9339), requires that for every new regulation issued, at least two prior regulations be identified for removal, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. Additionally, as required by Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda,'' signed February 24, 2017 (82 FR 12285), HUD established a Regulatory Task Force that is identifying agency regulations that should be repealed, replaced, or modified. Accordingly, as part of this review, the Regulatory Task Force has determined to withdraw these five proposed rules.

HUD's Withdrawal of Proposed Rules

HUD withdraws the following five proposed rules from its Unified Agenda of Regulatory and Deregulatory Actions:

1. Floodplain Management Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard (81 FR 74967, October 28, 2016);

2. Demolition or Disposition of Public Housing Projects and Conversion of Public Housing to Tenant-Based Assistance (79 FR 62249, October 16, 2014);

3. Streamlining Requirements Applicable to Formation of Consortia of Public Housing Agencies (79 FR 40019, July 11, 2014);

4. Homeless Emergency Assistance and Rapid Transition to Housing Rural Housing Stability Program (78 FR 18725, March 27, 2013); and

5. Public Housing: Physical Needs Assessments (76 FR 43219, July 20, 2011).

HUD's Unified Agenda of Regulatory and Deregulatory Actions is available on *Reginfo.gov* and can be accessed at *https://www.reginfo.gov/public/do/eAgendaMain.*

Dated: December 15, 2017.

Bethany A. Zorc,

Acting General Counsel.

[FR Doc. 2017–27615 Filed 12–21–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 155

[USCG–2017–0894]

2016 National Preparedness for Response Exercise Program (PREP) Guidelines

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces proposed changes to the 2016 PREP Guidelines and solicits public comment to the proposed changes. The U.S. Coast Guard (USCG) is publishing this notice on behalf of the Preparedness for Response Exercise Program Compliance, Coordination, and Consistency Committee (PREP 4C). The PREP 4C includes representatives from the USCG under the Department of Homeland

Security (DHS); the Environmental Protection Agency (EPA); the Pipeline and Hazardous Materials Safety Administration (PHMSA) under the Department of Transportation (DOT); and the Bureau of Safety and Environmental Enforcement (BSEE) under the Department of the Interior (DOI).

DATES: Comments and related material must reach the USCG by January 22, 2018.

ADDRESSES: To view the proposed revisions to the 2016 PREP Guidelines, go to *http://www.regulations.gov,* type ''USCG–2017–0894'' and click ''Search.'' Then click ''Open Docket Folder.''

FOR FURTHER INFORMATION CONTACT:

For USCG: Mr. Jonathan Smith, Office of Marine Environmental Response Policy, 202–372–2675.

For EPA: Mr. Troy Swackhammer, Office of Emergency Management, Regulations Implementation Division, 202–564–1966.

For BSEE/DOI: Mr. John Caplis, Oil Spill Preparedness Division, 703–787–1364.

For PHMSA/DOT: Mr. Eddie Murphy, Office of Pipeline Safety, 202–366–4595.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

We encourage the public to participate in revising the 2016 PREP Guidelines by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov,* and will include any personal information provided.

Submitting comments: If you submit a comment, please include the docket number (USCG–2017–0894), indicate the specific section of the revised 2016 PREP Guidelines to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name and mailing address, and an email address or phone number in the body of your document so that we may contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type ''USCG–2017–0894'' in the search box, and click ''Search.'' Then click ''Comment Now!'' on the appropriate line. 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 DHS Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing comments and documents: To view comments as well as documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov,* type ''USCG–2017–0894'' and click ''Search.'' Then click the ''Open Docket Folder.''

Privacy Act: Anyone can search the electronic material submitted 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 a Privacy Act and system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

I. Abbreviations

BSEE Bureau of Safety and Environmental Enforcement
CFR Code of Federal Regulations
DOI Department of the Interior
DOT Department of Transportation
EPA Environmental Protection Agency
FR Federal Register
IMT Incident Management Team
PHMSA Pipeline and Hazardous Materials Safety Administration
PREP Preparedness for Response Exercise Program
PREP 4C PREP Compliance, Coordination, and Consistency Committee
QI Qualified Individual
RAC Remote Assessment and Consultation

II. Background

The Preparedness for Response Exercise Program Compliance, Coordination, and Consistency Committee (PREP 4C) published the 2016 PREP Guidelines on April 11, 2016 (81 FR 21362). We are publishing this notice to seek public comments pertaining to proposed revisions to the 2016 PREP Guidelines. These proposed revisions constitute the first change to the 2016 PREP Guidelines that will hereinafter be referred to and published as the ''2016.1 PREP Guidelines.'' We will consider only those comments directly pertaining to the proposed revisions. These revisions are detailed in a new ''Record of Changes'' that has been incorporated into the 2016.1 PREP Guidelines. The 2016.1 PREP Guidelines are available for review in docket USCG–2017–0894, as described in the **ADDRESSES** section of this notice.

The Coast Guard is preparing a regulatory analysis of the potential deregulatory savings that may result from the revisions proposed in the 2016.1 PREP Guidelines. We will publish a **Federal Register** notice when the regulatory analysis is uploaded to the public docket and we will establish an additional 30-day public comment period for comments on the regulatory analysis. During the additional 30-day comment period for the regulatory analysis, the Coast Guard will also accept comments that directly pertain to the revisions proposed in the 2016.1 PREP Guidelines.

III. Summary of Changes

A ''Record of Changes'' has been added to the 2016.1 PREP Guidelines. This log is a comprehensive listing of the specific revisions proposed by PREP 4C. Revisions in the 2016.1 PREP Guidelines affect the USCG, Bureau of Safety and Environmental Enforcement (BSEE) and Environmental Protection Agency (EPA) exercises only. The Pipeline and Hazardous Materials Safety Administration (PHMSA) sections are unaffected by the revisions proposed in the 2016.1 PREP Guidelines.

USCG-Specific Revisions

One of the significant revisions is to the Remote Assessment and Consultation (RAC) drill frequency. The existing frequency will be decreased from one drill per vessel per year, to one drill per Plan Holder per triennial cycle. Additional revisions include allowing RAC drills to be combined with Qualified Individual (QI) drills, and adding language that states QI and Salvage and Marine Fire Fighter providers must be contacted as specified in the approved Vessel Response Plan.

BSEE-Specific Revisions

Language was added to BSEE Section 6.2 for Incident Management Team (IMT) Exercises for Offshore Facilities. The ''Participating Elements'' part of that section now includes information clarifying that the incident commander, as well as the command and general staffs, at a minimum, should be exercised during an IMT functional exercise. The ''Participating Elements'' part now also requires that source control positions participate when source control objectives are being exercised, and encourages operators to request BSEE participation for the role of a Source Control Support Coordinator when appropriate.

''Objectives'' also has new language that clarifies expectations regarding the involvement of IMT members in the exercise design process. The BSEE acknowledges that there is sometimes a need to involve key members of the IMT

in the selection of objectives, plan components, and issues that will be tested during an exercise. The BSEE also believes that it is important that IMT members who will be participating as players in the exercise, including the incident commander, do not have knowledge of the exercise scenario script prior to the start of the exercise. This provision will ensure that all the required IMT positions can be properly exercised and evaluated to test their overall preparedness.

EPA-Specific Revisions

Language was removed from Section 2.3.7.2.3, which addresses ''Unannounced Exercises for Non-Transportation-Related Facilities Regulated by the EPA.'' Section 2.3.7.2.3 had indicated that alternative response times may be approved by the EPA Regional Administrator; however, there is no supporting regulatory language in 40 CFR part 112 that specifically provides for this allowance. This change removes the language regarding alternate response times being approved by the Regional Administrator, and aligns the PREP Guidelines with the existing regulatory language in 40 CFR part 112.

This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: December 19, 2017.

Joseph B. Loring,

Captain, Office of Marine Environmental Response Policy.

[FR Doc. 2017–27602 Filed 12–21–17; 8:45 am]

BILLING CODE P

Notices

Federal Register
Vol. 82, No. 245
Friday, December 22, 2017

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

Food Safety and Inspection Service

[Docket No. FSIS–2017–0052]

Notice of Request for Renewal of an Approved Information Collection (Common or Usual Name for Raw Meat and Poultry Products Containing Added Solutions)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew an approved information collection regarding labeling requirements for raw meat and poultry products that do not meet the standard of identity regulations and to which solutions have been added. There are no changes to the existing information collection.

DATES: Submit comments on or before February 20, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW, Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2017–0052. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Common or Usual Name for Raw Meat and Poultry Products Containing Added Solutions.

OMB Number: 0583–0152.

Expiration Date of Approval: 05/31/2018.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS is requesting renewal of an approved information collection regarding labeling requirements for raw meat and poultry products that do not meet standard of identity regulations and to which solutions have been added. There are no changes to the existing information collection. The approval for this information collection will expire on May 31, 2018.

FSIS requires establishments that manufacture products containing added solutions to provide an accurate description of the raw meat or poultry component, the percentage of added solution incorporated into the raw meat or poultry product, and the individual ingredients or multi-ingredient components in the solution listed in the descending order of predominance by weight on the product label. FSIS also requires that the print for all words in the common or usual name appear in a single font size, color, and style of print and that the name appear on a single-color contrasting background.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take each respondent 75 minutes per response to comply with the product labeling requirements.

Respondents: Official establishments, retail stores, and foreign firms.

Estimated Number of Respondents: 6,100.

Estimated Number of Responses per Respondent: 8.

Estimated Total Annual Burden on Respondents: 61,000 hours. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence SW, Room 6077, South Building, Washington, DC 20250, (202) 690–6510.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method 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, 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 both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on December 19, 2017.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2017–27637 Filed 12–21–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0047]

Codex Alimentarius Commission: Meeting of the Codex Committee on Contaminants in Food

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services are sponsoring a public meeting on February 22, 2018. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 12th Session of the Codex Committee on Contaminants in Food (CCCF) of the Codex Alimentarius Commission (Codex), taking place in the Netherlands, March 12–16, 2018. The Office of the Deputy Under Secretary for Food Safety and the FDA recognize the importance of providing interested parties with the opportunity to obtain background information on the 12th Session of the CCCF and to address items on the agenda.

DATES: The public meeting is scheduled for Thursday, February 22, 2018, 1:00–4:00 p.m.

ADDRESSES: The public meeting will take place at the Food and Drug Administration (FDA), Harvey W. Wiley Federal Building, Center for Food Safety and Applied Nutrition, 5001 Campus Drive, Room 1A–001, College Park, MD 20740.

Documents related to the 12th Session of the CCCF will be accessible via the internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Dr. Lauren Posnick Robin, U.S. Delegate to the 12th Session of the CCCF and the FDA invite U.S. interested parties to submit their comments electronically to the following email address: *Lauren.Robin@fda.hhs.gov.*

Call-in-Number:

If you wish to participate in the public meeting for the 12th Session of the CCCF by conference call. Please use the call-in-number and the participant code below.

Call-in-Number: 1–888–844–9904.

Participant Code: 5126092.

Registration

Attendees may register to attend the public meeting by emailing *Lauren.Robin@fda.hhs.gov* by February 20, 2018. Early registration is encouraged as it will expedite entry into the building and parking area. If you require parking, please include the vehicle make and tag number when you register. The meeting will be held in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but wish to participate, may do so by phone.

FOR FURTHER INFORMATION CONTACT:

About the 12th session of the CCCF—Dr. Lauren Posnik Robin, Branch Chief, Plant Products Branch, Division of Plant Products and Beverages, Office of Food Safety and Applied Nutrition, FDA, HFS–317, 5001 Campus Drive, College Park, MD 20740, Telephone: (240) 402–1639, Email: *Lauren.Robin@fda.hhs.gov.*

About the public meeting—Dr. Lauren Posnik Robin, Branch Chief, Plant Products Branch, Division of Plant Products and Beverages, Office of Food Safety and Applied Nutrition, FDA, HFS–317, 5001 Campus Drive, College Park, MD 20740, Telephone: (240) 402–1639, Email: *Lauren.Robin@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in the food trade.

The CCCF is responsible for:

(a) Establishing or endorsing permitted maximum levels, and where necessary revising existing guideline levels for contaminants and naturally occurring toxicants in food and feed;

(b) Preparing priority lists of contaminants and naturally occurring

toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA);

(c) Considering and elaborating methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed;

(d) Considering and elaborating standards or codes of practice for related subjects; and

(e) Considering other matters assigned to it by Codex in relation to contaminants and naturally occurring toxicants in food and feed.

The Committee is hosted by the Netherlands.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 12th Session of the CCCF will be discussed during the public meeting:

- Matters referred to the Committee by the Codex Alimentarius Commission and/or its subsidiary bodies
- Matters of interest arising from FAO and WHO (Including JECFA)
- Matters of interest arising from other international organizations
- Proposed draft and draft maximum levels of lead in selected commodities in the General Standard for Contaminants and Toxins in Food and Feed
- Proposed draft maximum levels for cadmium in chocolate and cocoa-derived products
- Proposed draft maximum levels for methylmercury in fish including associated sampling plans
- Proposed draft revision of the Code of practice for the prevention and reduction of dioxins and dioxin-like PCBs in food and feed
- Proposed draft Code of practice for the reduction of 3-monochloropropane-1,2-diol esters and glycidyl esters in refined oils and products made with refined oils, especially infant formula
- Proposed draft maximum level for total aflatoxins in ready-to-eat peanuts and associated sampling plan
- Proposed draft maximum levels for total aflatoxins and ochratoxin A in nutmeg, chili and paprika, ginger, pepper and turmeric and associated sampling plans
- Proposed draft guidelines for risk analysis of chemicals inadvertently present in food at low levels
- Discussion paper on maximum levels for hydrocyanic acid in cassava and cassava-based products and mycotoxin contamination in these products
- Discussion paper on future work on maximum levels for lead for inclusion in the General Standard for Contaminants and toxins in Food and Feed
- Discussion paper on aflatoxins and sterigmatocystin contamination in cereals
- Discussion paper on the development of a Code of Practice for the prevention and reduction of cadmium contamination in cocoa
- Priority list of contaminants and naturally occurring toxicants for evaluation by JECFA
- Other business and future work

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the February 22, 2018 public meeting, draft U.S. positions on the agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or emailed to Dr. Lauren Posnick Robin (see **ADDRESSES**). Written comments should state that they relate to activities of the 12th Session of the CCCF.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register*.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: *program.intake@usda.gov*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on: December 19, 2017.

Paulo Almeida,

Acting U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–27631 Filed 12–21–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0051]

Notice of Request for Revision of an Approved Information Collection (Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a renewal of the approved information collection

regarding qualitative customer and stakeholder feedback on service delivery by the Food Safety and Inspection Service. There are no changes to the existing information collection; however, the Agency has reduced the burden estimate by 8,000 hours for upcoming qualitative surveys and food safety education research. The approval for this information collection will expire on May 31, 2018.

DATES: Submit comments on or before February 20, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW, Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2017–0051. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW, Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250; (202)720–5627.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 0583–0151.

Expiration Date of Approval: 05/31/2018.

Type of Request: Revision of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). FSIS protects the public by verifying that meat, poultry, and egg products are safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS is requesting a revision of the approved information collection regarding qualitative customer and stakeholder feedback on service delivery by the Food Safety and Inspection Service. There are no changes to the existing information collection; however, the Agency has reduced the burden estimate by 8,000 hours for upcoming qualitative surveys and food safety education research. The approval for this information collection will expire on May 31, 2018.

The proposed information collection activity provides a means for the Food Safety and Inspection Service (FSIS) to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By ''qualitative feedback,'' we mean information that provides useful insights on perceptions and opinions, but not a statistical survey that yields quantitative results that can be generalized to the population studied. Qualitative feedback provides insights into customer or stakeholder perceptions, experiences, and expectations; provides an early warning of issues with the Agency's customer service; and focuses attention on matters with respect to which communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. It will also allow the feedback to contribute directly to the improvement of program management.

The solicitation of qualitative feedback will target topics such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

FSIS will only submit a collection for approval under this generic clearance if it meets the following conditions:

The collection is voluntary;

The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;

The collection is non-controversial and does not raise issues of concern to other Federal agencies;

The collection is targeted to the solicitation of opinions from respondents who have had experience with the program, or who may have experience with the program in the near future;

Personally identifiable information (PII) is collected only to the extent necessary and is not retained; as a general matter, this information collection will not result in any new system of records containing privacy information and will not involve questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private;

Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of FSIS (if released, FSIS will indicate the qualitative nature of the information);

Information gathered will not be used for the purpose of substantially informing policy decisions; and

Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average .5 hours per response.

Respondents: Individuals and households; businesses and organizations; State, local, or Tribal government.

Estimated Annual Number of Respondents: 4,000.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Annual Number of Responses: 4,000.

Estimated Total Annual Burden on Respondents: 2,000 hours.

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. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence SW, 6065, South Building, Washington, DC 20250; (202)720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS'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, 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 both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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.

Additional Public Notification

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FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on December 19, 2017.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2017–27638 Filed 12–21–17; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a meeting on Wednesday, January 17, 2018, at 12:00 p.m. EST for the purpose of discussing preparations for a study of Civil Rights and Educational Funding in Ohio.

DATES: The meeting will be held on Wednesday, January 17, 2018, at 12:00 p.m. EST.

Public Call Information: Dial: 877–718–5107, Conference ID: 5306412.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the toll-free call-in number listed above. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after

the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link (*https://facadatabase.gov/committee/meetings.aspx?cid=268*). Select ''meeting details'' and ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda:
Welcome and Introductions
Project Discussion: ''Civil Rights and Education Funding in Ohio''
Public Comment
Future Plans and Actions
Adjournment

Dated: December 18, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–27558 Filed 12–21–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the California Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Pacific Time) Tuesday, January 16, 2018. The purpose of the meeting is for the Committee to discuss potential study topics.

DATES: The meeting will be held on Tuesday, January 16, 2018, at 12:00 p.m. PT.

Public Call Information:
Dial: 888–737–3705.
Conference ID: 8519801.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–737–3705, conference ID number: 8519801. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=237.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discuss in-person meeting dates
III. Assign Note Taker (Rotation)
IV. Suggestions for Topic Proposals
V. Public Comment
VI. Adjournment

Dated: December 19, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–27633 Filed 12–21–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Kansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Tuesday, January 09, 2018 at 12 p.m. Central time. The Committee will continue discussion and preparations to hold a public hearing as part of their current study on civil rights and school funding in the state.

DATES: The meeting will take place on Tuesday, January 09, 2018 at 12 p.m. Central time.

Public Call Information: Tuesday, January 09, 2018: *Dial:* 888–437–9445, *Conference ID:* 8097071

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. These meetings are available to the public through the above call in numbers. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Kansas Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=249*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov*, or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Civil Rights in Kansas: School funding
Future Plans and Actions
Public Comment
Adjournment

Dated: December 18, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–27540 Filed 12–21–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Texas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Central Time), Friday, January 12, 2018, and 12:00 p.m. (Central Time) Wednesday, January 31, 2018. The purpose of the meetings is for the Committee to discuss potential speakers to invite to voting rights briefing.

DATES: The meetings will be held on Friday, January 12, 2018, at 1:00 p.m. Central Time and Wednesday, January 31, 2018, at 12:00 p.m. Central Time

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meetings are available to the public through the following toll-free call-in number: 888–670–2253, conference ID number: 3106023. Any interested member of the public may call this number and listen to the meetings. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meetings. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meetings. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meetings will be available for public viewing prior to and after the meetings at *https://facadatabase.gov/committee/meetings.aspx?cid=276.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discuss Potential Panelists
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: December 19, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–27632 Filed 12–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–80–2017]

Foreign-Trade Zone 154—Baton Rouge, Louisiana; Expansion of Subzone 154C; Westlake Chemical Corporation; Geismar, Louisiana

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Greater Baton Rouge Port Commission, grantee of FTZ 154, requesting an expansion of Subzone 154C on behalf of Westlake Chemical Corporation. The application was submitted pursuant to the provisions of 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 December 18, 2017.

Subzone 154C was approved on August 11, 2016 (S–75–2016, 81 FR 84789, August 17, 2016) subject to FTZ 154's 2,000-acre activation limit. The subzone currently consists of one site (185 acres) located at 36045 Highway 30 in Geismar and includes four pipelines totaling 4.9 miles in length.

The applicant is requesting authority to expand the subzone to include an additional site: *Proposed Site 2* (853 acres)—Plaquemine Plant, 26100 Highway 405, Plaquemine (Iberville Parish). The proposed site would include three pipelines totaling 25 miles. The applicant is further requesting that the expanded subzone (proposed site and existing site) not be subject to FTZ 154's 2,000-acre activation limit. No authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make 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 January 31, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 15, 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: December 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–27612 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–79–2017]

Foreign-Trade Zone 116—Port Arthur, Texas; Expansion of Subzone 116A; Motiva Enterprises LLC; Jefferson and Hardin Counties, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Foreign-Trade Zone of Southeast Texas, Inc., grantee of FTZ 116, requesting an expansion of Subzone 116A on behalf of Motiva Enterprises LLC. The application was submitted pursuant to the provisions of 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 December 18, 2017.

Subzone 116A was approved on December 21, 1993 (Board Order 668, 59 FR 61, January 3, 1994). The subzone currently consists of seven sites located in Jefferson and Hardin Counties: *Site 1* (3,036 acres)—Port Arthur refinery complex, Jefferson County, adjacent to the City of Port Arthur; *Site 2* (402 acres)—crude storage and asphalt production facility, Jefferson County, adjacent to the City of Port Neches; *Site 3* (126 acres)—terminal and docking facility, Jefferson County, 2 miles south of Port Arthur; *Site 4* (37 acres)—LPG underground storage facility, Hardin County, 1 mile northwest of the City of Sour Lake; *Site 5* (63 acres)—Seventh Street storage facility, Jefferson County, south of Port Arthur; *Site 6* (97 acres)—National Station storage facility, Jefferson County, adjacent to Site 1; and, *Site 7* (12.7 acres)—Sun Pipe Line Company crude oil petroleum terminal located on State Highway 347 North in Nederland and a pipeline that connects to Site 1.

The applicant is requesting authority to expand the subzone to include an additional site: *Proposed Site 8* (2 acres)—Port of Port Arthur, 100 W Lakeshore Drive (Berth 3), Port Arthur. The proposed site would include a 1.2-mile pipeline that links the berth to existing Site 5. No additional authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make 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 January 31, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 15, 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: December 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–27611 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–863]

Corrosion-Resistant Steel Products From India: Partial Rescission of Antidumping Duty Administrative Review; 2016–2017

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

DATES: Applicable December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Rachel Greenberg, Office V, Antidumping and Countervailing Duty Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0652.

Background

On July 3, 2017, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty (AD) order on corrosion-resistant steel products from India covering the period January 4, 2016, through June 30, 2017.[1] The Department received a timely request from the petitioners[2] for an AD administrative review of seven companies.[3] On September 13, 2017, pursuant to the request from the petitioners, the Department published a notice of initiation of administrative review with respect to Atlantis International Services Company Ltd; JSW Coated Products Limited; JSW Steel Ltd.; Uttam Galva Steels Limited; Uttam Galva Steels (BVI) Limited; Uttam Galva Steels, Netherlands, B.V.; and Uttam Value Steels Limited.[4] On December 12, 2017, the petitioners withdrew their request for review of Atlantis International Services Company Ltd; Uttam Galva Steels Limited; Uttam Galva Steels (BVI) Limited; Uttam Galva Steels, Netherlands, B.V.; and Uttam Value Steels Limited.[5]

Rescission in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. The Department initiated this review on September 13, 2017, and the petitioners partially withdrew their request on December 12, 2017, which is within the 90-day period, and is thus timely. In accordance with 19 CFR 351.213(d)(1), because the petitioners' partial withdrawal of their request for review is timely and because no other party requested a review of these companies, we are rescinding this review, in part, with respect to the following companies: Atlantis International Services Company Ltd; Uttam Galva Steels Limited; Uttam Galva Steels (BVI) Limited; Uttam Galva Steels, Netherlands, B.V.; and Uttam Value Steels Limited. The petitioners did not withdraw the request for review of JSW Coated Products Limited or JSW Steel Ltd. As such, this review will continue

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 30833 (July 3, 2017).

[2] The petitioners are AK Steel Corporation, ArcelorMittal USA LLC, California Steel Industries, Inc., Nucor Corporation, Steel Dynamics, Inc., and United States Steel Corporation.

[3] *See* The petitioners' letter, ''Request for Administrative Review,'' dated July 31, 2017.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 42974 (September 13, 2017).

[5] *See* The petitioners' letter, ''Partial Withdrawal of Administrative Review Request,'' dated December 12, 2017.

with respect to JSW Coated Products Limited and JSW Steel Ltd.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess anti-dumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 4, 2016, through June 30, 2017, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

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

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: December 18, 2017.

James Maeder,

Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–27613 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Sea Grant Program Application Requirements for Grants, for Sea Grant Fellowships, including the Dean John A. Knauss Marine Policy Fellowships, and for Designation as a Sea Grant College or Sea Grant Institution.

OMB Control Number: 0648–0362.

Form Number(s): NOAA Forms 90–1, 90–2 and 90–4.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 162.

Average Hours per Response: 30 minutes for a Sea Grant Control form; 22 minutes for a Project Record Form; 15 minutes for a Sea Grant Budget form; 2 hours to apply for a Sea Grant Fellowship and 20 hours for an application for designation as a Sea Grant college or Sea Grant institute.

Burden Hours: 868.

Needs and Uses: This request is for revision and extension of a currently approved information collection. There will be minor changes to some of the forms.

The objectives of the National Sea Grant College Program, as stated in the Sea Grant legislation (33 U.S.C. 1121–1131) are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by conducting research, education, and outreach programs.

Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing about 80 percent of the total grant program. In addition to other standard grant application requirements, three forms are required with the grants. These are the Sea Grant Control Form 90–2, used to identify the organizations and personnel who would be involved in the grant and briefly summarize the proposed activities under the grant; the Project Record Form 90–1, which collects summary data on projects; and the Sea Grant Budget Form 90–4, which provides information similar to, but more detailed than on, forms SF–424A or SF–424C.

The National Sea Grant College Program Act (33 U.S.C. 1126) provides for the designation of a public or private institution of higher education, institute, laboratory, or State or local agency as a Sea Grant college or Sea Grant institute. Applications are required for designation of Sea Grant Colleges and Sea Grant Institutes.

Affected Public: Business or other for-profit institutions; not-for profit institutions; state, local or tribal governments; individuals or households.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: December 18, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–27554 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF837

Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Observer Program Standard Ex-Vessel Prices

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

ACTION: Notification of standard ex-vessel prices.

SUMMARY: NMFS publishes standard ex-vessel prices for groundfish and halibut for the calculation of the observer fee under the North Pacific Observer Program (Observer Program). This notice is intended to provide information to vessel owners, processors, registered buyers, and other participants about the standard ex-vessel prices that will be used to

calculate the observer fee for landings of groundfish and halibut made in 2018. NMFS will send invoices to processors and registered buyers subject to the fee by January 15, 2019. Fees are due to NMFS on or before February 15, 2019.

DATES: The standard prices are valid on January 1, 2018.

FOR FURTHER INFORMATION CONTACT: For general questions about the observer fee and standard ex-vessel prices, contact Alicia M. Miller at (907)586–7471. For questions about the fee billing process, contact Carl Greene at (907)586–7003. Additional information about the Observer Program is available on NMFS Alaska Region's website at *https://alaskafisheries.noaa.gov/fisheries/observer-program.*

SUPPLEMENTARY INFORMATION:

Background

Regulations at 50 CFR 679 subpart E, governing the Observer Program, require the deployment of NMFS-certified observers (observers) to collect information necessary for the conservation and management of the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish and halibut fisheries. Fishery managers use information collected by observers to monitor quotas, manage groundfish and prohibited species catch, and document and reduce fishery interactions with protected resources. Scientists use observer-collected information for stock assessments and marine ecosystem research.

The Observer Program includes two observer coverage categories—the partial coverage category and the full coverage category. All groundfish and halibut vessels and processors subject to observer coverage are included in one of these two categories. Defined at 50 CFR 679.51, the partial coverage category includes vessels and processors that are not required to have an observer at all times and the full coverage category includes vessels and processors required to have all of their fishing and processing activity observed. Vessels and processors in the full coverage category arrange and pay for observer services from a permitted observer provider. Observer coverage for the partial coverage category is funded through a system of fees based on the ex-vessel value of groundfish and halibut. Throughout this notice, the term ''processor'' refers to shoreside processors, stationary floating processors, and small catcher/processors in the partial coverage category. On August 8, 2017, NMFS published a final rule to integrate electronic monitoring (EM) into the Observer Program (82 FR 36991). Beginning in 2019, NMFS will use a portion of the fees collected under section 313 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to deploy EM systems on vessels in the EM selection pool of the partial coverage category.

Landings Subject to Observer Coverage Fee

Pursuant to section 313 of the Magnuson-Stevens Act, NMFS is authorized to assess a fee on all landings accruing against a Federal total allowable catch (TAC) for groundfish or a commercial halibut quota made by vessels that are subject to Federal regulations and not included in the full coverage category. A fee is only assessed on landings of groundfish from vessels designated on a Federal Fisheries Permit or from vessels landing individual fishing quota (IFQ) or community development quota (CDQ) halibut or IFQ sablefish. Within the subset of vessels subject to the observer fee, only landings accruing against an IFQ allocation or a Federal TAC for groundfish are included in the fee assessment. A table with additional information about which landings are and are not subject to the observer fee is at § 679.55(c) and is on page 2 of an informational bulletin titled ''Observer Fee Collection'' on the NMFS Alaska Region website at *https://alaskafisheries.noaa.gov/sites/default/files/observerfees.pdf.*

Fee Determination

A fee equal to 1.25 percent of the ex-vessel value is assessed on the landings of groundfish and halibut subject to the fee. Ex-vessel value is determined by multiplying the standard price for groundfish by the round weight equivalent for each species, gear, and port combination, and the standard price for halibut by the headed and gutted weight equivalent. NMFS reviews each landing report and determines whether the reported landing is subject to the observer fee and, if so, which groundfish species in the landing are subject to the observer fee. All IFQ or CDQ halibut in a landing subject to the observer fee will be included in the observer fee calculation. For any landed groundfish or halibut subject to the observer fee, NMFS will apply the appropriate standard ex-vessel prices for the species, gear type, and port, and calculate the observer fee associated with the landing.

Processors and registered buyers access the landing-specific, observer fee information through NMFS Web Application (*https://alaskafisheries.noaa.gov/webapps/efish/login*) or eLandings (*https://elandings.alaska.gov/*). Observer fee information is either available immediately or within 24 hours after a landing report is submitted electronically. A time lag occurs for some landings because NMFS must process each landing report through the catch accounting system computer programs to determine which groundfish in a landing accrues against a Federal TAC and are subject to the observer fee.

Under the fee system, catcher vessel owners split the fee with the registered buyers or owners of shoreside or stationary floating processors. While the owners of catcher vessels and processors in the partial coverage category are each responsible for paying their portion of the fee, the owners of shoreside or stationary floating processors and registered buyers are responsible for collecting the fees from catcher vessels, and remitting the full fee to NMFS. Owners of small catcher/processors in the partial coverage category are responsible for remitting the full fee to NMFS.

NMFS sends invoices to processors and registered buyers by January 15 of each calendar year. The total fee amount is determined by the sum of the fees reported for each landing at that processor or registered buyer in the prior calendar year. Processors and registered buyers must pay the fees to NMFS using NMFS Web Application by February 15 each year. Processors and registered buyers have access to this system through a User ID and password issued by NMFS. Instructions for electronic payment will be provided on the NMFS Alaska Region website at *https://alaskafisheries.noaa.gov* and on the observer fee invoice to be mailed to each processor and registered buyer.

Standard Prices

This notice provides the standard ex-vessel prices for groundfish and halibut species subject to the observer fee in 2018. Data sources for ex-vessel prices are

- For groundfish other than sablefish IFQ and sablefish accruing against the fixed gear sablefish CDQ reserve, the State of Alaska's Commercial Fishery Entry Commission's (CFEC) gross revenue data, which are based on the Commercial Operator Annual Report (COAR) and Alaska Department of Fish and Game (ADF&G) fish tickets; and
- For halibut IFQ, halibut CDQ, sablefish IFQ, and sablefish accruing against the fixed gear sablefish CDQ reserve, the IFQ Buyer Report that is

submitted to NMFS annually by each registered buyer that operates as a shoreside processor and receives and purchases IFQ landings of sablefish and halibut or CDQ landings of halibut under § 679.5(l)(7)(i).

The standard prices in this notice were calculated using the following procedures for protecting confidentiality of data submitted to or collected by NMFS. NMFS does not publish any price information that would permit the identification of an individual or business. For NMFS to publish a standard price for a particular species-gear-port combination, the price data used to calculate the standard price must represent landings from at least four different vessels to at least three different processors in a port or port group. Price data that is confidential because fewer than four vessels or three processors contributed data to a particular species-gear-port combination has been aggregated to protect confidential data.

Groundfish Standard Ex-Vessel Prices

Table 1 shows the groundfish species standard ex-vessel prices for 2018. These prices are based on the CFEC gross revenue data, which are based on landings data from ADF&G fish tickets and information from the COAR. The COAR contains statewide buying and production information, and is considered the most complete routinely collected information to determine the ex-vessel value of groundfish harvested from waters off Alaska.

The standard ex-vessel prices for groundfish were calculated by adding ex-vessel value from the CFEC gross revenue files for 2014, 2015, and 2016 by species, port, and gear category, and adding the volume (round weight equivalent) from the CFEC gross revenue files for 2014, 2015, and 2016 by species, port, and gear category, and then dividing total ex-vessel value over the three-year period in each category by total volume over the 3-year period in each category. This calculation results in an average ex-vessel price per pound by species, port, and gear category for the 3-year period. Three gear categories were used for the standard ex-vessel prices: (1) Non-trawl gear, including hook-and-line, pot, jig, troll, and others (Non-Trawl); (2) non-pelagic trawl gear (NPT); and (3) pelagic trawl gear (PTR).

CFEC ex-vessel value and volume data are available in the fall of the year following the year the fishing occurred. Thus, it is not possible to base ex-vessel fee liabilities on standard prices that are less than two years old. For the 2018 standard ex-vessel prices, the most recent ex-vessel value and volume data available is from 2016.

If a particular groundfish species is not listed in Table 1, the standard ex-vessel price for a species group, if it exists in the management area, will be used. If price data for a particular species remained confidential once aggregated to the ALL level, data is aggregated by species group (Flathead Sole; GOA Deep-water Flatfish; GOA Shallow-water Flatfish; GOA Skate, Other; and Other Rockfish). Standard prices for the groundfish species groups are shown in Table 2.

If a port-level price does not meet the confidentiality requirements, the data are aggregated by port group. Port-group data for Southeast Alaska (SEAK) and the Eastern GOA excluding Southeast Alaska (EGOAxSE) also are presented separately when price data are available. Port-group data is then aggregated by regulatory area in the GOA (Eastern GOA, Central GOA, and Western GOA) and by subarea in the BSAI (BS subarea and AI subarea). If confidentiality requirements are still not met by aggregating prices across ports at these levels, the prices are aggregated at the level of BSAI or GOA, then statewide (AK) and ports outside of Alaska (OTAK), and finally all ports, including those outside of Alaska (ALL).

Standard prices are presented separately for non-pelagic trawl and pelagic trawl when non-confidential data is available. NMFS also calculated prices for a ''Pelagic Trawl/Non-pelagic Trawl Combined'' (PTR/NPT) category that can be used when combining trawl price data for landings of a species in a particular port or port group will not violate confidentiality requirements. Creating this standard price category allows NMFS to assess a fee on 2018 landings of some of the species with pelagic trawl gear based on a combined trawl gear price for the port or port group.

If no standard ex-vessel price is listed for a species or species group and gear category combination in Table 1, Table 2, or Table 3, no fee will be assessed on that landing. Volume and value data for that species will be added to the standard ex-vessel prices in future years, if that data becomes available and display of a standard ex-vessel price meets confidentiality requirements.

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2018 OBSERVER COVERAGE FEE

[Based on volume and value from 2014, 2015, and 2016]

Species [1] [2]	Port/Area [3] [4]	Non-Trawl	NPT	PTR	PTR/NPT
Alaska Plaice Flounder (133)	Kodiak	—	$0.09	—	$0.09
	CGOA	—	0.09	—	0.09
	GOA	—	0.09	—	0.09
	AK	—	0.09	—	0.09
	ALL	—	0.09	—	0.09
Arrowtooth Flounder (121)	Kodiak	—	0.07	$0.07	—
	CGOA	—	0.07	0.07	—
	GOA	—	0.07	0.07	—
	AK	$0.26	0.07	0.07	—
	ALL	0.26	0.07	0.07	—
Atka Mackerel (193)	Kodiak	—	0.24	—	0.24
	CGOA	—	0.24	—	0.24
	GOA	—	0.24	—	0.24
	AK	—	0.24	—	0.24
	ALL	—	0.24	—	0.24
Black Rockfish (142)	AK	0.54	0.18	—	0.18
Bocaccio Rockfish (137)	Sitka	0.55	—	—	—
	SEAK	0.54	—	—	—
	EGOA	0.54	—	—	—
	CGOA	0.81	—	—	—
	GOA	0.56	—	—	—
	AK	0.56	—	—	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2018 OBSERVER COVERAGE FEE—Continued

[Based on volume and value from 2014, 2015, and 2016]

Species [1 2]	Port/Area [3 4]	Non-Trawl	NPT	PTR	PTR/NPT
	ALL	0.56	—	—	—
Butter Sole (126)	Kodiak	—	0.16	0.15	—
	CGOA	—	0.16	0.15	—
	GOA	—	0.16	0.15	—
	AK	—	0.16	0.15	—
	ALL	—	0.16	0.15	—
Canary Rockfish (146)	Ketchikan	0.38	—	—	—
	Sitka	0.53	—	—	—
	SEAK	0.44	—	—	—
	EGOAxSE	0.33	—	—	—
	Seward	0.42	—	—	—
	CGOA	0.45	—	—	—
	GOA	0.43	—	—	—
	AK	0.43	—	—	—
	ALL	0.43	—	—	—
China Rockfish (149)	Sitka	1.18	—	—	—
	SEAK	0.98	—	—	—
	Cordova	0.49	—	—	—
	EGOAxSE	0.49	—	—	—
	Homer	0.79	—	—	—
	Seward	0.65	—	—	—
	CGOA	0.73	—	—	—
	GOA	0.70	—	—	—
	AK	0.70	—	—	—
	ALL	0.70	—	—	—
Copper Rockfish (138)	Sitka	1.10	—	—	—
	SEAK	0.88	—	—	—
	EGOA	0.74	—	—	—
	Homer	0.45	—	—	—
	Seward	0.41	—	—	—
	CGOA	0.43	—	—	—
	GOA	0.59	—	—	—
	AK	0.59	—	—	—
	ALL	0.59	—	—	—
Darkblotched Rockfish (159)	SEAK	0.60	—	—	—
	EGOA	0.60	—	—	—
	GOA	0.60	—	—	—
	AK	0.60	—	—	—
	ALL	0.60	—	—	—
Dover Sole (124)	Kodiak	—	0.09	0.09	—
	CGOA	—	0.09	0.09	—
	GOA	—	0.09	0.09	—
	AK	—	0.09	0.09	—
	ALL	—	0.09	0.09	—
Dusky Rockfish (172)	Sitka	0.55	—	—	—
	SEAK	0.54	—	—	—
	EGOAxSE	0.28	—	—	—
	Homer	0.67	—	—	—
	Kodiak	0.36	0.17	0.17	—
	Seward	0.61	—	—	—
	CGOA	0.38	0.17	0.17	—
	GOA	0.40	0.17	0.17	—
	AK	0.40	0.17	0.17	—
	ALL	0.40	0.17	0.17	—
English Sole (128)	Kodiak	—	0.14	0.12	—
	CGOA	—	0.14	0.12	—
	GOA	—	0.14	0.12	—
	AK	—	0.14	0.12	—
	ALL	—	0.14	0.12	—
Flathead Sole (122)	Kodiak	—	0.16	0.15	—
	CGOA	—	0.16	0.15	—
	GOA	—	0.16	0.15	—
	AK	—	0.16	0.15	—
	ALL	—	0.16	0.15	—
Northern Rockfish (136)	Kodiak	0.13	0.16	0.16	—
	CGOA	0.13	0.16	0.16	—
	GOA	0.13	0.16	0.16	—
	AK	0.27	0.16	0.16	—
	ALL	0.27	0.16	0.16	—
Octopus (870)	Homer	0.62	—	—	—
	Kodiak	0.55	0.56	0.54	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2018 OBSERVER COVERAGE FEE—Continued

[Based on volume and value from 2014, 2015, and 2016]

Species [1 2]	Port/Area [3 4]	Non-Trawl	NPT	PTR	PTR/NPT
	CGOA	0.55	0.56	0.54	—
	WGOA	0.43	—	—	—
	GOA	0.54	0.56	0.54	—
	Dutch Harbor	0.30	—	—	—
	BS	0.28	—	—	—
	BSAI	0.28	—	—	—
	AK	0.50	0.53	0.54	—
	ALL	0.50	0.53	0.54	—
Pacific Cod (110)	Juneau	0.58	—	—	—
	Ketchikan	0.39	—	—	—
	Petersburg	0.24	—	—	—
	Sitka	0.54	—	—	—
	SEAK	0.56	—	—	—
	Cordova	0.33	—	—	—
	Whittier	0.36	—	—	—
	EGOAxSE	0.35	—	—	—
	Homer	0.34	—	—	—
	Kenai	0.32	—	—	—
	Kodiak	0.34	0.29	0.27	—
	Seward	0.35	—	—	—
	CGOA	0.34	0.29	0.27	—
	King Cove	0.26	—	—	—
	WGOA	0.26	0.25	—	0.24
	GOA	—	0.27	0.21	—
	Dutch Harbor	0.28	0.26	—	0.26
	BS	0.28	0.26	—	0.26
	BSAI	0.29	0.26	—	0.26
	Stationary Floating Processor	0.28	0.26	—	0.26
	AK	0.30	0.26	0.20	—
	ALL	0.30	0.26	0.20	—
Pacific Ocean Perch (141)	Kodiak	—	0.18	0.19	—
	CGOA	—	0.18	0.19	—
	GOA	0.28	0.18	0.19	—
	AK	0.35	0.18	0.18	—
	ALL	0.35	0.18	0.18	—
Pollock (270)	Kodiak	0.10	0.12	0.11	—
	Seward	0.03	—	—	—
	CGOA	0.09	0.12	0.11	—
	WGOA	—	0.13	—	0.11
	GOA	0.09	0.12	0.11	—
	Dutch Harbor	0.10	0.16	—	0.15
	BS	0.07	0.15	—	0.13
	BSAI	0.07	0.15	—	0.13
	Stationary Floating Processor	—	0.14	—	0.14
	AK	0.09	0.12	0.11	—
	ALL	0.09	0.12	0.11	—
Quillback Rockfish (147)	Craig	1.20	—	—	—
	Ketchikan	0.51	—	—	—
	Petersburg	0.27	—	—	—
	Sitka	0.97	—	—	—
	SEAK	0.75	—	—	—
	Cordova	0.28	—	—	—
	EGOAxSE	0.34	—	—	—
	Homer	0.49	—	—	—
	Seward	0.39	—	—	—
	CGOA	0.40	—	—	—
	GOA	0.48	—	—	—
	AK	0.48	—	—	—
	ALL	0.48	—	—	—
Redbanded Rockfish (153)	Juneau	0.31	—	—	—
	Ketchikan	0.33	—	—	—
	Petersburg	0.25	—	—	—
	Sitka	0.54	—	—	—
	SEAK	0.39	—	—	—
	EGOAxSE	0.35	—	—	—
	Homer	0.36	—	—	—
	Kodiak	0.23	0.19	—	0.19
	Seward	0.38	—	—	—
	CGOA	0.35	0.19	—	0.19
	GOA	0.38	0.19	—	0.19
	AK	0.38	0.19	—	0.19

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2018 OBSERVER COVERAGE FEE—Continued

[Based on volume and value from 2014, 2015, and 2016]

Species [1 2]	Port/Area [3 4]	Non-Trawl	NPT	PTR	PTR/NPT
	ALL	0.38	0.19	—	0.19
Redstripe Rockfish (158)	Sitka	0.48	—	—	—
	SEAK	0.47	—	—	—
	EGOA	0.47	—	—	—
	Seward	0.75	—	—	—
	CGOA	0.58	—	—	—
	GOA	0.56	—	—	—
	AK	0.56	—	—	—
	ALL	0.56	—	—	—
Rex Sole (125)	Kodiak	—	0.34	0.34	—
	CGOA	—	0.34	0.34	—
	GOA	—	0.34	0.34	—
	AK	—	0.34	0.33	—
	ALL	—	0.34	0.33	—
Rock Sole (123)	Kodiak	—	0.22	0.21	—
	CGOA	—	0.22	0.21	—
	GOA	—	0.22	0.21	—
	AK	—	0.22	0.21	—
	ALL	—	0.22	0.21	—
Rosethorn Rockfish (150)	SEAK	0.32	—	—	—
	EGOA	0.32	—	—	—
	Seward	0.44	—	—	—
	CGOA	0.48	—	—	—
	GOA	0.44	—	—	—
	AK	0.44	—	—	—
	ALL	0.44	—	—	—
Rougheye Rockfish (151)	Juneau	0.30	—	—	—
	Ketchikan	0.32	—	—	—
	Petersburg	0.28	—	—	—
	Sitka	0.55	—	—	—
	SEAK	0.44	—	—	—
	Cordova	0.31	—	—	—
	EGOAxSE	0.30	—	—	—
	Homer	0.36	—	—	—
	Kodiak	0.30	0.20	0.20	—
	Seward	0.40	—	—	—
	CGOA	0.34	0.20	0.20	—
	GOA	0.37	0.21	0.20	—
	AK	0.37	0.21	0.20	—
	ALL	0.37	0.21	0.20	—
Sablefish (blackcod) (710)	Kodiak	[5] n/a	2.77	2.72	—
	CGOA	[5] n/a	2.77	2.72	—
	GOA	[5] n/a	2.77	2.72	—
	AK	[5] n/a	2.77	2.72	—
	ALL	[5] n/a	2.77	2.72	—
Shortraker Rockfish (152)	Juneau	0.33	—	—	—
	Ketchikan	0.32	—	—	—
	Petersburg	0.29	—	—	—
	Sitka	0.53	—	—	—
	SEAK	0.42	—	—	—
	Whittier	0.41	—	—	—
	EGOAxSE	0.46	—	—	—
	Homer	0.39	—	—	—
	Kodiak	0.33	0.21	0.20	—
	Seward	0.40	—	—	—
	CGOA	0.39	0.21	0.21	—
	GOA	0.41	0.25	0.21	—
	BSAI	0.46	—	—	—
	AK	0.41	0.25	0.21	—
	ALL	0.41	0.25	0.21	—
Silvergray Rockfish (157)	Juneau	0.36	—	—	—
	Ketchikan	0.50	—	—	—
	Sitka	0.58	—	—	—
	SEAK	0.47	—	—	—
	EGOAxSE	0.36	—	—	—
	Homer	0.57	—	—	—
	Seward	0.44	—	—	—
	CGOA	0.46	—	—	—
	GOA	0.46	—	—	—
	AK	0.46	—	—	—
	ALL	0.46	—	—	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2018 OBSERVER COVERAGE FEE—Continued

[Based on volume and value from 2014, 2015, and 2016]

Species [1 2]	Port/Area [3 4]	Non-Trawl	NPT	PTR	PTR/NPT
Skate, Alaska (703)	CGOA	0.45	—	—	—
	GOA	0.45	—	—	—
	AK	0.45	—	—	—
	ALL	0.45	—	—	—
Skate, Big (702)	EGOA	0.41	—	—	—
	Kodiak	0.45	0.45	0.45	—
	Seward	0.41	—	—	—
	CGOA	0.45	0.45	0.45	—
	GOA	0.44	0.45	0.45	—
	AK	0.44	0.45	0.45	—
	ALL	0.44	0.45	0.45	—
Skate, Longnose (701)	Petersburg	0.40	—	—	—
	SEAK	0.40	—	—	—
	EGOAxSE	0.40	—	—	—
	Homer	0.38	—	—	—
	Kodiak	0.45	0.45	0.45	—
	Seward	0.40	—	—	—
	CGOA	0.43	0.45	0.45	—
	GOA	0.43	0.45	0.45	—
	AK	0.43	0.45	0.45	—
	ALL	0.43	0.45	0.45	—
Skate, Other (700)	SEAK	0.41	—	—	—
	EGOA	0.41	—	—	—
	GOA	0.42	—	—	—
	AK	0.42	—	—	0.16
	ALL	0.42	—	—	0.16
Starry Flounder (129)	Kodiak	—	0.11	—	0.11
	CGOA	—	0.11	—	0.11
	GOA	—	0.11	—	0.11
	AK	—	0.11	—	0.11
	ALL	—	0.11	—	0.11
Thornyhead Rockfish (Idiots) (143) ..	Juneau	1.00	—	—	—
	Ketchikan	1.16	—	—	—
	Petersburg	0.97	—	—	—
	SEAK	1.00	—	—	—
	EGOAxSE	0.69	—	—	—
	Homer	0.79	—	—	—
	Kodiak	0.61	0.74	—	0.74
	Seward	0.76	—	—	—
	CGOA	0.71	0.74	0.74	—
	WGOA	0.77	—	—	—
	GOA	—	0.74	0.74	—
	BS	0.73	—	—	—
	BSAI	0.70	—	—	—
	AK	0.79	0.74	0.74	—
	ALL	0.79	0.74	0.74	—
Tiger Rockfish (148)	SEAK	0.49	—	—	—
	EGOAxSE	0.35	—	—	—
	Homer	0.51	—	—	—
	Seward	0.42	—	—	—
	CGOA	0.43	—	—	—
	GOA	0.45	—	—	—
	AK	0.45	—	—	—
	ALL	0.45	—	—	—
Vermilion Rockfish (184)	Sitka	1.22	—	—	—
	SEAK	1.03	—	—	—
	EGOA	1.03	—	—	—
	GOA	1.03	—	—	—
	AK	1.03	—	—	—
	ALL	1.03	—	—	—
Widow Rockfish (156)	GOA	1.15	—	—	—
	AK	1.15	—	—	—
	ALL	1.15	—	—	—
Yelloweye Rockfish (145)	Craig	1.06	—	—	—
	Juneau	0.97	—	—	—
	Ketchikan	1.54	—	—	—
	Petersburg	1.14	—	—	—
	Sitka	1.86	—	—	—
	SEAK	1.66	—	—	—
	Cordova	1.02	—	—	—
	Whittier	0.94	—	—	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2018 OBSERVER COVERAGE FEE—Continued

[Based on volume and value from 2014, 2015, and 2016]

Species [1] [2]	Port/Area [3] [4]	Non-Trawl	NPT	PTR	PTR/NPT
	EGOAxSE	0.99	—	—	—
	Homer	0.85	—	—	—
	Kodiak	0.39	0.24	—	0.24
	Seward	0.56	—	—	—
	CGOA	0.61	0.24	—	0.24
	WGOA	0.46	—	—	—
	GOA	—	0.24	—	0.24
	AK	1.35	0.24	—	0.24
	ALL	1.35	0.24	—	0.24
Yellowtail Rockfish (155)	Sitka	0.70	—	—	—
	SEAK	0.62	—	—	—
	EGOA	0.63	—	—	—
	Homer	0.58	—	—	—
	Kodiak	0.23	—	—	—
	Seward	0.87	—	—	—
	CGOA	0.44	—	—	—
	GOA	0.47	—	—	—
	AK	0.47	—	—	—
	ALL	0.46	—	—	—

— = no landings in last 3 years or the data is confidential.

[1] If species is not listed, use price for the species group in Table 2 if it exists in the management area. If no price is available for the species or species group in Table 1, Table 2, or Table 3, no fee will be assessed on that landing. That species will come into standard ex-vessel prices in future years.

[2] For species codes, see Table 2a to 50 CFR part 679.

[3] Regulatory areas are defined at § 679.2. (AK = Alaska; ALL = all ports including those outside Alaska; BS = Bering Sea subarea; BSAI = Bering Sea/Aleutian Islands; CGOA = Central Gulf of Alaska; EGOA = Eastern Gulf of Alaska; EGOAxSE = Eastern Gulf of Alaska except Southeast Alaska; GOA = Gulf of Alaska; SEAK = Southeast Alaska; WGOA = Western Gulf of Alaska).

[4] If a price is listed for the species, port, and gear type combination, that price will be applied to the round weight equivalent for groundfish landings. If no price is listed for the port and gear type combination, use port group and gear type, or see Table 2 or Table 3.

[5] n/a = ex-vessel prices for sablefish landed with hook-and-line, pot, or jig gear are listed in Table 3 with the prices for IFQ and CDQ landings.

TABLE 2—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES GROUPS FOR 2018 OBSERVER COVERAGE FEE

[based on volume and value from 2014, 2015, and 2016]

Species Group [1]	Port/Area [2] [3]	Non-Trawl	NPT	PTR	PTR/NPT
Flathead Sole (FSOL)	Kodiak	—	$0.16	$0.15	—
	CGOA	—	0.16	0.15	—
	GOA	—	0.16	0.15	—
	AK	—	0.16	0.15	—
GOA Deep-Water [4] Flatfish (DFL4)	Kodiak	—	0.09	0.09	—
	CGOA	—	0.09	0.09	—
	GOA	—	0.09	0.09	—
GOA Shallow-Water [5] Flatfish (SFL1)	Kodiak	—	0.21	0.20	—
	CGOA	—	0.21	0.20	—
	GOA	—	0.21	0.20	—
GOA Skate, Other (USKT)	SEAK	$0.41	—	—	—
	EGOA	0.41	—	—	—
	Kodiak	—	—	—	$0.44
	Seward	0.42	—	—	—
	CGOA	0.43	—	—	0.44
	GOA	0.43	—	—	0.44
Other Rockfish [6] [7] (ROCK)	Juneau	0.44	—	—	—
	Ketchikan	0.35	—	—	—
	Petersburg	0.36	—	—	—
	Sitka	0.58	—	—	—
	SEAK	0.47	—	—	—
	Cordova	0.75	—	—	—
	Whittier	0.73	—	—	—
	EGOAxSE	0.74	—	—	—
	Homer	0.80	—	—	—
	Kodiak	0.38	0.18	0.21	—
	Seward	0.48	—	—	—
	CGOA	0.53	0.18	0.21	—
	WGOA	0.61	—	—	—
	GOA	—	0.18	0.21	—
	BS	0.73	—	—	—
	BSAI	0.67	—	—	—
	AK	—	0.18	0.21	—

— = no landings in last 3 years or the data is confidential

[1] If groundfish species is not listed in Table 1, use price for the species group if it exists in the management area. If no price is available for the species or species group in Table 1, Table 2, or Table 3, no fee will be assessed on that landing. That species will come into standard ex-vessel prices in future years.

[2] Regulatory areas are defined at § 679.2. (AK = Alaska; BS = Bering Sea subarea; BSAI = Bering Sea/Aleutian Islands; CGOA = Central Gulf of Alaska; EGOA = Eastern Gulf of Alaska; EGOAxSE = Eastern Gulf of Alaska except Southeast Alaska; GOA = Gulf of Alaska; SEAK = Southeast Alaska; WGOA = Western Gulf of Alaska)

[3] If a price is listed for the species, port, and gear type combination, that price will be applied to the round weight equivalent for groundfish landings. If no price is listed for the port and gear type combination, use port group and gear type combination.

[4] ''Deep-water flatfish'' in the GOA means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

[5] ''Shallow-water flatfish'' in the GOA means flatfish not including ''deep-water flatfish,'' flathead sole, rex sole, or arrowtooth flounder.

[6] In the GOA:

''Other rockfish'' means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis.*

''Other rockfish'' in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The ''other rockfish'' species group in the SEO District only includes other rockfish.

''Demersal shelf rockfish'' means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

[7] ''Other rockfish'' in the BSAI includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

Halibut and Sablefish IFQ and CDQ Standard Ex-vessel Prices

Table 3 shows the observer fee standard ex-vessel prices for halibut and sablefish. These standard prices are calculated as a single annual average price, by species and port or port group. Volume and ex-vessel value data collected on the 2017 IFQ Buyer Report for landings made from October 1, 2016, through September 30, 2017, were used to calculate the standard ex-vessel prices for the 2018 observer fee for halibut IFQ, halibut CDQ, sablefish IFQ, and sablefish landings that accrue against the fixed gear sablefish CDQ reserve.

TABLE 3—STANDARD EX-VESSEL PRICES FOR HALIBUT IFQ, HALIBUT CDQ, SABLEFISH IFQ, AND SABLEFISH ACCRUING AGAINST THE FIXED GEAR SABLEFISH CDQ RESERVE FOR THE 2018 OBSERVER FEE

[based on 2017 IFQ Buyer Report]

Species	Port/Area [1]	Price [2]
Halibut (200)	Juneau	$6.72
	Ketchikan	6.62
	Petersburg	6.64
	Sitka	6.49
	SEAK	6.62
	EGOAxSE	6.39
	Homer	6.46
	Kodiak	6.38
	Seward	6.46
	CGOA	6.42
	WGOA	5.82
	Adak	5.47
	AI	5.37
	BS	5.97
	AK	6.36
	ALL	6.36
Sablefish (710)	Ketchikan	4.91
	Sitka	5.11
	SEAK	5.08
	EGOA	4.98
	Homer	4.44
	Kodiak	4.77
	CGOA	4.71
	WGOA	4.73
	Adak	5.00
	AI	4.50
	BS	4.12
	AK	4.76
	ALL	4.76

[1] Regulatory areas are defined at § 679.2. (AK = Alaska; ALL = all ports including those outside Alaska; AI = Aleutian Islands subarea; BS = Bering Sea subarea; CGOA = Central Gulf of Alaska; EGOAxSE = Eastern Gulf of Alaska except Southeast Alaska; SEAK = Southeast Alaska; WGOA = Western Gulf of Alaska)

[2] If a price is listed for the species and port combination, that price will be applied to the round weight equivalent for sablefish landings and the headed and gutted weight equivalent for halibut landings. If no price is listed for the port, use port group.

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

Dated: December 18, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–27552 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF912

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Crab Plan Team (CPT) will meet in January, in Anchorage, AK.

DATES: The meeting will be held on Tuesday, January 9, 2018 through Thursday, January 11, 2018, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel in the Aspen/Spruce Room, 500 W 3rd Ave., Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, January 9, 2018 Through Thursday, January 11, 2018

The CPT will review and make recommendations on:

1. Norton Sound Red King Crab final assessment OFL/ABC
2. Modeling discussions including: Chela height issue with respect to survey data, weighting and lambdas in Tier 3 and other assessments, terminal year of recruitment, MCMC posterior draws, Issues of bimodality as with snow crab in the 2017 assessment
3. Dynamic *B0* for all applicable assessments and how to implement and interpret
4. Norton Sound Red King Crab final assessment OFL/ABC
5. ADFG harvest strategy uncertainties considered in TAC setting process for all stocks
6. Potential Alaska Board of Fisheries proposal for Aleutian Island golden king crab harvest strategy change
7. Format of SAFE Chapters
8. Preliminary results of Aleutian Island golden king crab genetic work
9. Use of acoustic bottom typing to inform bottom trawl sampling efficiency for snow crab
10. Crab Economic SAFE

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: December 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–27593 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: 3D Nation National Enhanced Elevation Study 2017.

OMB Control Number: 0648-xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 800.

Average Hours per Response: One hour each for the questionnaire and a possible follow-up clarification interview.

Burden Hours: 1,050.

Needs and Uses: The National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey and the U.S. Geological Survey (USGS) National Geospatial Program plan to conduct a follow-on study to the National Enhanced Elevation Assessment (NEEA) white paper finalized in 2012 (NEEA overview can be found at *https://pubs.usgs.gov/fs/2012/3088/*). This NEEA follow-on study will incorporate coastal and ocean requirements for elevation data along with a revisit of the terrestrial elevation data needs assessed via a similar survey in 2010 (OMB Control No. 1028–0099). The primary tool to gather information will be a questionnaire covering a wide range of business uses that depend on 3D data to inform policy, regulation, scientific research, and management decisions. For purposes of this questionnaire, 3D data refers to topographic data (precise three-dimensional measurements of the terrestrial terrain) and bathymetric data (three-dimensional surface of the underwater terrain). Questions will be asked about how 3D data relate to other data types such as the shoreline; characteristics of tides, currents, and waves; and the physical and chemical properties of the water itself. A series of questions will be asked as they relate to specific Mission Critical Activities. These will include questions about the area (geographic extent), 3D data accuracy requirements, linkages to other data to support a wide range of analysis, and benefits of having the required data.

NOAA, USGS and partner mapping agencies are working to improve the technology systems, data, and services that provide information about 3D data and related applications within the United States. By learning more about business uses and associated benefits that would be realized from improved 3D data, the agencies will be able to prioritize and direct investments that will best serve user needs. This questionnaire is part of an effort to develop and refine future program alternatives that would provide enhanced 3D data to meet many Federal, State, and other national business needs.

Affected Public: Business or other for-profit organizations; not for profit institutions;

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: December 18, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–27553 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

National Telecommunications and Information Administration

[Docket No.: PTO–C–2017–0053]

Notice of Public Meeting on Developing the Digital Marketplace for Copyrighted Works

AGENCY: United States Patent and Trademark Office, U.S. Department of Commerce; National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Department of Commerce's internet Policy Task Force (Task Force) will hold a conference at the United States Patent and Trademark Office (USPTO) facility in Alexandria, Virginia, on January 25, 2018, to discuss current initiatives and technologies used to develop a more robust and collaborative digital marketplace for copyrighted works. This follows up on three earlier public meetings held by the Task Force: On December 12, 2013, which included panels focusing on access to rights information and online licensing transactions; on April 1, 2015, which focused on how the Government can assist in facilitating the development and use of standard identifiers for all types of works of authorship; and on December 9, 2016, which was designed to facilitate constructive, cross-industry dialogue among stakeholders about ways to promote a more robust and collaborative online marketplace for copyrighted works.

DATES: The public meeting will be held on January 25, 2018, from 9:00 a.m. to 5:00 p.m., Eastern Standard Time. Registration will begin at 8:30 a.m.

ADDRESSES: The public meeting will be held at the United States Patent and Trademark Office in the Madison Auditorium, which is located at 600 Dulany Street, Alexandria, Virginia 22314. All major entrances to the building are accessible to people with disabilities. In addition, the meeting will be webcast for public viewing, including at the following USPTO Regional Offices: The Midwest Regional Office, 300 River Place Drive, Suite 2900, Detroit, Michigan 48207; the Rocky Mountain Regional Office, 1961 Stout Street, Denver, Colorado 80294; and the Silicon Valley Regional Office, 26 S. Fourth Street, San Jose, California 95113.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meeting, contact Hollis Robinson or Susan Allen, Office of Policy and International Affairs, USPTO, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314; telephone (571) 272–9300; email *Hollis.Robinson@uspto.gov* or *Susan.Allen@uspto.gov*. Please direct all media inquiries to the Office of the Chief Communications Officer, USPTO, at (571) 272–8400.

SUPPLEMENTARY INFORMATION:

Ongoing Government Engagement Relating to Copyright in the Digital Economy

The Department of Commerce established the internet Policy Task Force (Task Force) in 2010 to identify leading public policy and operational issues impacting the U.S. private sector's ability to realize the potential for economic growth and job creation through the internet. The Task Force's July 2013 report, *Copyright Policy, Creativity, and Innovation in the Digital Economy* (Green Paper),[1] was the product of extensive public consultations led by the United States Patent and Trademark Office (USPTO) and the National Telecommunications and Information Administration (NTIA).

The Green Paper devoted a chapter to ''ensuring an efficient online marketplace.'' It looked at some of the then-current examples of legal licensing options and noted some impediments to licensing for online distribution. These included: The complexity of licensing in the online environment, in particular in the music licensing space; challenges with mapping old contracts to new uses; and licensing across borders.

In October 2013, the USPTO and NTIA published a request for public comments relating to three areas of work flowing out of the Green Paper, including whether and how the Government can facilitate the further development of a robust online licensing environment.[2] The request for comments noted that building the online marketplace is fundamentally a function of the private sector and described how that process has been progressing. It noted the Green Paper's conclusion that, while much progress had been made in the licensing of creative content for online uses, there remained a need for more comprehensive and reliable ownership data, interoperable standards enabling communication among databases, and more streamlined licensing mechanisms. It posed a number of questions regarding access to and standardization of rights ownership information, facilitating the effectiveness of the online marketplace, and the role of the Government in such matters.

At a subsequent public meeting in December 2013, two panels addressed issues related to this topic: Access to rights information and online licensing transactions. An archive of the webcast and transcript of the public meeting is available at *https://www.uspto.gov/learning-and-resources/ip-policy/copyright/public-meeting-copyright-policy-creativity-and-innovation.* Copies of the comments received are available at *https://www.uspto.gov/learning-and-resources/ip-policy/copyright/public-comments-green-paper.*

In April 2015, the Task Force held another public meeting to discuss: The potential for the enhanced use and interoperability of standard identifiers across different sectors and geographical borders; whether the United States should develop or participate in an online licensing platform such as the U.K.'s Copyright Hub; and what the role of the Government should be in furthering any of these efforts. A transcript and videos of the public meeting are available at *http://www.uspto.gov/learning-and-resources/ip-policy/copyright/facilitating-development-online-licensing-environment.*

In December 2016, the Task Force convened stakeholders in another public meeting to discuss current initiatives and technologies used to develop a more robust and collaborative digital marketplace for copyrighted works. The meeting focused on initiatives in this space that relate to standards development, interoperability across digital registries, and cross-industry collaboration, to understand the current state of affairs, identify challenges, and discuss paths forward. It also provided an opportunity to explore potential approaches to the future adoption and integration of relevant emerging technologies into the online marketplace, such as blockchain technology and open-source platforms. The goal was to provide a platform for discussion and to determine in what ways government can be of assistance. The meeting included panel sessions in the morning, an exhibition hall to

[1] The Green Paper is available at *http://www.uspto.gov/sites/default/files/news/publications/copyrightgreenpaper.pdf.*

[2] Request for Comments on Department of Commerce Green Paper, Copyright Policy, Creativity, and Innovation in the Digital Economy, 78 FR 61337–61341, *available at https://www.ntia.doc.gov/files/ntia/publications/ntia_pto_rfc_10032013.pdf.*

showcase initiatives during lunchtime, and breakout sessions and a plenary discussion in the afternoon. A transcript and videos of the public meeting are available at: *https://www.uspto.gov/learning-and-resources/ip-policy/public-meeting-developing-digital-marketplace-copyrighted-works-dec.*

Finally, the internet Policy Task Force notes that the United States Copyright Office, in terms of its administration of the Copyright Act via registration and recordation as well as through its law and policy work, is involved in several initiatives that may inform this January event. The Copyright Office is actively engaged in a number of public processes, such as: Modernizing its information technology to improve registration and recordation; [3] reengineering its document recordation system; continuing its multiyear project to make historical copyright records created between 1860 and 1977 accessible online; producing studies that address issues affecting online licensing such as *Copyright and the Music Marketplace* [4] and *Transforming Document Recordation;* [5] and developing regulations, including those on registration and recordation practices, that improve the current system and will pave the way to support a modernized IT infrastructure.[6]

The Focus of This Meeting

In the previous public comments and meetings, the Task Force heard from stakeholders that the government can play a useful role by facilitating dialogues between and among industry sectors and by convening stakeholder groups to make recommendations on specific issues. Based on this feedback, the Task Force is organizing this meeting to build on the work of the December 2016 meeting and facilitate constructive, cross-industry dialogue among stakeholders about ways to promote a more robust and collaborative online marketplace for copyrighted works. We will discuss the potential for interoperability across digital registries and standards work in this field, and consider how the relevant emerging technologies (*e.g.,* blockchain technology, open source platforms) are developing. We will also explore potential approaches to guide their future adoption and integration into the online marketplace.

Topics to be covered will include: (1) Initiatives to advance the digital content marketplace, with a focus on standards, interoperability, and digital registries and database initiatives to track ownership and usage rights; (2) innovative technologies designed to improve the ways consumers access and use different types of digital content (*e.g.,* photos, film, music); (3) ways that different sectors can collaborate to promote a robust and interconnected digital content marketplace; and (4) the role of government in facilitating such initiatives and technological development. Members of the public will have opportunities to participate at the meeting.

Public Meeting

On January 25, 2018, the Task Force will hold a public meeting to hear stakeholder input and to consider future work in this area. The event will seek participation and comments from interested stakeholders, including creators, right holders, and online services that produce and distribute copyright protected digital content, as well as technologists, cultural heritage institutions, public interest groups, and academics.

The meeting will be webcast. The agenda and webcast information will be available no later than the week prior to the meeting on the internet Policy Task Force website, at *http://www.ntia.doc.gov/internetpolicytaskforce,* and the USPTO's website at *https://www.uspto.gov/learning-and-resources/ip-policy/copyright/developing-digital-marketplace-copyrighted-works-second.*

The meeting will be open to members of the public to attend, space permitting, on a first-come, first-served basis. Online registration for the meeting, which is not mandatory, is available at *https://www.uspto.gov/learning-and-resources/ip-policy/copyright/developing-digital-marketplace-copyrighted-works-second.* The meeting will be physically accessible to people with disabilities. Individuals requiring accommodation, such as sign language interpretation, real-time captioning of the webcast or other ancillary aids, should communicate their needs to Hollis Robinson, Office of Policy and International Affairs, United States Patent and Trademark Office, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314; telephone (571) 272–9300; email *Hollis.Robinson@USPTO.gov,* at least seven business days prior to the meeting. Attendees should arrive at least one-half hour prior to the start of the meeting and must present a valid government-issued photo identification upon arrival. Persons who have pre-registered (and received confirmation) will have seating held until 15 minutes before the program begins.

Dated: December 19, 2017.

Joseph Matal,

Performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

David J. Redl,

Assistant Secretary for Communications and Information, National Telecommunications and Information Administration.

[FR Doc. 2017–27651 Filed 12–21–17; 8:45 am]

BILLING CODE 3510–16–P

[3] U.S. Copyright Office, Modified U.S. Copyright Office Provisional IT Modernization Plan: Analysis of Shared Services, Support Requirements, and Modernization Efforts (2017), at *https://www.copyright.gov/reports/itplan/modified-modernization-plan.pdf.*

[4] U.S. Copyright Office, Copyright and the Music Marketplace (2015), at *https://www.copyright.gov/policy/musiclicensingstudy/copyright-and-the-music-marketplace.pdf.*

[5] U.S. Copyright Office, Transforming Document Recordation at the United States Copyright Office (2015), at *https://www.copyright.gov/docs/recordation/recordation-report.pdf.*

[6] *See* U.S. Copyright Office's web page on rulemakings at *https://www.copyright.gov/rulemaking/.*

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

DATES: *Comments must be received on or before:* January 21, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the

Federal Government identified in this notice will be required to procure the products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN—Product Name: MR 1178—Mop, Microfiber, Spin, Includes Bucket
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Mandatory for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations, 41 CFR 51–6.4
Contracting Activity: Defense Commissary Agency

NSN—Product Name: 6510–00–786–3736—Isopropyl Alcohol Impregnated Pad
Mandatory Source of Supply: Lighthouse Works, Orlando, FL
Mandatory for: Total Government Requirement
Contracting Activity: Defense Logistics Agency Troop Support

NSNs—Product Names:
8410–01–441–4602—Skirt, Service Dress, Air Force, Women's, Blue, 2MS
8410–01–441–5672—Skirt, Service Dress, Air Force, Women's, Blue, 16WS
8410–01–441–5742—Skirt, Service Dress, Air Force, Women's, Blue, 16WR
8410–01–441–5747—Skirt, Service Dress, Air Force, Women's, Blue, 16WL
8410–01–441–6327—Skirt, Service Dress, Air Force, Women's, Blue, 12MS
8410–01–441–6644—Skirt, Service Dress, Air Force, Women's, Blue, 12ML
8410–01–441–6695—Skirt, Service Dress, Air Force, Women's, Blue, 12WS
8410–01–441–6701—Skirt, Service Dress, Air Force, Women's, Blue, 12WL
8410–01–441–6704—Skirt, Service Dress, Air Force, Women's, Blue, 14MS
8410–01–441–6741—Skirt, Service Dress, Air Force, Women's, Blue, 14WS
8410–01–441–6744—Skirt, Service Dress, Air Force, Women's, Blue, 14WR
8410–01–441–6750—Skirt, Service Dress, Air Force, Women's, Blue, 14WL
8410–01–441–6759—Skirt, Service Dress, Air Force, Women's, Blue, 16MS
8410–01–441–7240—Skirt, Service Dress, Air Force, Women's, Blue, 18WR
8410–01–441–7243—Skirt, Service Dress, Air Force, Women's, Blue, 18WL
8410–01–441–7678—Skirt, Service Dress, Air Force, Women's, Blue, 20WR
8410–01–441–7681—Skirt, Service Dress, Air Force, Women's, Blue, 22WR
8410–01–449–5284—Skirt, Service Dress, Air Force, Women's, Blue, 6WR
8410–01–449–5286—Skirt, Service Dress, Air Force, Women's, Blue, 8WR
8410–01–449–5288—Skirt, Service Dress, Air Force, Women's, Blue, 8WL
8410–01–449–5297—Skirt, Service Dress, Air Force, Women's, Blue, 4WR
8410–00–0SK–T523—Skirt, Service Dress, Air Force, Women's, Blue, Special Measurement
Mandatory Source of Supply: North Bay Rehabilitation Services, Inc., Rohnert Park, CA
Mandatory for: 100% of the requirement of the U.S. Air Force
Contracting Activity: Defense Logistics Agency Troop Support

Service

Service Type: Mail and Supply Center Operations Service
Mandatory for: DARPA, DARPA Headquarters, 675 North Randolph Street, Arlington, VA
Mandatory Source of Supply: Linden Resources, Inc., Arlington, VA
Contracting Activity: Defense Advanced Research Projects Agency (DARPA)

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN—Product Name: PSIN TO12M—Kit, Wee-Deliver Starter
Mandatory Source) of Supply: New Horizons Rehabilitation Services, Inc., Auburn Hills, MI
Contracting Activity: U.S. Postal Service, Washington, DC

NSNs—Product Names:
7920–01–512–4960—Mop Head, Wet, Looped-End, Anti-Microbial, 32 oz., Yellow
7920–01–512–8967—Mop Head, Wet, Looped-End, Anti-Microbial, 32 oz., White
7920–01–512–8970—Mop Head, Wet, Looped-End, Anti-Microbial, 32 oz., Red
7920–01–512–8971—Mop Head, Wet, Looped-End, Anti-Microbial, 32 oz., Orange
7920–01–512–9340—Mop Head, Wet, Looped-End, Anti-Microbial, 22 oz., Red
7920–01–512–9341—Mop Head, Wet, Looped-End, Anti-Microbial, 22 oz., Yellow
7920–01–512–9342—Mop Head, Wet, Looped-End, Anti-Microbial, 22 oz., Orange
7920–01–512–9344—Mop Head, Wet, Looped-End, Anti-Microbial, 22 oz., White
7920–01–512–9346—Mop Head, Wet, Looped-End, Anti-Microbial, 20 oz., Yellow
7920–01–513–4767—Mop Head, Wet, Looped-End, Anti-Microbial, 24 oz., Yellow
7920–01–513–4769—Mop Head, Wet, Looped-End, Anti-Microbial, 16 oz., Yellow
Mandatory Source of Supply: Alphapointe, Kansas City, MO
Contracting Activities: Department of Veterans Affairs, Strategic Acquisition Center, General Services Administration, Fort Worth, TX

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2017–27618 Filed 12–21–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2017–OS–0066]

Guantanamo Bay to Punta Salinas, Toa Baja, Puerto Rico Submarine Fiber Optic Cable System (GTMO–PR SFOC); Environmental Assessment (EA)/Finding of No Significant Impact (FONSI)

AGENCY: U.S. Defense Information Systems Agency, DoD.

ACTION: Notice of availability.

SUMMARY: The Defense Information Systems Agency (DISA) is announcing that it has prepared an Environmental Assessment (EA) and issued a Finding of No Significant Impact (FONSI) relating to DISA's evaluation of the Proposed Action and Alternatives to installing Submarine Fiber Optic Cable (SFOC) for communication purposes between the DISN Facilities at U.S. Naval Station Guantanamo Bay, Cuba (GTMO) and Ft. Buchanan, Puerto Rico in order to supply high Bandwidth and restoration capability to DoD activities at GTMO. This SFOC will improve long-haul communications between the continental U.S. (CONUS), Puerto Rico and GTMO. The FONSI reports the studies that prove that there will be no significant environmental impact from the installation of this SFOC. This notice announces the availability of the final EA and FONSI to concerned agencies and the public.

DATES: The public comment period will end on January 22, 2018.

ADDRESSES: Requests to receive a copy of the EA or FONSI should be mailed to Defense Information Systems Agency, Public Affairs Officer, P.O. Box 549, Ft. Meade, MD 20755–0549. Arrangements must be made in advance to pick up the documents, due to facility security requirements.

You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail*: Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory

Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: DISA Public Affairs at 301–225–8100 or *disa.meade.bd.mbx.public-affairs@mail.mil* or DISA, P.O. Box 549, Ft. Meade, MD 20755–0549.

SUPPLEMENTARY INFORMATION:

Background: Pursuant to the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 Code of Federal Regulations [CFR] 1500–1508) and 32 CFR part 188, Environmental Effects in the United States of DoD Actions, the U.S. Defense Information Systems Agency (DISA) prepared an Environmental Assessment (EA) to analyze the installation of a submarine fiber optic cable connecting the Defense Information System Network (DISN) node located offshore at Guantanamo Bay (GTMO), Cuba to the DISN node located in Fort Buchanan, Puerto Rico. The DISA is a Department of Defense (DoD) combat support agency under the direction, authority and control of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD [C31]).

The proposed Guantanamo Bay to Puerto Rico Submarine Fiber Optic Cable system (GTMO–PR SFOC) comprises a marine cable route approximately 1,400 kilometers (756 nm) in length from a pre-laid shore end stub cable (installed in 2016 as part of Phase 1 SFOC (published at 80 FR 12985–12986, March 12, 2015)) ending 19 kilometers (10/26 nautical miles) offshore of the Guantanamo Bay Naval Station, Cuba to the DISN node located in Fort Buchanan, Bayamon, Puerto Rico. The landing location for Puerto Rico is the Puerto Rico Air National Guard (PRANG) Radar installation located in Punta Salinas, Toa Baja through a horizontally directional drilled (HDD) pipe. For the subsequent connection to the Army Reserves Base, Fort Buchanan in Bayamon, DISA will lease commercial 10 Gb/s lit services to facilitate the terrestrial connection.

Purpose and Need: The DISA GTMO Cable System Project Management Office developed communication services by installing an SFOC during Phase 1 that connected the DISN node located at GTMO to the DISN node located in Miami, FL to substantially improve the long-haul communications between the continental U.S. (CONUS) and GTMO. Long-haul communications requirements at GTMO are rapidly expanding and require a secure redundant path to and from CONUS. This is currently provided by commercial satellite services. Phase 2 of the project for this additional SFOC system from GTMO to Puerto Rico will provide significantly more bandwidth than satellite services, exhibit very low latency, and not be subject to adverse atmospheric conditions, such as severe weather (*e.g.,* tropical rain storms and hurricanes). Therefore, the Phase 2 SFOC system is proposed to increase the level and reliability of communication service between CONUS and GTMO. The EA and this FONSI were prepared in compliance with the NEPA (42 U.S.C. 4321–4347), CEQ regulations for implementing the procedural provisions of the NEPA (40 Code of Federal Regulations [CFR] 1500–1508), and 32 CFR part 188, Environmental Effects in the United States of DoD Actions. The EA considers all potential impacts of the Proposed Action and Alternatives, including the No Action Alternative. This Finding of No Significant Impact (FONSI) summarizes the DISA's evaluation of the Proposed Action and Alternatives.

Alternatives Considered: Prior to selection of the PRANG facility, several government facility sites were considered for the landing point in Puerto Rico. Site visits were made to each location in addition to development of preliminary terrestrial and marine cable routing concepts. The main sites considered were the U.S. Coast Guard Base, Aguadilla, the CBP Facility, Boquerón, the CBP Facility, Ponce, the CBP Facility, Mayaguez, and the PRANG Base, Punta Salinas. The Preferred landing site is the PRANG Base at Punta Salinas. Once the general site was chosen, two approaches to the area were considered, one from the north/west and one from the south/east. The Northern approach was selected as, using a horizontal directionally drilled (HDD) solution, the cable will come ashore well beneath the active high energy surf zone. The HDD drill path is straight forward and will allow an easy direct lay from the main lay installation vessel.

Deepwater Cable Route Alternatives—Several deep-water route alternatives were evaluated as part of the cable route planning process with the final route selection chosen to maximize the cable protection while minimizing the environmental impact. These alternatives were not analyzed with respect to impacts on the human or natural environment because the DISA determined that the action of a one-time, direct-laid SFOC system on the seabed has been demonstrated in past commercial and government project actions worldwide to ordinarily have only a minor, localized, and transient effect on the environment. Therefore, the action lacks the potential to cause significant harm to the environment outside the U.S. and meets the exemption requirement (E2.3.3.1.1) to prepare environmental documentation under Executive Order (E.O.) 12114, Environmental Effects Abroad of Major Federal Actions.

No Action Alternative—The No Action Alternative would be not to proceed with the GTMO–PR SFOC system project linking NAVSTAGTMO at Guantanamo Bay, Cuba with the Fort Buchanan facility in Puerto Rico. NAVSTAGTMO would continue to operate with existing Phase 1 SFOC and backup satellite communication capabilities which would not meet the operational need for reliability and additional bandwidth nor provide a secure disaster recovery plan.

Conclusion: The GTMO–PR SFOC EA was prepared and evaluated pursuant to NEPA, CEQ regulations at 40 CFR 1500–1508, and 32 CFR part 188. DISA has concluded that, based on the analyses presented in the GTMO–PR SFOC EA, no significant direct, indirect, or cumulative impacts would occur as a result of the Proposed Action. Therefore, no further study under NEPA is required, and a FONSI is thus warranted. In addition, the Proposed Action lacks the potential to cause significant harm to the environment outside the U.S. and thus is exempt from further environmental analyses under Executive Order 12114. Accordingly, the DISA approved the installation and operation of the GTMO–PR SFOC.

Dated: December 19, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–27584 Filed 12–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Meeting of the Chief of Engineers Environmental Advisory Board

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Chief of Engineers, Environmental Advisory Board (EAB). This meeting is open to the public. For additional information about the EAB, please visit the committee's website at *http://www.usace.army.mil/Missions/Environmental/EnvironmentalAdvisoryBoard.aspx.*

DATES: The meeting will be held from 9:00 a.m. to 12:00 p.m. on January 10, 2018. Public registration will begin at 8:30 a.m.

ADDRESSES: The EAB meeting will be conducted at The DoubleTree by Hilton Jacksonville Riverfront; 1201 Riverplace Blvd., Jacksonville, FL 32207. 904–398–8800.

FOR FURTHER INFORMATION CONTACT: Ms. Mindy M. Simmons, the Designated Federal Officer (DFO) for the committee, in writing at U.S. Army Corps of Engineers, ATTN: CECW–P, 441 G St NW, Washington, DC 20314; by telephone at 202–761–4127; and by email at *Mindy.M.Simmons@usace.army.mil.* Alternatively, contact Ms. Anne Cann, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–7166; and by email at *R.Anne.Cann@usace.army.mil.*

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.

Purpose of the Meeting: The EAB will advise the Chief of Engineers on environmental policy, identification and resolution of environmental issues and missions, and addressing challenges, problems, and opportunities in an environmentally responsible manner. The EAB is interested in written and verbal comments from the public relevant to these purposes.

Proposed Agenda: At this meeting the agenda will include how the host USACE district is ''Living the Environmental Operating Principles''; discussions on ongoing EAB work efforts, such as invasive species, environmental metrics, strategic planning, and monitoring and adaptive management; and presentations and discussions about regional sediment management.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the January 10, 2018 meeting will be available at the meeting. The final version will be provided at the meeting. All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 8:30 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Ms. Simmons, the committee DFO, or Ms. Cann, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

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 EAB about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Ms. Simmons, the committee DFO, or Ms. Cann, the committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the EAB for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the EAB until its next meeting. Please note that because the EAB operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the EAB's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–27585 Filed 12–21–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0159]

Agency Information Collection Activities; Comment Request; National Blue Ribbon Schools Program

AGENCY: Office of Communications and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before February 20, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0159. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Aba Kumi, 202–401–1767.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Blue Ribbon Schools Program.

OMB Control Number: 1860–0506.

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

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

Total Estimated Number of Annual Responses: 420.

Total Estimated Number of Annual Burden Hours: 16,800.

Abstract: Each year since 1982, the U.S. Department of Education's National Blue Ribbon Schools Program has sought out and celebrated great American schools; schools that are demonstrating that all students can achieve to high levels. The purpose of the Program is to honor public and private elementary, middle and high schools based on their overall academic excellence or their progress in closing achievement gaps among different groups of students. The Program is part of a larger U.S. Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

Dated: December 19, 2017.

Stephanie Valentine,

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

[FR Doc. 2017–27641 Filed 12–21–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0129]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Personal Authentication Service (PAS) for FSA ID

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before January 22, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0129. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Personal Authentication Service (PAS) for FSA ID.

OMB Control Number: 1845–0131.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 55,300,000.

Total Estimated Number of Annual Burden Hours: 14,715,000.

Abstract: Federal Student Aid (FSA) replaced the PIN system with the Personal Authentication Service (PAS) which will employ an FSA ID, a standard user name and password solution. In order to create an FSA ID to gain access to certain FSA systems (FAFSA on the web, NSLDS, *StudentLoans.gov,* etc.) a user must register on-line for an FSA ID account. The FSA ID allows the customer to have a single identity, even if there is a name change or change to other personally identifiable information. The information collected to create the FSA ID enables electronic authentication and authorization of users for FSA web-based applications and information and protects users from unauthorized access to user accounts on all protected FSA sites.

Dated: December 19, 2017.

Kate Mullan,

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

[FR Doc. 2017–27591 Filed 12–21–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA, pursuant to the Paperwork Reduction Act of 1995, intends to extend with changes for three years with the Office of Management and Budget (OMB), Form EIA–846 *Manufacturing Energy Consumption Survey*. Form EIA–846 collects information on energy consumption, expenditures, and building characteristics from establishments in the manufacturing sector of the U.S. economy.

DATES: Comments regarding this proposed information collection must be received on or before February 20, 2018. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Tom Lorenz, U.S. Energy Information Administration, EI–22, 1000 Independence Avenue SW, Washington, DC 20585 or by fax at (202) 586–9753, or by email at *Thomas.Lorenz@eia.gov*.

Access to the proposed form, instructions, and internet data collection screens can be found at: *https://www.eia.gov/survey/form/eia_846/proposed/2018/form.pdf*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Tom Lorenz by phone at (202) 586–3442, or by email at *Thomas.Lorenz@eia.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) ways to identify alternate sources of manufacturing consumption information EIA proposes to collect. EIA will evaluate comments on duplication of data sources based on terms of data coverage, level of aggregation, frequency of collection, data reliability, and statutory requirements to determine whether alternate data sources represent a suitable substitute for EIA data.

This information collection request contains:

(1) *OMB Numbers:* 1905–0169;

(2) *Information Collection Request Title:* Manufacturing Energy Consumption Survey (MECS);

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* Form EIA–846, is a self-administered sample survey that collects energy consumption and expenditures data from establishments in the manufacturing sector. These establishments are classified under the North American Industry Classification System (NAICS) sector codes 31–33. The information from this survey is used to publish aggregate statistics on the energy consumption of the manufacturing sector including energy used for fuel and nonfuel purposes. The survey also gathers information on energy-related issues such as energy prices, on-site electricity generation, purchases of electricity from utilities and non-utilities, and fuel switching capabilities. MECS is also used to benchmark EIA's industry forecasting model and update changes in the energy intensity and greenhouse gases data series.

(4a) *Proposed Change to Information Collection:* EIA proposes the following minor change to Form EIA–846.

1. *Questions about Tire-Derived Fuel:* EIA proposes asking questions about tire-derived fuel (TDF) in the Waste Oils and Tars, and Waste Byproduct Gases section of the questionnaire starting on page 35 of the current Form EIA–846A, to be inserted after questions 138–139, specifically from those industries, Paper (NAICS 322) and Nonmetallic Mineral Products (NAICS 327), that use it as an energy source. This is not a substantive change as EIA already asks respondents to report TDF on the MECS in a section titled, ''Other.'' To make the reporting of TDF clear and easier for respondents, the questions in this section about TDF are the same questions that have always been asked about this energy source: Purchases, expenditures, transfers-in, amount produced on-site, whether it's a product/byproduct of another energy source consumed on-site, and fuel consumption. Over the past three MECS cycles, TDF has become a growing energy source within the ''Other'' section and accounts for over half of the energy consumed that is reported in that section. The use of TDF may be understated in the current form because some establishments may not report TDF fuel use because respondents may not know where to report their TDF volumes. By directly asking for these data as a separate data element, EIA will improve the coverage and accuracy of the use of this energy source.

(5) *Annual Estimated Number of Respondents:* 15,000;

(6) *Annual Estimated Number of Total Responses:* 3,750;

(7) *Annual Estimated Number of Burden Hours:* 34,565;

Average Burden per Response: 9.2 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no additional costs to respondents associated with this data collection. The annual burden cost to the respondents is estimated to

be $2,546,058 (34,565 burden hours times $73.66 per hour). Other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772 (b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.* 42 U.S.C. 7135(i) as amended by section 3101 of the Omnibus Budget Reconciliation Act of 1986, Pub. L. 99–509.

Issued in Washington, DC, on December 15, 2017.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2017–27596 Filed 12–21–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA has submitted an information collection request to the Office of Management and Budget (OMB) for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Form GC–859 ''*Nuclear Fuel Data Survey,*'' OMB Control Number 1901–0287. Form GC–859 collects data on spent nuclear fuel from all utilities that operate commercial nuclear reactors and from all others that possess irradiated fuel from commercial nuclear reactors.

DATES: Comments regarding this proposed information collection must be received on or before January 22, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–1254 or emailed at *james.n.tyree@omb.eop.gov.*

ADDRESSES: Written comments should be sent to the:

DOE Desk Officer: James Tyree, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 9249, 735 17th Street NW, Washington, DC 20503.

And to: Marta Gospodarczyk, Office of Electricity, Coal, Nuclear, and Renewables Analysis, EI–34, Forrestal Building, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, or by email at *marta.gospodarczyk@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Marta Gospodarczyk at the contact information given above or phone at, 202–586–0527. Form GC–859 and its instructions are available on the internet at *https://www.eia.gov/survey/#gc-859.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) OMB No. 1901–0287;

(2) *Information Collection Request Title:* Nuclear Fuel Data Survey;

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 *et seq.*) required that DOE enter into Standard Contracts with all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin. Form GC–859 (formerly Form RW–859) originated from an appendix to this Standard Contract.

Form GC–859 collects information on nuclear fuel use and spent fuel discharges from all utilities that operate commercial nuclear reactors and from all others that possess irradiated fuel from commercial nuclear reactors. The data collection provides stakeholders with detailed information concerning the spent nuclear fuel generated by the respondents (commercial utility generators of spent nuclear fuel and other owners of spent nuclear fuel within the U.S.).

Data collected from the survey are used by personnel from DOE Office of Nuclear Energy (NE), DOE Office of Environmental Management (EM), and the national laboratories to meet their research objectives of developing a range of options and supporting analyses that facilitate informed choices about how best to manage spent nuclear fuel (SNF).

(4a) *Changes to Information Collection:*

- Collection of fuel manufacturer and lattice size used in Section C.1.1 of the 2013 GC–859 is replaced by fuel assembly type codes for fuel discharged from July 1, 2013—December 31, 2017. Fuel assembly type codes were last collected in the 2003 RW–859. Identification of the fuel assembly type provides significantly more information of the spent fuel than just manufacturer and lattice size.
- Section C.1.3 is added to the survey to collect fuel assembly type codes for fuel discharged from January 1, 2003—June 30, 2013. Selection boxes are added to this section to reduce reporting burden. Respondents may mark the fuel assembly type code based on the reactor design, previously used fuel types, range of assembly identification numbers, and initial cycle in core.
- ''Cumulative Burnup for Each Cycle,'' for each assembly is added to Section C.1.2 of the survey. Respondents may voluntarily report this data. Assembly burnup data by cycle is used to calculate discharged fuel characteristics and obtain fundamental parameters needed for spent fuel safety analyses.
- Section C.1.4 is added to the survey to collect data on all discharged fuel that is shipped or transferred to other storage sites (since January 1, 2003). This information was last collected in 2003 using Form RW–859 and allows the tracking of all spent nuclear fuel discharged by commercial reactors, regardless of current ownership or transit status.
- Section C.2 ''Projected Assembly Discharges'' is deleted since this data is no longer needed for analysis.
- Section C.3.3.1 requests information for consolidated, reconstituted, reconstructed fuel assemblies. A drop-down menu was created with these three choices of fuel assemblies.
- A note is added in Section D.3.2 ''Multi-Assembly Canisters/Casks Inventory'' to capture deviations from standard operating procedures related to drying, backfilling, leak testing, or pad transfer processes.
- Dry cask loading pattern maps with orientation details are added to Section D.3.2 of the survey. For each canister/cask model, respondents provide or reference a loading map that clearly indicates identifiers for basket cell locations relative to fixed drain and vent port locations. For systems stored horizontally, the map indicates which direction is up when placed in a horizontal storage module. The dry cask loading pattern data facilitates detailed as-loaded analyses and enables the quantification of realistic safety margins and conditions.
- Section E.2 ''Non-fuel Components Integral to an Assembly'' is deleted and the data on non-fuel components integral to an assembly should be reported in Section C.1.1. The collection of data on non-fuel component identifiers was also added to Section C.1.1.

• Schedule G is deleted. This schedule was used to collect comments. It is easier for respondents to provide comments when completing a schedule so the new form will collect comments after each section.

• A copy of Standard Contract (10 CFR 961.11) Appendix E *General Specifications* is added to the survey for the convenience of the respondents.

• The following terms have either been added or updated to match the definition prescribed by the Standard Contract; Canister, DOE Facility, Failed Fuel, Multi-Assembly Canister/Cask, Non-fuel Component Identifier, Non-standard Fuel and Reconstructed Assembly.

• DOE is changing Form GC–859 to collect information once every three years on a triennial basis. Reporting once every three years reduces respondent burden by permitting all new data for the multiyear period to be reported in one report.

• In response to a public comment on the 60-day **Federal Register** notice, the due date listed in Appendix A is changed to August 31, 2018, so it is consistent with the due date listed on the cover page.

(5) *Annual Estimated Number of Respondents:* 125.

(6) *Annual Estimated Number of Total Responses:* 42.

(7) *Annual Estimated Number of Burden Hours:* 3,747 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours. The information is maintained in the normal course of business. The cost of the burden hours is estimated to be $276,004 (3,747 burden hours times $73.66 per hour). EIA estimates that there are no additional costs to respondents associated with the survey other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Public Law 93–275, codified as 15 U.S. C. 772(b) and the DOE Organization Act of 1977, Public Law 95–91, codified at 42 U.S.C. 7101 *et seq.,* The Nuclear Waste Policy Act of 1982 codified at 42 U.S.C. 10222 *et seq.*

Issued in Washington, DC, on December 15, 2017.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2017–27597 Filed 12–21–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9972–42–OARM]

Request for Nominations to the National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to the National Advisory Committee (NAC) and the Governmental Advisory Committee (GAC), to advise the U.S. Representative to the Commission for Environmental Cooperation (CEC). Vacancies on these two committees are expected to be selected by the spring of 2018. Please submit nominations by no later than February 16, 2018. Additional sources may be utilized in the solicitation of nominees.

SUPPLEMENTARY INFORMATION:

Background: The National Advisory Committee and the Governmental Advisory Committee advise the EPA Administrator in his capacity as the U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), and as directed by Executive Order 12915, entitled ''Federal Implementation of the North American Agreement on Environmental Cooperation.'' The Committees are responsible for providing advice to the United States Representative on a wide range of strategic, scientific, technological, regulatory and economic issues related to implementation and further elaboration of the NAAEC. The National Advisory Committee consists of 15 representatives from environmental non-profit groups, business and industry, and educational institutions. The Governmental Advisory Committee consists of 14 representatives from state, local, and tribal governments. Members are appointed by the EPA Administrator for a two-year term. The committees usually meet 3 times per year and the average workload for committee members is approximately 10 to 15 hours per month. Members serve on the committees in a voluntary capacity.

Although we are unable to provide compensation or an honorarium for your services, you may receive travel and per diem allowances, according to applicable federal travel regulations. EPA is seeking nominations from various sectors, *i.e.,* for the NAC we are seeking nominees from academia, business and industry, and non-governmental organizations; for the GAC we are seeking nominees from state, local and tribal government sectors. Nominees will be considered according to the mandates of FACA, which requires committees to maintain diversity across a broad range of constituencies, sectors, and groups. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups. The following criteria will be used to evaluate nominees:

• Professional knowledge of the subjects examined by the committees, including trade & environment issues, NAFTA, the NAAEC, and the CEC.

• Represent a sector or group involved in trilateral environmental policy issues.

• Senior-level experience in the sectors represented on both committees.

• A demonstrated ability to work in a consensus building process with a wide range of representatives from diverse constituencies.

• Nominees may self-nominate.

If you are interested in serving on the NAC or GAC, please submit the following information:

• Nominations must include a brief statement of interest, a resume or curriculum vitae, and a short biography describing your professional and educational qualifications, including a list of relevant activities and any current or previous service on advisory committees. The statement of interest, resume, curriculum vitae, or short biography should include the candidate's name, and name and address of current organization, position title, email address, and daytime telephone number(s). In preparing your statement of interest, please describe how your background, knowledge, and experience, will bring value to the work of the NAC or GAC, and how these qualifications will contribute to the overall diversity of the committees. Also, please describe any previous involvement with EPA through employment, grant funding, and/or contracting sources.

• Candidates from the academic and tribal sectors must also provide a letter of recommendation authorizing the nominee to represent their organization or Tribal government.

• Please be advised that federally registered lobbyists are not permitted to serve on federal advisory committees.

• EPA's policy is that, unless otherwise prescribed by statute, members generally are appointed for two-year terms.

ADDRESSES: Submit nominations to Oscar Carrillo, U.S. Environmental Protection Agency (1601–M), 1200 Pennsylvania Avenue NW, Washington, DC 20460. You may also email nominations with subject line ''NAC/GAC Nomination 2018'' to *carrillo.oscar@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, U.S. EPA, telephone (202) 564–0347; fax (202) 564–8129.

Dated: December 14, 2017.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2017–27627 Filed 12–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9036–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 12/11/2017 Through 12/15/2017

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://cdxnodengn.epa.gov/cdx-nepa-public/action/eia/search.*

EIS No. 20170241, Final, BLM, WV, ADOPTION—Mountain Valley Project and Equitrans Expansion Project, Review Period, Contact: Victoria Craft (601) 919–4655.

EIS No. 20170242, Final, NPS, NY, Final Fire Island Wilderness Breach Management Plan/Environmental Impact Statement, Review Period Ends: 01/22/2018, Contact: Kaetlyn Jackson 631–687–4770.

EIS No. 20170243, Draft, DOT, TX, Dallas to Houston High Speed Rail, Comment Period Ends: 02/20/2018, Contact: Kevin Wright 202–493–0845.

Dated: December 19, 2017.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–27636 Filed 12–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1151]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (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 FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 20, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

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

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1151.

Title: Sections 1.1420, 1.1422 and 1.1424, Pole Attachment Access Requirements.

Form Number: N/A.

Type of Review: Extension of a currently-approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 763 respondents; 36,136 responses.

Estimated Time per Response: 20–45 hours.

Frequency of Response: On-occasion reporting requirement, recordkeeping requirement, and third-party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 448,921 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No questions of a confidential nature are asked.

Needs and Uses: The Commission is requesting OMB approval for a three-year extension of this information collection In *Implementation of Section 224 of the Act, A National Broadband Plan for Our Future,* WC Docket No. 07–245, GN Docket No. 09–51, Report and Order and Order on Reconsideration,

FCC 11–50, the Commission adopted rules that relate to the implementation of section 224 of the Communications Act of 1934, as amended, regarding access to poles that are owned or controlled by utilities. Under the Commission's rules, utilities must provide cable television systems and telecommunications carriers (collectively, ''attachers'') with non-discriminatory access to attach facilities to poles, ducts, conduits, or rights-of-way owned or controlled by the utilities (collectively, ''pole attachments''). However, utilities may deny in writing those pole attachment applications where there is insufficient capacity on a pole, or for reasons of safety, reliability, and generally applicable engineering purposes. Commission rules also create a series of deadlines or ''timelines'' by which attachers request and receive permission from utilities for pole attachments. The first stage of the timeline requires utilities to survey the requested poles where access is requested and to perform an engineering analysis. Utilities may notify attachers when they have completed their surveys of the affected poles. With regard to the second stage of the timeline, utilities must present to attachers an estimate of charges for preparing a pole for a new attachment (''make-ready'' work). With regard to the make-ready stage of the timeline, utilities are required to send notices of impending make-ready work to entities with existing attachments on the pole. Such notification letters are sent when a make-ready schedule is established. If the make-ready period is interrupted, or if the pole owner asserts its right to a 15-day extension of time to perform make-ready work, then notification letters also are required from the utility to the new attacher.

Additionally, the Order adopted a rule requiring utilities to make available and keep up-to-date a reasonably sufficient list of approved contractors to perform surveys and make-ready work in the communications space of a utility pole. If an attacher uses a utility-approved contractor, then it must notify the utility and invite the utility to send a representative to oversee the work. Finally, the Order also broadened the existing enforcement process by permitting incumbent local exchange carriers (LECs) to file complaints alleging that the pole attachment rates, terms, or conditions demanded by utilities are unjust or unreasonable. If an incumbent LEC can demonstrate that it is similarly situated to an attacher that is a telecommunications carrier or a cable television system (through relevant evidence, including pole attachment agreements), then it can gain comparable pole attachment rates, terms, and condition as the similarly-situated carrier. The paperwork burdens for this provision are contained in OMB Collection No. 3060–0392. The Order also encourages incumbent LECs that benefit from lower pole attachment costs to file data at the Commission that demonstrate that the benefits are being passed on to consumers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–27555 Filed 12–21–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Designated Reserve Ratio for 2018

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of Designated Reserve Ratio for 2018.

SUMMARY: Pursuant to the Federal Deposit Insurance Act, the Board of Directors of the Federal Deposit Insurance Corporation designates that the Designated Reserve Ratio (DRR) for the Deposit Insurance Fund shall remain at 2 percent for 2018. The Board is publishing this notice as required by section 7(b)(3)(A)(i) of the Federal Deposit Insurance Act.

FOR FURTHER INFORMATION CONTACT: Munsell St. Clair, Chief, Banking and Regulatory Policy Section, Division of Insurance and Research, (202) 898–8967; Robert Grohal, Chief, Fund Analysis and Pricing Section, Division of Insurance and Research, (202) 898–6939; or Sheikha Kapoor, Senior Counsel, Legal Division, (202) 898–3960.

Dated at Washington, DC, on September 27, 2017.

By order of the Board of Directors.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2017–27539 Filed 12–21–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2017–N–10]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 30-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning an information collection known as ''Federal Home Loan Bank Directors,'' which has been assigned control number 2590–0006 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on December 31, 2017.

DATES: Interested persons may submit comments on or before January 22, 2018.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Agency, Washington, DC 20503, Fax: (202) 395–3047, Email: *OIRA_submission@omb.eop.gov.* Please also submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Federal Home Loan Bank Directors, (No. 2017–N–10)''' by any of the following methods:

- *Agency Website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Federal Home Loan Bank Directors, (No. 2017–N–10)''.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public through the electronic comment docket for this PRA Notice also located on the FHFA website.

FOR FURTHER INFORMATION CONTACT: Patricia Sweeney, Senior Management Analyst, Division of Bank Regulation, by email at *Patricia.Sweeney@fhfa.gov* or

by telephone at (202) 649–3311; or Eric Raudenbush, Associate General Counsel, *Eric.Raudenbush@fhfa.gov,* (202) 649–3084 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

Section 7 of the Federal Home Loan Bank Act (Bank Act) vests the management of each Federal Home Loan Bank (Bank) in its board of directors.[1] As required by section 7, each Bank's board comprises two types of directors: (1) Member directors, who are drawn from the officers and directors of member institutions located in the Bank's district and who are elected to represent members in a particular state in that district; and (2) independent directors, who are unaffiliated with any of the Bank's member institutions, but who reside in the Bank's district and are elected on an at-large basis.[2] Both types of directors serve four-year terms, which are staggered so that approximately one-quarter of a Bank's total directorships are up for election every year.[3] Section 7 and FHFA's implementing regulation, codified at 12 CFR part 1261, establish the eligibility requirements for both types of Bank directors and the professional qualifications for independent directors, and set forth the procedures for their election.

Part 1261 of the regulations requires that each Bank administer its own annual director election process. As part of this process, a Bank must require each nominee for both types of directorship, including any incumbent that may be a candidate for re-election, to complete and return to the Bank a form that solicits information about the candidate's statutory eligibility to serve and, in the case of independent director candidates, about his or her professional qualifications for the directorship being sought.[4] Specifically, member director candidates are required to complete the *Federal Home Loan Bank Member Director Eligibility Certification Form (Member Director Eligibility Certification Form),* while independent director candidates must complete the *Federal Home Loan Bank Independent Director Application Form (Independent Director Application Form).*

Each Bank must also require all of its incumbent directors to certify annually that they continue to meet all eligibility requirements.[5] Member directors do this by completing the *Member Director Eligibility Certification Form* again every year, while independent directors complete the abbreviated *Federal Home Loan Bank Independent Director Annual Certification Form (Independent Director Annual Certification Form)* to certify their ongoing eligibility.

The Banks use the information collection contained in the *Independent Director Application Form* and part 1261 to determine whether individuals who wish to stand for election or re-election as independent directors satisfy the statutory eligibility requirements and possess the professional qualifications required under the statute and regulations. Only individuals meeting those eligibility requirements and qualifications may serve as an independent director.[6] On an annual basis, the Banks use the information collection contained in the *Independent Director Annual Certification Form* and part 1261 to determine whether their incumbent independent directors continue to meet the statutory eligibility requirements.

The Banks use the information collection contained in the *Member Director Eligibility Certification Form* and part 1261 to determine whether individuals who wish to stand for election or re-election as member directors satisfy the statutory eligibility requirements. Only individuals meeting these requirements may serve as a member director.[7] On an annual basis, the Banks also use the information collection contained in the *Member Director Eligibility Certification Form* and part 1261 to determine whether their incumbent member directors continue to meet the statutory eligibility requirements.

The OMB control number for this information collection is 2590–0006 and the current PRA clearance expires on December 31, 2017. The likely respondents are individuals who are prospective and incumbent Bank directors. The three Bank director forms that FHFA will be submitting to OMB for review, copies of which appear at the end of this notice, are substantively identical to those that are currently approved under the PRA. However, FHFA is considering major revisions to each of the forms and expects to publish another set of PRA notices regarding the revised forms and to submit the revised forms to OMB for review and clearance under the PRA in the near future.

B. Burden Estimate

FHFA estimates the total annual hour burden imposed upon respondents by the three Bank director forms comprising this information collection to be 145 hours (37 hours + 75 hours + 33 hours = 145 hours, as detailed below).

The Agency estimates the total annual hour burden on all member director candidates and incumbent member directors associated with review and completion of the *Member Director Eligibility Certification Form* to be 37 hours. This includes a total annual average of 68 member director candidates, with 1 response per individual taking an average of 15 minutes (.25 hours) (68 respondents × .25 hours = 17 hours). It also includes a total annual average of 80 incumbent member directors, with 1 response per individual taking an average of 15 minutes (.25 hours) (80 individuals × .25 hours = 20 hours).

The Agency estimates the total annual hour burden on all independent director candidates associated with review and completion of the *Independent Director Application Form* to be 75 hours. This includes a total annual average of 25 independent director candidates, with 1 response per individual taking an average of 3 hours (25 individuals × 3 hours = 75 hours).

The Agency estimates the total annual hour burden on all incumbent independent directors associated with review and completion of the *Independent Director Annual Certification Form* to be 33 hours. This includes a total annual average of 66 incumbent independent directors, with 1 response per individual taking an average of 30 minutes (.5 hours) (66 individuals × .5 hours = 33 hours).

C. Comments Request

In accordance with the requirements of 5 CFR 1320.8(d), FHFA published a request for public comments regarding this information collection in the **Federal Register** on October 12, 2017.[8] The 60-day comment period closed on December 11, 2017. FHFA received two comments, neither of which addressed any aspect of this information collection or the PRA.

In accordance with the requirements of 5 CFR 1320.10(a), FHFA is publishing this second notice to request comments regarding the following: (1) Whether the collection of information is necessary for the proper performance of FHFA

[1] *See* 12 U.S.C. 1427(a)(1).

[2] *See* 12 U.S.C. 1427(b) and (d).

[3] *See* 12 U.S.C. 1427(d).

[4] *See* 12 CFR 1261.7(c) and (f); 12 CFR 1261.14(b).

[5] *See* 12 CFR 1261.12.

[6] *See* 12 U.S.C. 1427(a)(3).

[7] *See* 12 U.S.C. 1427(a)(3) and (b)(1).

[8] *See* 82 FR 47510 (Oct. 12, 2017).

functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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.

Dated: December 19, 2017.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

BILLING CODE 8070–01–P

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

1. Print or type your full name:

_____

2. Are you a citizen of the United States? **Yes** ☐ **No** ☐

3. Provide the address of your principal residence:

Street	City	State	Zip code

4. Provide the following information about the institution you serve as an officer or director that is a member of your Federal Home Loan Bank:

Name of member	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**

Mailing address (if different)	**City**	**State**	**Zip code**

5. Provide the name and location of any other institution you serve as an officer or a director that is a member of any Federal Home Loan Bank:

Name of member	**City**	**State**	**Your title or position**

Name of member	**City**	**State**	**Your title or position**

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

6. Does each member listed in LINE 4 and LINE 5 comply with all of its applicable minimum capital requirements established by its appropriate federal or state regulator?

Yes ☐ **No** ☐

If you answered **No**, identify the non-compliant institution and note the Bank of which it is a member.

_____	_____
Name of member	**Bank District**
_____	_____
Name of member	**Bank District**

I HEREBY CERTIFY that the information provided on this Federal Home Loan Bank Member Director Eligibility Certification Form is true, correct, and complete to the best of my knowledge.

_____	_____
Signature	Date

State of _____)
County of _____)

Signed and sworn to before me this ____ day of _____ of 20___.

_____
Signature of Notary Public

(Notarial Seal)

My commission expires: _____

DIRECTIONS

If you need assistance in completing this Form or have any questions, please contact:

Name:
Federal Home Loan Bank of
Address:
Telephone:
Fax:
E-Mail:

Who Must File and When

The Federal Home Loan Bank (Bank) uses the information you provide on this Form to determine whether you meet the statutory and regulatory eligibility requirements to serve as a member director. You can find these requirements in section 1427 of Title 12 of the United States Code (12 U.S.C. § 1427) and in part 1261 of Title 12 of the Code of Federal Regulations (12 C.F.R. part 1261). A copy of the statutory and regulatory eligibility requirements is enclosed for your reference. Only individuals who satisfy these requirements may run for a member directorship or serve as a member director.

Nominees for a Member Bank Directorship

If you wish to accept a nomination to serve as a member director, you must complete this Form and return it to the Bank on or before _____. If you do not submit this Form to the Bank by the deadline, you will be deemed to have declined the nomination.

Incumbent Member Bank Directors

Every year, each incumbent member director must complete this Form and return it to the Bank on or before March 1st. The Bank will use the information to confirm your continued eligibility to serve as a member director. If you do not submit this form by the March 1st deadline, the Bank may declare that you are no longer eligible to serve as a member director, and may declare vacant the member directorship that you hold. If March 1st falls on a Saturday, Sunday, or federal holiday, you have until the next business day to submit the completed Form.

Individuals Selected to Fill a Vacancy

If the Bank selected you to fill a vacancy on the board of directors, you must complete this Form and return it to the Bank on or before _____. You cannot become a member director unless you complete and return the Form to the Bank.

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM: DIRECTIONS

Line-by-Line Instructions

LINE 1. Print or type your full name.

LINE 2. You must be a United States citizen in order to serve as a member director. Check the appropriate answer.

LINE 3. Provide the address of your principal residence.

LINE 4. You must be an officer or a director of an institution that is a member of the Bank in order to be a member director of that Bank. In addition, the member must be located in the state within the Bank district that is to be represented by the directorship you wish to hold. In most cases, a member will be deemed to be located where it maintains its home office or its principal place of business. Provide the requested information for the member you serve as an officer or director, as well as your title or position at that institution.

LINE 5. If you are an officer or director of any other institution that is a member of this or any other Bank, provide the name and location of the institution(s), as well as the position that you hold at the institution(s).

LINE 6. In order for you to be eligible to serve as a member director, every institution that you serve as an officer or director that is a member of the Bank in which you wish to hold a directorship must be in compliance with all of its applicable minimum capital requirements established by its appropriate federal or state regulator. The term "appropriate federal regulator" has the same meaning as the term "appropriate Federal banking agency" in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(q)) and, for federally insured credit unions, means the National Credit Union Administration. The term "appropriate state regulator" means any state officer, agency, supervisor, or other entity that has regulatory authority over, or is empowered to institute enforcement action against, a member.

Check the appropriate answer as to whether each institution you listed in LINE 4 and LINE 5 is in compliance with all of the applicable minimum capital requirements established by its appropriate federal or state regulator. If the answer is **No**, you must list each non-compliant institution regardless of the Bank of which it is a member. However, your status as an officer or director of a non-compliant institution will render you ineligible to serve as a Bank director only if that institution is a member of the Bank in which you wish to hold a directorship.

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as a member director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as a member director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Privacy-Act-of-1974-System-of-Records-Notice-of-the-Establishment-of-New-Systems-of-Records.aspx.

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR APPLICATION FORM

PERSONAL INFORMATION

Full name: _____

Address:

Current employment:

_____ _____
Name of organization **Your title or position**

_____ _____ _____
Telephone number **Fax number** **E-mail address**

_____ _____ _____ _____
Street **City** **State** **Zip code**

_____ _____ _____ _____
Mailing address (if different) **City** **State** **Zip code**

STATUTORY ELIGIBLITY REQUIREMENTS

An individual must satisfy certain statutory requirements in order to be eligible for election as an independent director of a Federal Home Loan Bank (Bank). The requirements relate to citizenship, residency, and, for prospective public interest directors, experience in that field. The statute also prohibits an independent director from serving as an officer, employee, or director of an institution that is a member of, or that receives advances from, the Bank on whose board the director serves. The questions below address these statutory requirements.

1. ***Citizenship.*** Are you a citizen of the United States? Yes ☐ No ☐

2. ***Residency.*** In order to be an independent director you must be a bona fide resident of a state that is in the geographic district of the Bank on whose board you wish to serve. You will satisfy this requirement if your principal residence is located in that geographic district (A), or if you own or lease a second residence in the district *and* are employed in the district (B). Please indicate the basis you are using to demonstrate bona fide residence.

A. Is your principal residence located in the Bank's geographic district? Yes ☐ No ☐

B. If you answered No, do you own or lease a second residence in the Bank's district *and* are you employed in the district? Yes ☐ No ☐

If so, provide the address of your second home, the name of, and identifying information on, your employer, and your title or position, if different from that on page 1 of this Form.

Second home address:

Employer information:

Name of organization	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**
Mailing address (if different)	**City**	**State**	**Zip code**

3. *Public Interest Directors.* If you are seeking election as a public interest director, you must be able to demonstrate that you have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections.

If you meet this requirement, provide information on how you have represented such consumer or community interests for more than four years.

4. *Conflicts of interest.* Independent directors and their spouses may not serve as an officer of any Bank or as an officer, employee, or director of any member of, or any recipient of advances from, the Bank on whose board the independent director serves. You and your spouse will have to give up any conflicting position before you can become a Bank director.

For purposes of this conflict of interest provision, the terms:

"Member" and "Recipient of advances" include the institution itself and any subsidiary of the institution. If the institution is owned by a holding company, the terms include the holding company if 35 percent or more of the holding company's assets, on a consolidated basis, are attributable to institutions that are members of, or recipients of advances from, the Bank on whose board the independent director serves. Thus, you may not serve as a director, employee, or officer of a holding company if one or more members of, or one or more recipients of advances from, your Bank constitute 35 percent or more of the holding company's assets.

A. Please specify each position you and your spouse have in any member of, or recipient of advances from, the Bank on whose board you would serve.

B. Do you agree to give up positions that are deemed to be conflicting interests before becoming an independent director of that Bank? Yes☐ No☐

SELECTION CRITERIA

The Banks are multi-billion dollar financial institutions, the principal business of which is to borrow funds in the capital markets and then provide secured loans to their members. Each Bank is required to have independent directors who possess knowledge or expertise in financial management, derivatives, auditing and accounting, risk management practices, project development, organizational management, or the law.

1. ***Leadership Experience.*** Bank directors should have experience in senior management or policy-making in one or more fields of business, government, education, or community/civic affairs, and should have a record of achievement in their chosen profession or field of business. This experience should provide directors with the ability to understand the business of the Bank, to act independently, and to ask Bank management appropriate questions about how they are conducting Bank business.

A. If you have ever served as the CEO, CFO, COO, or in a similar capacity for a business enterprise, or as a dean or senior faculty member at a prominent college or university, or as a senior official for a federal or state government or prominent nonprofit organization, please provide the details for those positions, including the dates of service and the positions held.

B. If you have other experience dealing with issues such as developing or implementing business strategies, overseeing regulatory compliance, corporate governance, or board operations, or have previously served on the board of a large business enterprise, please describe those experiences.

C. If you have other significant business or professional achievements that demonstrate your ability to lead an organization please describe them.

2. ***Business Knowledge.*** Bank directors must be financially literate, meaning they must be familiar with how financial statements and various financial ratios are used in managing a business enterprise, how basic accounting conventions apply to the Bank, and how internal controls are used to manage risk. They also must have some knowledge about one or more of the areas of the Bank's business, such as mortgage finance, capital markets transactions, accounting/modeling practices, affordable housing, community and economic development, and legal and regulatory compliance.

A. Do you know how to read and understand a financial statement, and do you understand how financial ratios and other indices are used for evaluating the performance of a business enterprise? Yes ☐ No ☐

If you answered Yes, please describe the setting in which you gained that knowledge.

B. Do you have a working familiarity with basic finance and accounting practices, including internal controls and risk management? Yes ☐ No ☐

If you answered Yes, please describe the setting in which you acquired that knowledge.

C. Do you have experience with financial accounting and auditing, particularly with a publicly traded company? Yes ☐ No ☐

If you answered Yes, please describe that experience.

D. Do you have experience in project development or organizational management?
Yes ☐ No ☐

If you answered Yes, please describe that experience.

E. Do you have experience in an organization providing financing for residential mortgages, housing for low or moderate income individuals and families, or real estate development?
Yes ☐ No ☐

If you answered Yes, please describe that experience.

F. Have you served in any position that required an understanding of the legal and other fiduciary obligations associated with being an independent director? Yes ☐ No ☐

If you answered Yes, please describe that experience.

G. The mission of the Banks is to support the housing finance activities of their members, which includes residential mortgage finance and community and economic development lending activities. Please describe any prior experience that is related to the mission of the Banks.

3. ***Commitment to Service.*** In order to serve effectively on the board of a Bank, a director must be able to attend the meetings of the board of directors and subcommittees on which the director serves, and to devote the time necessary to prepare for those meetings.

A. Do you have any other business or professional commitments that would hinder your ability to prepare for and attend board of director and committee meetings? Yes ☐ No ☐

If so, please describe the constraints on your ability to serve.

B. If you serve on any other corporate boards, please provide the name and location of the organization, your role (*e.g.*, chair and committee assignments), and the term of service.

Name of organization	Your role	Term
Name of organization	Your role	Term
Name of organization	Your role	Term

4. ***Personal Integrity.*** Character is an important consideration in evaluating any prospective Bank director. All directors must have high ethical standards and integrity in both their personal and professional dealings. Please indicate whether you ever have been convicted of a felony, been found to have violated any federal or state civil laws relating to the securities, banking, housing or real estate industries, or have had a professional license suspended or revoked.
Yes ☐ No ☐

If you answered Yes, please explain.

5. ***Independence.*** It is essential that an independent director be able to act independently of management in overseeing the policy and operations of a Bank, and not have any relationships that may create actual or apparent conflicts of interest. Please disclose whether you have any familial or business relationships with any members of Bank management or the board of directors of the Bank, and any other relationship(s) that might lead a reasonable person to question your independence. Yes ☐ No ☐

If you answered Yes, please explain.

6. ***Other Experience and Education.*** Please provide a copy of your resume if it describes other business, professional, or educational achievements that are not described in the responses to the questions above. Resume attached. Yes ☐ No ☐

BY EXECUTING AND SUBMITTING THIS APPLICATION FORM, YOU ARE CERTIFYING THAT THE INFORMATION YOU PROVIDED IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF YOUR KNOWLEDGE AND THAT YOU AGREE TO SERVE AS A DIRECTOR IF ELECTED.

_____ _____

Signature Date

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as an independent director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as an independent director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Privacy-Act-of-1974-System-of-Records-Notice-of-the-Establishment-of-New-Systems-of-Records.aspx.

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR ANNUAL CERTIFICATION FORM

Full name: _____

Federal Home Loan Bank of: _____

Every year, each incumbent independent Federal Home Loan Bank (Bank) director must certify that he or she continues to meet all of the following requirements:

- United States citizen
- Bona fide resident of a state in the geographic district of the Bank on whose board you serve
  - your principal residence is located in that geographic district OR
  - you own or lease a second residence in the district *and* are employed in the district
- During your term of office, you and your spouse may not:
  - serve as an officer of any Federal Home Loan Bank
  - serve as an officer, employee, or director of any member or subsidiary of a member of the Bank you serve, or any holding company that controls one or more members of the Bank you serve if the assets of all such members constitute 35 percent or more of the assets of the holding company, on a consolidated basis
  - serve as an officer, employee, or director of any recipient of advances from the Bank you serve, or any holding company that controls one or more recipients of advances from the Bank you serve if the assets of all such recipients constitute 35 percent or more of the assets of the holding company, on a consolidated basis
- To be designated a public interest director, you must have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections
- If you are not designated as a public interest director, you must have knowledge or experience in one of the following: auditing and accounting, derivatives, financial management, organizational management, project development, risk management practices, or the law.

By executing this form, you are certifying that you continue to meet these requirements and that the director application form you submitted previously, or any amended certification form you submitted previously, is true, correct, and complete to the best of your knowledge.

Please check one box:

☐ **No changes have occurred.**

☐ **Changes have occurred to my responses in these sections of my Form:**

Personal information:

Eligibility information, including conflicts of interest:

Commitment to serve:

Personal integrity:

Independence:

Other changes:

Dated: _____

Signature: _____

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as an independent director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as an independent director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Privacy-Act-of-1974-System-of-Records-Notice-of-the-Establishment-of-New-Systems-of-Records.aspx.

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

[FR Doc. 2017–27629 Filed 12–21–17; 8:45 am]

BILLING CODE 8070–01–C

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is 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.: 012439–002.

Title: THE Alliance Agreement.

Parties: Hapag-Lloyd AG and Hapag-Lloyd USA LLC (acting as one party); Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yang Ming Marine Transport Corp and Yang Ming (UK) Ltd. (acting as one party).

Filing Party: Joshua Stein, Cozen O'Conner, 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The Amendment revises the Agreement to provide for the transition that will occur following the acquisition of the assets of the container liner operations of Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Nippon Yusen Kaisha by a new company known as Ocean Network Express Pte. Ltd. effective April 1, 2018. Ocean Network Express Pte. Ltd. is added as a party effective on the date of the transition referenced above. In addition, the Amendment adds Yang Ming (UK) Ltd. as a party (operating as a single party with Yang Ming Marine Transport Corp.) and adds Guatemala and India to the geographic scope of the Agreement.

By Order of the Federal Maritime Commission.

Dated: December 19, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–27640 Filed 12–21–17; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed changes to the currently approved information collection project: ''*Medical Expenditure Panel Survey (MEPS) Household Component and the MEPS Medical Provider Component.*''

DATES: Comments on this notice must be received by February 20, 2018.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed changes to questions asked of household respondents, data collection instruments, collection plans, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Medical Expenditure Panel Survey (MEPS) Household Component (HC)

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. For over thirty years, results from the MEPS and its predecessor surveys (the 1977 National Medical Care Expenditure Survey, the 1980 National Medical Care Utilization and Expenditure Survey and the 1987 National Medical Expenditure Survey) have been used by OMB, DHHS, Congress and a wide number of health services researchers to analyze health care use, expenses and health policy.

Major changes continue to take place in the health care delivery system. The MEPS is needed to provide information about the current state of the health care system as well as to track changes over time. The MEPS permits annual estimates of use of health care and expenditures and sources of payment for that health care. It also permits tracking individual change in employment, income, health insurance and health status over two years. The use of the National Health Interview Survey (NHIS) as a sampling frame expands the MEPS analytic capacity by providing another data point for comparisons over time.

Households selected for participation in the MEPS–HC are interviewed five times in person. These rounds of interviewing are spaced about 5 months apart. The interview will take place with a family respondent who will report for him/herself and for other family members.

The only change to the MEPS–HC from the previous OMB clearance is an update to the existing Adult Self-Administered Questionnaire (SAQ).

The MEPS–HC has the following goal:

- To provide nationally representative estimates for the U.S. civilian noninstitutionalized population for:
  - Health care use, expenditures, sources of payment
  - health insurance coverage

Medical Expenditure Panel Survey (MEPS) Medical Provider Component (MPC)

The MEPS–MPC will contact medical providers (hospitals, physicians, home health agencies and institutions) identified by household respondents in the MEPS–HC as sources of medical care for the time period covered by the interview, and all pharmacies providing prescription drugs to household members during the covered time period. The MEPS–MPC is not designed to yield national estimates as a stand-alone survey. The sample is designed to target the types of individuals and providers for whom household reported expenditure data was expected to be insufficient. For example, Medicaid enrollees are targeted for inclusion in the MEPS–MPC because this group is expected to have limited information about payments for their medical care.

The MEPS–MPC collects event level data about medical care received by sampled persons during the relevant time period. The data collected from medical providers include:

- Dates on which medical encounters occurred during the reference period
- Data on the medical content of each encounter, including ICD–9 (or ICD–10) and CPT–4 codes
- Data on the charges associated with each encounter, such as the sources paying for the medical care-including the patient/family, public sources, and private insurance, and amounts paid by each source

Data collected from pharmacies include:

- Date on which a prescription was filled
- National drug code (NDC) or prescription name, strength and form
- Quantity
- Payments, by source

The MEPS–MPC has the following goal:

- To serve as an imputation source for and to supplement/replace household reported expenditure and source of payment information. This data will supplement, replace and verify information provided by household respondents about the charges, payments, and sources of payment associated with specific health care encounters.

There are no changes to the MEPS–MPC from the previous OMB clearance.

This study is being conducted by AHRQ through its contractors, Westat and RTI International, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the cost and use of health care services and with respect to health statistics and surveys. 42 U.S.C. 299a(a)(3) and (8); 42 U.S.C. 299b–2.

Method of Collection

To achieve the goals of the MEPS–HC the following data collections are implemented:

1. *Household Component Core Instrument.* The core instrument collects data about persons in sample households. Topical areas asked in each round of interviewing include condition enumeration, health status, health care utilization including prescribed medicines, expense and payment, employment, and health insurance. Other topical areas that are asked only once a year include access to care, income, assets, satisfaction with health plans and providers, children's health, and adult preventive care. While many of the questions are asked about the entire reporting unit, which is typically a family, only one person normally provides this information. All sections of the current core instrument are available on the AHRQ website at *http://meps.ahrq.gov/mepsweb/survey_comp/survey_questionnaires.jsp.*

2. *Adult Self Administered Questionnaire.* A brief self-administered questionnaire (SAQ) will be used to collect self-reported (rather than through household proxy) information on health status, health opinions and satisfaction with health care for adults 18 and older. The health status items are from the Veterans Rand 12-item health survey (VR–12). Additionally there are questions addressing adult preventive care for both males and females. This questionnaire has changed from the previous OMB clearance.

3. *Diabetes Care SAQ.* A brief self-administered, paper-and-pencil questionnaire on the quality of diabetes care is administered once a year (during round 3 and 5) to persons identified as having diabetes. Included are questions about the number of times the respondent reported having a hemoglobin A1c blood test, whether the respondent reported having his or her feet checked for sores or irritations, whether the respondent reported having an eye exam in which the pupils were dilated, the last time the respondent had his or her blood cholesterol checked and whether the diabetes has caused kidney or eye problems. Respondents are also asked if their diabetes is being treated with diet, oral medications or insulin. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#supplemental.*

4. *Authorization forms for the MEPS–MPC Provider and Pharmacy Survey.* As in previous panels of the MEPS, we will ask respondents for authorization to obtain supplemental information from their medical providers (hospitals, physicians, home health agencies and institutions) and pharmacies. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC_AF* for the pharmacy and provider authorization forms.

5. *MEPS Validation Interview.* Each interviewer is required to have at least 15 percent of his/her caseload validated to insure that CAPI questionnaire content was asked appropriately and procedures followed, for example the use of show cards. Validation flags are set programmatically for cases pre-selected by data processing staff before each round of interviewing. Home office and field management may also request that other cases be validated throughout the field period. When an interviewer fails a validation all his or her work is subject to 100 percent validation. Additionally, any case completed in less than 30 minutes is validated. A validation abstract form containing selected data collected in the CAPI interview is generated and used by the validator to guide the validation interview.

To achieve the goal of the MEPS–MPC the following data collections are implemented:

1. *MPC Contact Guide/Screening Call.* An initial screening call is placed to determine the type of facility, whether the practice or facility is in scope for the MEPS–MPC, the appropriate MEPS–MPC respondent and some details about the organization and availability of medical records and billing at the practice/facility. All hospitals, physician offices, home health agencies, institutions and pharmacies are screened by telephone using a unique screening instrument, except for the two home care provider types which use the same screening form; see *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC_CG.*

2. *Home Care Provider Questionnaire for Health Care Providers.* This questionnaire is used to collect data from home health care agencies which provide medical care services to household respondents. Information collected includes type of personnel providing care, hours or visits provided per month, and the charges and payments for services received. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

3. *Home Care Provider Questionnaire for Non-Health Care Providers.* This questionnaire is used to collect information about services provided in the home by non-health care workers to household respondents because of a medical condition; for example, cleaning or yard work, transportation, shopping, or child care. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

4. *Medical Event Questionnaire for Office-Based Providers.* This questionnaire is for office-based physicians, including doctors of medicine (MDs) and osteopathy (DOs), as well as providers practicing under the direction or supervision of an MD or DO (*e.g.,* physician assistants and nurse practitioners working in clinics). Providers of care in private offices as well as staff model HMOs are included. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

5. *Medical Event Questionnaire for Separately Billing Doctors.* This questionnaire collects information from physicians identified by hospitals (during the Hospital Event data collection) as providing care to sampled persons during the course of inpatient, outpatient department or emergency room care, but who bill separately from the hospital. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

6. *Hospital Event Questionnaire.* This questionnaire is used to collect information about hospital events, including inpatient stays, outpatient department, and emergency room visits. Hospital data are collected not only from the billing department, but from medical records and administrative records departments as well. Medical records departments are contacted to determine the names of all the doctors

who treated the patient during a stay or visit. In many cases, the hospital administrative office also has to be contacted to determine whether the doctors identified by medical records billed separately from the hospital itself; the doctors that do bill separately from the hospital will be contacted as part of the Medical Event Questionnaire for Separately Billing Doctors. HMOs are included in this provider type. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC*.

7. *Institutions Event Questionnaire.* This questionnaire is used to collect information about institution events, including nursing homes, rehabilitation facilities and skilled nursing facilities. Institution data are collected not only from the billing department, but from medical records and administrative records departments as well. Medical records departments are contacted to determine the names of all the doctors who treated the patient during a stay. In many cases, the institution administrative office also has to be contacted to determine whether the doctors identified by medical records billed separately from the institution itself. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC*).

8. *Pharmacy Data Collection Questionnaire.* This questionnaire requests the national drug code (NDC) and when that is not available the prescription name, date prescription was filled, payments by source, prescription strength and form (when the NDC is not available), quantity, and person for whom the prescription was filled. When the NDC is available, we do not ask for prescription name, strength or form because that information is embedded in the NDC; this reduces burden on the respondent. Most pharmacies have the requested information available in electronic format and respond by providing a computer generated printout of the patient's prescription information. If the computerized form is unavailable, the pharmacy can report their data to a telephone interviewer. Pharmacies are also able to provide a CD–ROM with the requested information if that is preferred. HMOs are included in this provider type. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

9. *Medical Organizations Survey Questionnaire.* This questionnaire will collect essential information on important features of the staffing, organization, policies, and financing for identified usual source of office based care providers. This additional data are linked to MEPS sample respondents to enable analyses at the person-level using characteristics of provider practices.

Dentists, optometrists, psychologists, podiatrists, chiropractors, and others not providing care under the supervision of a MD or DO are considered out of scope for the MEPS–MPC.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the MEPS–HC and the MEPS–MPC. The MEPS–HC Core Interview will be completed by 15,093* (see note below Exhibit 1) ''family level'' respondents, also referred to as RU respondents. Since the MEPS–HC consists of 5 rounds of interviewing covering a full two years of data, the annual average number of responses per respondent is 2.5 responses per year. The MEPS–HC core requires an average response time of 92 minutes to administer. The Adult SAQ will be completed once a year by each person in the RU that is 18 years old and older, an estimated 28,254 persons. The Adult SAQ requires an average of 7 minutes to complete. The Diabetes care SAQ will be completed once a year by each person in the RU identified as having diabetes, an estimated 2,345 persons, and takes about 3 minutes to complete. The authorization form for the MEPS–MPC Provider Survey will be completed once for each medical provider seen by any RU member. The 14,489 RUs in the MEPS–HC will complete an average of 5.4 forms, which require about 3 minutes each to complete. The authorization form for the MEPS–MPC Pharmacy Survey will be completed once for each pharmacy for any RU member who has obtained a prescription medication. RUs will complete an average of 3.1 forms, which take about 3 minutes to complete. About one third of all interviewed RUs will complete a validation interview as part of the MEPS–HC quality control, which takes an average of 5 minutes to complete. The total annual burden hours for the MEPS–HC are estimated to be 67,826 hours.

All medical providers and pharmacies included in the MEPS–MPC will receive a screening call and the MEPS–MPC uses 7 different questionnaires; 6 for medical providers and 1 for pharmacies. Each questionnaire is relatively short and requires 2 to 15 minutes to complete. The total annual burden hours for the MEPS–MPC are estimated to be 18,876 hours. The total annual burden for the MEPS–HC and MPC is estimated to be 86,702 hours.

Exhibit 2 shows the estimated annual cost burden associated with the respondents' time to participate in this information collection. The annual cost burden for the MEPS–HC is estimated to be $1,618,328; the annual cost burden for the MEPS–MPC is estimated to be $316,532. The total annual cost burden for the MEPS–HC and MPC is estimated to be $1,934,860.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
MEPS–HC:				
MEPS–HC Core Interview	*15,093	2.5	92/60	57,857
Adult SAQ	28,254	1	7/60	3,296
Diabetes care SAQ	2,345	1	3/60	117
Authorization form for the MEPS–MPC Provider Survey	14,489	5.4	3/60	3,912
Authorization form for the MEPS–MPC Pharmacy Survey	14,489	3.1	3/60	2,246
MEPS–HC Validation Interview	4,781	1	5/60	398
Subtotal for the MEPS–HC	79,451	Na	na	67,826
MEPS–MPC/MOS:				
MPC Contact Guide/Screening Call**	35,222	1	2/60	1,174
Home care for health care providers questionnaire	532	1.49	9/60	119
Home care for non-health care providers questionnaire	25	1	11/60	5
Office-based providers questionnaire	11,785	1.44	10/60	2,828

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Separately billing doctors questionnaire	12,693	3.43	13/60	9,433
Hospitals questionnaire	5,077	3.51	9/60	2,673
Institutions (non-hospital) questionnaire	117	2.03	9/60	36
Pharmacies questionnaire	4,993	4.44	3/60	1,108
Medical Organizations Survey questionnaire	6,000	1	15/60	1,500
Subtotal for the MEPS–MPC	76,444	na	na	18,876
Grand Total	155,895	na	na	86,702

* While the expected number of responding units for the annual estimates is 14,489, it is necessary to adjust for survey attrition of initial respondents by a factor of 0.96 (15,093 = 14,489/0.96).
** There are 6 different contact guides; one for office based, separately billing doctor, hospital, institution, and pharmacy provider types, and the two home care provider types use the same contact guide.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate	Total cost burden
MEPS–HC:				
MEPS–HC Core Interview	15,093	57,857	* $23.86	$1,380,468
Adult SAQ	28,254	3,296	* 23.86	78,643
Diabetes care SAQ	2,345	117	* 23.86	2,792
Authorization forms for the MEPS–MPC Provider Survey	14,489	3,912	* 23.86	93,340
Authorization form for the MEPS–MPC Pharmacy Survey	14,489	2,246	* 23.86	53,590
MEPS–HC Validation Interview	4,781	398	* 23.86	9,496
Subtotal for the MEPS–HC	79,451	67,826	Na	1,618,328
MEPS–MPC/MOS:				
MPC Contact Guide/Screening Call	35,222	1,174	** 16.85	19,782
Home care for health care providers questionnaire	532	119	** 16.85	2,005
Home care for non-health care providers questionnaire	25	5	** 16.85	84
Office-based providers questionnaire	11,785	2,828	** 16.85	47,652
Separately billing doctors questionnaire	12,693	9,433	** 16.85	158,946
Hospitals questionnaire	5,077	2,673	** 16.85	45,040
Institutions (non-hospital) questionnaire	117	36	** 16.85	607
Pharmacies questionnaire	4,993	1,108	*** 15.47	17,141
Medical Organizations Survey questionnaire	6,000	1,500	** 16.85	25,275
Subtotal for the MEPS–MPC	76,444	18,876	na	316,532
Grand Total	155,895	86,073	na	1,934,860

* Mean hourly wage for All Occupations (00–0000).
** Mean hourly wage for Medical Secretaries (43–6013).
*** Mean hourly wage for Pharmacy Technicians (29–2052).
Occupational Employment Statistics, May 2016 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. *http://www.bls.gov/oes/current/oes_nat.htm#b29-0000*.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2017–27605 Filed 12–21–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–262]

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

ACTION: Notice; partial withdrawal.

SUMMARY: On Wednesday, December 13, 2017, the Centers for Medicare & Medicaid Services (CMS) published a notice document entitled, ''Agency Information Collection Activities:

Submission for OMB Review; Comment Request''. That notice invited public comments on two separate information collection requests, under Document Identifiers: CMS–R–262 and CMS–10398. Through the publication of this document, we are withdrawing the portion of the notice requesting public comment on the information collection request titled, ''Contract Year 2019 Plan Benefit Package (PBP) Software and Formulary Submission.'' The associated form number is CMS–R–262 (OMB control number: 0938–0763). The comment period for CMS–10398 (OMB control number: 0938–1148) titled, ''Generic Clearance for Medicaid and CHIP State Plan, Waiver, and Program Submissions'' remains in effect and ends on January 12, 2018.

Dated: December 19, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–27606 Filed 12–21–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10637]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by February 20, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *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: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10637 Martketplace Operations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Marketplace Operations; *Use:* On August 30, 2013, HHS published the final rule CMS–9957–F*:* Program Integrity: Exchanges, SHOP, Eligibility Appeals (Program Integrity final rule), finalizing a number of the provisions from the Program Integrity and E&E II Proposed Rules. The third party disclosure requirements and data collections in the Program Integrity final rule support the oversight of qualified health plan (QHP) issuers in Federally-facilitated Exchanges (FFEs) and other provisions. OMB approved the associated information collection request under OMB control number 0938–1213 on November 21, 2013. The Program Integrity ICR was inclusive of many unrelated information collection requirements covered in the Program Integrity Final Rule. This proposed ICR serves as the formal request for a new stand-alone information collection request to cover existing Marketplace Operations requirements previously approved under OMB control number 0938–1213 (Program Integrity and Additional State Information Collections). *Form Number:* CMS–10637 (OMB control number 0938–NEW). *Frequency:* Annually; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 3,902; *Number of Responses:* 3,902; *Total Annual Hours:* 2,336,190. (For questions regarding this collection contact Joshua Annas at (301) 492–4407.)

Dated: December 19, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–27599 Filed 12–21–17; 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: Prenatal Alcohol and Other Drug Exposures in Child Welfare (PAODE–CW) Study.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing a data collection activity as part of the Prenatal Alcohol and Other Drug Exposures in Child Welfare (PAODE–CW) Study. The study examines the current state of child welfare practice regarding the identification and provision of services for children with prenatal substance exposures, including alcohol and other drugs.

The descriptive study will document the policies and practices of child welfare agencies and related organizations to identify, assess, and refer to services children who may have been exposed to prenatal substances and/or diagnosed with a resulting condition such as fetal alcohol spectrum disorders (FASD). The study will document procedures as well as challenges faced and lessons learned to inform the field of practice as well as policy makers, program administrators, and funders at various levels.

The proposed information collection activities consist of semi-structured interviews and surveys conducted at 28 child welfare agency sites. Focus groups conducted at 8 of the 28 sites will gather information on needs, challenges, and strategies to support children with prenatal substance exposures and their families within the child welfare system.

Respondents: State and child welfare agency directors, child welfare staff and supervisors; agency partners and service providers; and family members and caregivers of children who may have been prenatally exposed to substances.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Interview Protocol for Local Agency Staff—Frontline Only	28	1	1	28
Interview Protocol for Local Agency Staff—Ongoing Only	28	1	1	28
Interview Protocol for Local Agency Staff—Frontline and Ongoing	15	1	1.25	19
Interview Protocol for Local Agency Medical Staff	14	1	1	14
Interview Protocol for Local Agency Director	14	1	1	14
Focus Group of Caregivers	32	1	1.5	48
Survey Instrument for Local Agency Staff—Form A General	140	1	.5	70
Survey Instrument for Local Agency—Form B General	90	1	.5	45
Survey Instrument for Local Agency Form B Differential Response	50	1	.5	25
Survey Instrument for Service Providers	12	1	.5	6
Interview Protocol for Data Staff	6	1	1.5	9

Estimated Total Annual Burden Hours: 305.

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. 2017–27600 Filed 12–21–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Study of Coaching Practices in Early Care and Education Settings (SCOPE).

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to collect descriptive information for the Study of Coaching Practices in Early Care and Education Settings (SCOPE) project. The goal of this information collection is to identify how professional development coaching practices for early care and education (ECE) providers are implemented and vary in ECE classrooms serving children supported by Child Care and Development Fund (CCDF) subsidies or Head Start grants. This study will focus primarily on coaching used for delivering professional development services to ECE teachers and caregivers to improve knowledge and practice in center-based classrooms and family child care (FCC) homes serving preschool-age children. This study aims to advance understanding of how core features of coaching are implemented in ECE classrooms, how the features may vary by key contextual factors and implementation drivers, and which are ripe for more rigorous evaluation. The study tasks will include gathering information to inform selection of states in which to conduct the study, designing and conducting a descriptive study to examine the occurrence and variability of coaching features in ECE classrooms, and conducting case studies to examine program or systems-level drivers of coaching and the features being implemented.

Respondents: State administrators knowledgeable about coaching and

coaching funders or providers, ECE center directors, coaches, teachers, and FCC providers.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
State coaching informant interview protocol	45	23	1	1	23
ECE setting eligibility screener	173	87	1	0.25	22
Center director survey	60	30	1	0.5	15
Coach survey	90	45	1	0.5	23
Teacher/FCC provider survey	172	86	1	0.58	50
Center director semi-structured interview protocol	12	6	1	1.5	9
Coach semi-structured interview protocol	12	6	1	1	6
Teacher/FCC provider semi-structured interview protocol	12	6	1	1	6
Coach supervisor semi-structured interview protocol	12	6	1	0.5	3

Estimated Total Annual Burden Hours: 157.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 within 60 days of this publication.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–27578 Filed 12–21–17; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0307]

Amendment to ''Revised Preventive Measures To Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease and Variant Creutzfeldt-Jakob Disease by Blood and Blood Products; Guidance for Industry;'' Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled ''Amendment to 'Revised Preventive Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease and Variant Creutzfeldt-Jakob Disease by Blood and Blood Products; Guidance for Industry;' Draft Guidance for Industry.'' The draft guidance document provides blood collection establishments with revised recommendations intended to reduce the possible risk of transmission of variant Creutzfeldt-Jakob Disease (vCJD) by blood and blood products by revising and removing certain recommended deferrals for geographic risk of bovine spongiform encephalopathy (BSE) exposure and recommending deferral for individuals with a history of blood transfusion in Ireland from 1980 to the present. The recommendations apply to the collection of Whole Blood and blood components intended for transfusion or for use in further manufacturing into injectable and non-injectable products, including recovered plasma, Source Leukocytes and Source Plasma.

The draft guidance, when finalized, will amend the document entitled ''Revised Preventive Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease and Variant Creutzfeldt-Jakob Disease by Blood and Blood Products; Guidance for Industry'' updated January 2016 (''2016 vCJD Guidance'') by incorporating into an updated final guidance any new recommendations adopted. All other recommendations in the 2016 vCJD Guidance will remain unchanged.

DATES: Submit either electronic or written comments on the draft guidance by March 22, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–D–0307 for ''Amendment to 'Revised Preventive Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease and Variant Creutzfeldt-Jakob Disease by Blood and Blood Products; Guidance for Industry;' Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Melissa Segal, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Amendment to 'Revised Preventive Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease and Variant Creutzfeldt-Jakob Disease by Blood and Blood Products; Guidance for Industry;' Draft Guidance for Industry.'' The draft guidance provides blood collection establishments with revised recommendations intended to reduce the possible risk of transmission of vCJD by blood and blood products. The draft guidance, when finalized, will amend FDA's current recommendations by revising and removing certain recommended deferrals for geographic risk of BSE exposure; and recommending deferral for individuals with a history of blood transfusion in Ireland from 1980 to the present. The draft guidance also includes recommendations for blood collection establishments to update their donor history questionnaires (DHQ), including full-length and abbreviated DHQs and accompanying materials, and processes to incorporate the recommendations provided in the guidance, and recommendations for licensed establishments on how to report such changes to FDA. The recommendations apply to the collection of Whole Blood and blood components intended for transfusion or for use in further manufacturing into injectable and non-injectable products, including recovered plasma, Source Leukocytes and Source Plasma. While this draft guidance specifically provides revised recommendations to address vCJD risk, we may address Creutzfeldt-Jakob Disease (CJD) risk in future guidance documents.

The revised donor deferral recommendations are based on the results of an FDA quantitative risk assessment model. The model was developed to rank the risk of vCJD in different countries, to evaluate risk reduction and donor loss resulting from the current donor deferral policy compared with alternative policies, and to evaluate the potential additional reduction in risk afforded by leukocyte reduction of red blood cells. The model estimated that the United Kingdom, Ireland, and France, the three countries with the highest vCJD risks, contributed 95 percent of the total vCJD risk in the United States. The model also predicted that a revised policy of deferring donors only for time spent in these three countries would maintain a level of blood safety similar to that resulting from current policy, assuming approximately 71.3 to 95 percent of red blood cells currently transfused in the United States are leukocyte reduced. Based on its value in reducing the risk of transfusion-transmitted vCJD and its other medical benefits, FDA continues to consider potential rulemaking that would require leukocyte reduction of red blood cells and platelets intended for transfusion. The draft guidance, when finalized, will amend the 2016 vCJD Guidance.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Revised Preventive Measures to Reduce the Possible Risk of Transmission of Creutzfeldt-Jakob Disease and Variant Creutzfeldt-Jakob Disease by Blood and Blood Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and

regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 601.12 and Form FDA 356h have been approved under OMB control number 0910–0338.

III. Electronic Access

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

Dated: December 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–27569 Filed 12–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6395]

Request for Nominations of Members for the Clinical Trials Transformation Initiative/Food and Drug Administration Patient Engagement Collaborative

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency), in collaboration with the Clinical Trials Transformation Initiative (CTTI), is requesting nominations of patient advocates interested in participating on the Patient Engagement Collaborative (PEC). The PEC will be an ongoing, collaborative forum coordinated through the Patient Affairs Staff, Office of Medical Products and Tobacco (OMPT), Office of the Commissioner, and will be hosted by CTTI. Through the PEC, the patient community and regulators will be able to discuss an array of topics regarding increasing meaningful patient engagement in medical product development and regulatory discussions at FDA. The activities of the PEC may include, but are not limited to, providing diverse perspectives on topics such as systematic patient engagement, transparency, and communication; providing considerations for implementing new strategies to enhance patient engagement at FDA; and proposing new models of collaboration in which patients and patient advocates are partners in certain aspects of the medical product development and FDA review process.

DATES: Nominations received by 11:59 p.m. Eastern Time on or before January 29, 2018, will be given first consideration for membership on the PEC. Nominations received after the submission deadline will be retained for future consideration.

ADDRESSES: All nominations should be submitted to the FDA's Patient Affairs Staff in the OMPT. Email nominations are preferred and should be submitted to *PatientEngagementCollaborative@fda.hhs.gov*. Though not required, it is appreciated if all nomination materials are compiled into a single PDF file and attached to the submission email. Nominations may also be submitted by mail or delivery service to Patient Affairs Staff, Office of Medical Products and Tobacco, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 1316, Silver Spring, MD 20993. Only complete applications, as described in section ''IV. Nomination Process'' of this document, will be considered.

FOR FURTHER INFORMATION CONTACT: Andrea Furia-Helms, Office of Medical Products and Tobacco, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 1316, Silver Spring, MD 20993, 301–796–8455, *PatientEngagementCollaborative@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

The CTTI is a public-private partnership co-founded by FDA and Duke University whose mission is to develop and drive adoption of practices that will increase the quality and efficiency of clinical trials. FDA and CTTI have long involved patients and considered patient perspectives in their work. Furthering the engagement of patients as valued partners across the medical product research and development continuum requires an open forum for patients and regulators to discuss and exchange ideas.

The PEC will be an ongoing, collaborative forum in which the patient community and regulators will discuss an array of topics regarding increasing patient engagement in medical product development and regulatory discussions at FDA. The PEC will be a joint endeavor between the CTTI and FDA. The activities of the PEC may inform relevant FDA and CTTI activities. The PEC is not intended to advise or otherwise direct the activities of either organization, and membership will not constitute employment by either organization.

The Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), section 1137, entitled ''Patient Participation in Medical Product Discussions,'' added section 569C to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c). This provision directs the Secretary of Health and Human Services to develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions. On November 4, 2014, FDA issued a **Federal Register** notice establishing a docket (FDA–2014–N–1698) for public commenters to submit information related to FDA's implementation of this provision (79 FR 65410). Upon review of the comments received, one common theme, among others, included establishing an external group to provide input on patient engagement strategies across FDA's Centers.

Recent legislation in both section 3001 of the 21st Century Cures Act and section 605 of the Food and Drug Administration Reauthorization Act of 2017 supports tools for fostering patient participation in the regulatory process.

The purpose of this notice is to announce that the nomination process for the PEC is now open, and to invite and encourage nominations by the submission deadline for appropriately qualified individuals. Self-nominations are accepted.

II. Criteria for Membership

The PEC will include up to 16 diverse representatives of the patient community. Selected members will include the following: (1) Patients who have personal disease experience; (2) caregivers who support patients, such as a parent, child, partner, other family member, or friend, and who have personal disease experience through this caregiver role; and (3) representatives from patient groups who, through their role in the patient group, have direct or indirect disease experience. Please note that for purposes of this activity, the term ''caregiver'' is not intended to include individuals who are engaged in caregiving as health care professionals; and the term ''patient group'' is used herein to encompass patient advocacy

organizations, disease advocacy organizations, voluntary health agencies, nonprofit research foundations, and public health organizations. The ultimate goal of the nomination and selection process is to identify individuals who can represent a collective patient voice for their patient community.

Selection criteria include the nominee's potential to meaningfully contribute to the activities of the PEC, ability to represent and express the patient voice for his or her constituency, ability to work in a constructive manner with involved stakeholders, and understanding of the clinical research enterprise. Consideration will also be given to ensuring the PEC includes diverse perspectives and experiences, including but not limited to, sociodemographic and disease experience diversity. It is anticipated that approximately half of the PEC membership will be selected from eligible CTTI member organizations and individuals, and half will be selected from other nominees. Members are required to be citizens and residents of the United States.

Financial and other conflicts of interest will not necessarily make nominees ineligible for membership in the PEC. However, nominees cannot be direct employees of the medical product development industry.

III. Responsibilities and Expectations

Meetings of the PEC will typically be held four times per year, either in-person (in the Washington, DC area) or by webinar, and additional meetings may be organized as needed. Accommodations will be made for members with special needs for travel or for participation in a meeting (*e.g.,* accommodations for physical mobility impairments, dietary restrictions, etc.). Nominations for PEC membership are encouraged for individuals of all racial, ethnic, sexual orientation, and cultural groups with and without disabilities. Travel support will be provided.

To help ensure continuity in its activities and organizational knowledge, the PEC will maintain staggered membership terms for patient community representatives. Membership terms are anticipated as 1- to 2-year appointments, and will be determined during the process of selecting members. Members may serve up to two terms, with the possibility of extensions.

Additional responsibilities and expectations are set forth in the Patient Engagement Collaborative Framework, which should be reviewed prior to submitting a nomination. The full text of the Patient Engagement Collaborative Framework is available at *https://www.ctti-clinicaltrials.org/framework-cttifda-patient-engagement-collaborative.*

IV. Nomination Process

Any interested person may nominate one or more qualified individuals for membership on the PEC. Self-nominations are also accepted.

Nominations should include the following: (1) A personal statement (maximum 800 words) from the nominee explaining his or her interest in becoming a member of the PEC; (2) a current, complete curriculum vitae or resume that shows relevant activities and experience; and (3) an optional letter of endorsement (maximum 800 words) from a patient group with which the nominee has worked closely on activities relevant to the PEC.

The personal statement and optional letter of endorsement (if provided) should emphasize information relevant to the criteria for membership described above. The letter may address topics such as the nominee's involvement in patient advocacy activities, experiences that stimulated an interest in participating in discussions about patient engagement in medical product development and regulatory decision-making, and other information that may be helpful in evaluating the nominee's qualifications as a potential member of the PEC.

Nominations must provide the nominee's contact information (phone and email preferred), as well as state that the nominee is aware of the nomination (unless self-nominated) and is willing to serve as a member of the PEC.

Additional information may be needed from nominees, including information relevant to understanding potential sources of conflict of interest, in which case nominees will be contacted directly.

Dated: December 15, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–27538 Filed 12–20–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1995–D–0288 (Formerly Docket No. 95D–0052)]

Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled ''Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products; Draft Guidance for Industry.'' The draft guidance is intended to assist applicants and manufacturers of certain licensed biological products in determining which reporting category is appropriate for a change in chemistry, manufacturing, and controls (CMC) information to an approved biologics license application (BLA). The draft guidance provides applicants and manufacturers general and administrative information on reporting and evaluating changes and recommendations for reporting categories based on a tiered-reporting system for specific changes. The draft guidance, when finalized, is intended to supersede the document entitled ''Guidance for Industry: Changes to an Approved Application: Biological Products'' dated July 1997 (July 1997 guidance).

DATES: Submit either electronic or written comments on the draft guidance by March 22, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–1995–D–0288 (formerly Docket No. 95D–0052) for ''Chemistry, Manufacturing, and Controls Changes to an Approved Application: Biological Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Jessica T. Walker, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products; Draft Guidance for Industry.'' The draft guidance, when finalized, is intended to assist applicants and manufacturers of licensed biological products in determining which reporting category is appropriate for a change in CMC to an approved BLA as specified in 21 CFR 601.12. The draft guidance provides applicants and manufacturers general and administrative information on reporting and evaluating changes and recommendations for reporting categories based on a tiered-reporting system for specific changes under § 601.12.

FDA issued the July 1997 guidance (62 FR 39904; July 24, 1997) to assist applicants in determining which reporting mechanism is appropriate for reporting a change to an approved application to reduce the burden on manufacturers when reporting changes and to facilitate the approval process of the change being made. We are updating the July 1997 guidance to accommodate advances in manufacturing and testing technology and to clarify the FDA's current thinking on assessing reportable changes. The updated guidance applies to certain biological products licensed under the Public Health Service Act (PHS Act), including in vitro diagnostics licensed under BLAs. This draft guidance applies to all manufacturing locations, including contract locations. The following biological products are not within the scope of this guidance: Whole blood, blood components, source plasma, and source leukocytes. This draft guidance also does not apply to human cells, tissues, and cellular and tissue-based products regulated solely under section 361 of the PHS Act (42 U.S.C. 264), as described in 21 CFR part 1271; specified biotechnology and specified synthetic biological products; and biosimilar biological products subject to licensure under section 351(k) of the PHS Act. The draft guidance, when finalized, is intended to supersede the July 1997 guidance.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Chemistry, Manufacturing, and Controls Changes to an Approved Application: Certain Biological Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance also refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 210 and

21 CFR part 211 have been approved under OMB control number 0910–0139; the collections of information in 21 CFR 601.12 have been approved under OMB control numbers 0910–0338, and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

III. Electronic Access

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

Dated: December 19, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–27589 Filed 12–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–new]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before January 22, 2018.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714. When submitting comments or requesting information, please include the document identifier 0990–New–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: I Can Do It, You Can Do It! Program Evaluation.

Type of Collection: New.

OMB No. 0990—NEW—Office within OS—President's Council on Fitness, Sports & Nutrition (PCFSN), Office of the Assistant Secretary for Health.

Abstract: Approximately 56 million children and adults living in the United States have some level of disability. Despite physical activity and good nutrition being the cornerstones of evidence-based health promotion interventions for reducing the risk of comorbidities (*e.g.,* diabetes, heart disease, and stroke), many people with a disability or caregivers who have a child with a disability experience substantial difficulty accessing these programs. Benefits of physical activity and good nutrition have been well documented for individuals with and without a disability, including: reducing the risk of developing chronic diseases and medical conditions. Studies also show that one-on-one mentoring through healthy eating, physical activity, and sport participation can support the development of social skills, improve positive self-esteem, and increase self-confidence among children and adults with a disability. I Can Do It, You Can Do It! partners with K–12 schools and school districts, colleges and universities, and other community-based entities to provide access and opportunities for children and adults with a wide range of physical and cognitive disabilities to lead healthy, active lives. PCFSN plans to conduct a rigorous evaluation of I Can Do It, You Can Do It! The evaluation will assess the impact of the program on mentee level outcomes (impact evaluation) as well as barriers and facilitators to program implementation (process evaluation). Evaluation activities will take place in 10 sites between summer 2018 and fall 2019. The I Can Do It, You Can Do It! sites recruited to participate in the evaluation will be identified from a list of schools and community organizations that have signed up to be program sites. The aims of the process evaluation are to determine what parts of the program were successful, the usefulness of program materials, and what changes are necessary to improve the administration of the program. The aims of the impact evaluation are to examine how ICDI impacts Mentee physical activity and healthy eating behaviors. The information collected for the I Can Do It, You Can Do It! Program Evaluation will allow the OPCFSN and partners to assess the impact of the program and gather critical information for improvement. OMB approval is requested for three years. Participation in I Can Do It, You Can Do It! is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Respondents	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Site Application	Site Coordinator	10	1	7/60	1
Partner Application	National Partner Organizations	50	1	15/60	12
Site Annual Follow-Up Survey	Site Coordinator	10	1	5/60	1
End of Wave 1 Interview	Site Coordinator	10	1	30/60	5
End of Wave 1 Feedback Survey	Site Coordinator	10	1	11/60	2
End of Wave 2 Interview	Site Coordinator	10	1	30/60	5
End of Wave 2 Feedback Survey	Site Coordinator	10	1	6/60	1
Technical Assistance Assessment	Site Coordinator	10	1	10/60	2
Mentee Pre-Assessment	Mentee/Program Participant	700	1	20/60	233
Mentee Post-Assessment	Mentee/Program Participant	700	1	25/60	292
Mentor Feedback Survey	Mentor	700	1	8/60	94
Weekly Goal-Setting Guide	Mentor	700	8	10/60	936
Total			19		1,584

Dated: December 12, 2017.

Darius Taylor,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2017–27559 Filed 12–21–17; 8:45 am]

BILLING CODE 4150–35–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Establishment of the Health Information Technology Advisory Committee

AGENCY: Office of the National Coordinator for Health Information Technology (ONC), HHS.

ACTION: Notice of establishment meeting dates of the Health Information Technology Advisory Committee.

SUMMARY: The Health Information Technology Advisory Committee (HITAC) is established in accordance with section 4003(e) of the 21st Century Cures Act and the Federal Advisory Committee Act. The Health information Technology Advisory Committee, among other things, shall identify priorities for standards adoption and make recommendations to the National Coordinator of Health Information Technology (National Coordinator) on a policy framework to advance an interoperable health information technology infrastructure. The HITAC will hold public meetings throughout 2018 with its first public meeting scheduled for January 18, 2018, from approximately 9:30 a.m. to 2:30 p.m./ Eastern Time at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Lauren Richie, Designated Federal Officer, at *Lauren.Richie@hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 4003(e) of the 21st Century Cures Act (Pub. L. 114–255) establishes the Health Information Technology Advisory Committee (referred to as the ''HITAC''). The HITAC will be governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. App .), which sets forth standards for the formation and use of federal advisory committees.

Composition

The HITAC is comprised of at least 25 members, of which:

- No fewer than 2 members are advocates for patients or consumers of health information technology;
- 3 members are appointed by the HHS Secretary
  - 1 of whom shall be appointed to represent the Department of Health and Human Services and
  - 1 of whom shall be a public health official;
- 2 members are appointed by the majority leader of the Senate;
- 2 members are appointed by the minority leader of the Senate;
- 2 members are appointed by the Speaker of the House of Representatives;
- 2 members are appointed by the minority leader of the House of Representatives; and
- Other members are appointed by the Comptroller General of the United States.

Introductory members will serve for one-, two-, or three-year terms. All members may be reappointed for subsequent three-year terms. Each member is limited to two three-year terms, not to exceed six years of service. After establishment, members shall be appointed for a three year term. Members serve without pay, but will be provided per-diem and travel costs for committee services.

Recommendations

The HITAC shall recommend to the National Coordinator a policy framework for adoption by the Secretary consistent with the strategic plan under section 3001(c)(3) for advancing following target areas: (1) Achieving a health information technology infrastructure that allows for the electronic access, exchange, and use of health information; (2) the promotion and protection of privacy and security of health information in health information technology; (3) the facilitation of secure access by an individual to such individual's protected health information; and (4) any other target area that the HITAC identifies as an appropriate target area to be considered. Such policy framework shall seek to prioritize achieving advancements in these target areas and may incorporate policy recommendations made by the HIT Policy Committee, as in existence before the date of the enactment of the 21st Century Cures Act.

Public Meetings

The first public meeting of the HITAC will be held on January 18, 2018, from approximately 9:30 a.m. to 2:30 p.m./ Eastern Time at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008. Subsequently, the remainder of the meetings to be held in 2018 is scheduled as follows:

- February 21, 2018 from approximately 9:30 a.m.. to 2:30 p.m./Eastern Time (virtual meeting)
- March 21, 2018 from approximately 9:30 a.m. to 2:30 p.m./Eastern Time (virtual meeting)
- April 18, 2018 from approximately 9:30 a.m. to 2:30 p.m./Eastern Time at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008
- May 16, 2018 from approximately 9:30 a .m. to 2:30 p.m./Eastern Time (virtual meeting)
- June 20, 2018 from approximately 9:30 a.m. to 2:30 p.m./Eastern Time (virtual meeting)
- September *5,* 2018 from approximately 9:30 a.m. to 2:30 p.m./ Eastern Time at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008
- October 17, 2018 from approximately 9:30 a.m. to 2:30 p.m./Eastern Time (virtual meeting)
- November 14, 2018 from approximately 9:30 a.m. to 2:30 p.m./ Eastern Time (virtual meeting)

All meetings are open to the public. For web conference instructions and the most up-to-date information, please visit the HITAC calendar on the ONC website, *http://www.healthit.gov/FACAS/calendar.*

Contact Person for Meetings: Lauren Richie, *lauren.richie@hhs.gov.* A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Please email Lauren Richie for the most current information about meetings.

Agenda: The committee will take care of administrative matters and hear reports from ONC. ONC intends to make background material available to the public no later than 24 hours prior to the meeting start time. If ONC is unable to post the background material on its website prior to the meeting, it will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on ONC's website after the meeting, at *http://www.healthit.gov/hitac.*

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Written submissions may be made to the contact person prior to the meeting date. An oral public comment period will be scheduled at each meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled public comment period, ONC will take written comments after the meeting.

Persons attending ONC's HITAC meetings are advised that the agency is not responsible for providing wireless access or access to electrical outlets.

ONC welcomes the attendance of the public at its HITAC meetings. Seating is limited at the location, and ONC will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Lauren Richie at least seven (7) days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App. 2).

Dated: December 13, 2017.

Lauren Richie,

Office of Policy, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2017–27412 Filed 12–21–17; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NIH)

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Tawanda Abdelmouti, Assistant Project Officer, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland, 20892 or call non-toll-free number (301) 435–0978 or Email your request, including your address to: *abdelmot@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 0925–0648, Expiration date 3/31/2018 EXTENSION, National Institutes of Health (NIH).

Need and Use of Information Collection: We are not requesting changes for this submission. The proposed information collection provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions. This information, however, is not statistical surveys that yield quantitative results, which can be generalized to the population of study. This feedback will provide information about the NIH's 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 NIH and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the NIH's services will be unavailable.

The NIH will only submit a collection for approval under this generic clearance if it meets the following:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally Identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to

fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results. As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 49,333.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
Customer Satisfaction Surveys	1,000	1	30/60	500
In-Depth Interviews (IDIs) or Small Discussion Groups	1,000	1	90/60	1,500
Focus Groups	1,000	1	90/60	1,500
Usability and Pilot Testing	150,000	1	5/60	12,500
Conference/Training—Pre-and Post-Surveys	100,000	2	10/60	33,333
Total		353,000		49,333

Dated: December 16, 2017.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2017–27617 Filed 12–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2017–1004]

Lower Mississippi River Waterway Safety Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Lower Mississippi River Waterway Safety Advisory Committee will meet in New Orleans, Louisiana to discuss Committee matters relating to the safe transit of vessels and cargoes to and from the ports of the Lower Mississippi River. The meeting will be open to the public.

DATES:

Meeting. The Lower Mississippi River Waterway Safety Advisory Committee will meet on Tuesday, January 9, 2018, from 9:30 a.m. to 1:00 p.m. CST. The meeting may close early if the Committee has completed its business, or the meeting may be extended based on the number of public comments.

Comments and supporting documents. Submit your comments no later than December 31, 2017.

ADDRESSES: The meeting will be held at the U.S. Army Corps of Engineers New Orleans District office, 7400 Leake Avenue, New Orleans, Louisiana 70118. For driving directions: *http://www.mvn.usace.army.mil/Portals/56/docs/PAO/usace_stripmap.pdf.* All visitors to U.S. Army Corps of Engineers New Orleans District Office will have to pre-register to be admitted to the building. Please provide your name, telephone number, and citizenship status by close of business on December 31, 2017, to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

Written comments must be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below.

Instructions: You are free to submit comments at any time, including orally at the meeting, but if you want Committee members to review your comment before the meeting, please submit your comment no later than December 31, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2017–1004 in your comment. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy Act and Security Notice for the Federal Docket Management System at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* insert USCG–2017–1004 in the Search box, press Enter, and then click the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Brian Porter, Alternate Designated Federal Officer of the Lower Mississippi River Waterway Safety Advisory Committee, U.S. Coast Guard Sector New Orleans, 200 Hendee Street, New Orleans, LA 70114; telephone (504) 365–2375, email *Brian.J.Porter@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* Title 5 United States Code Appendix. The Lower Mississippi River Waterway Safety Advisory Committee provides advice and recommendations to the Department of Homeland Security on matters relating to communications, surveillance, traffic management, anchorages, development and operation of the New Orleans Vessel Traffic Service, and other related topics dealing with navigation safety on the Lower Mississippi River as required by the U.S. Coast Guard.

Agenda of Meeting

On January 9, 2018, from 9:30 a.m. to 1:00 p.m. CST, the Lower Mississippi River Waterway Safety Advisory Committee will meet to review, discuss, deliberate, and formulate recommendations, as appropriate, on the following:

(1) Status of Systematic Port Planning Action Item.

(2) U.S. Coast Guard Regulatory Reform Regulations.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/missions/ports-and-*

waterways/safety-advisory-committees/lmrwsac/general-information no later than December 31, 2017. Alternatively, you may contact Lieutenant Brian Porter as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments or questions will be taken throughout the meeting as the Committee discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the period allotted, following the last call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to register as a speaker.

Dated: December 15, 2017.

Paul F. Thomas,

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

[FR Doc. 2017–27603 Filed 12–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0111]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I–129CW

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until February 20, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0111 in the body of the letter, the agency name and Docket ID USCIS–2012–0011. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2012–0011;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2012–0011 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for a CNMI-Only Nonimmigrant Transitional Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–129CW; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Business or other for-profit. USCIS uses the data collected on this form to determine eligibility for the requested immigration benefits. An employer uses this form to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CNMI-Only Transitional Worker (CW–1). An employer also uses this form to request an extension of stay or change of status on behalf of the alien worker. The form serves the purpose of standardizing requests for these benefits, and ensuring that the basic information required to determine eligibility, is provided by the petitioners.

USCIS collects biometrics from aliens present in the CNMI at the time of requesting initial grant of CW–1 status. The information is used to verify the alien's identity, background information and ultimately adjudicate their request for CW–1 status.

The CW–1 classification is unique in that Form I–129CW is a petition for the CW–1 classification as well as a ''grant of status.'' A ''grant of status'' allows beneficiaries lawfully present in the CNMI to change status directly from their CNMI classification or DHS-issued parole to the CW–1 classification. *See* 8

CFR 214.2(w)(1)(v). When a beneficiary is granted CW–1 status, the adjudicating officer is granting admission and status to the beneficiary without requiring the beneficiary to depart the CNMI, obtain a visa abroad, and seek admission with CBP. Because we are granting the CW–1 status to the beneficiary, we use biometrics to make a determination of admissibility prior to adjudicating the Form I–129CW petition. The checks are used to confirm identity and ensure that CW–1 status is not granted to anyone who is inadmissible. As the CW program progresses, the need to take biometrics in most cases has diminished, as the Form I–129CW is increasingly used for extension of status of persons who had already had their biometrics taken at the initial grant stage rather than for initial grants of status in the CNMI, but the authority will continue to be used in those initial grant cases that do arise.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–129CW is 3,749 and the estimated hour burden per response is 3 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 11,247 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $459,252.50.

Dated: December 19, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–27579 Filed 12–21–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–74]

30-Day Notice of Proposed Information Collection: 2018 Rental Housing Finance Survey (RHFS)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date*: January 22, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 20, 2017 at 82 FR 48844.

A. Overview of Information Collection

Title of Information Collection: 2018 Rental Housing Finance Survey.

OMB Approval Number: 2528–0276.

Type of Request: Revision of currently approved collection.

Agency Form Numbers: No agency forms will be used.

Description of the need for the information and proposed use: The Rental Housing Finance Survey (RHFS) provides a measure of financial, mortgage, and property characteristics of rental housing properties in the United States. RHFS focuses on mortgage financing of rental housing properties, with emphasis on new originations for purchase-money mortgages and refinancing, and the characteristics of these new originations.

The RHFS will collect data on property values of residential structures, characteristics of residential structures, rental status and rental value of units within the residential structures, commercial use of space within residential structures, property management status, ownership status, a detailed assessment of mortgage financing, and benefits received from Federal, state, local, and non-governmental programs.

Many of the questions are the same or similar to those found on the 1995 Property Owners and Managers Survey, the rental housing portion of the 2001 Residential Finance Survey, the 2012 Rental Housing Finance Survey, and the 2015 Rental Housing Finance Survey. This survey does not duplicate work done in other existent HUD surveys or studies that deal with rental units financing.

Policy analysts, program managers, budget analysts, and Congressional staff can use the survey's results to advise executive and legislative branches about the mortgage finance characteristics of the rental housing stock in the United States and the suitability of public policy initiatives. Academic researchers and private organizations will also be able to utilize the data to facilitate their research and projects. The Department of Housing and Urban Development (HUD) needs the RHFS data for the following two reasons:

1. This is the only source of information on the rental housing finance characteristics of rental properties.

2. HUD needs this information to gain a better understanding of the mortgage finance characteristics of the rental housing stock in the United States to evaluate, monitor, and design HUD programs.

Members of affected public: Owners and managers of rental properties.

Respondents:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Rental properties	10,000.00	1.00	10,000.00	1.00	10,000.00	$0.00	$0.00

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Sampled cases found to be ineligible	1,457.00	1.00	1,457.00	0.00	0.00	0.00	0.00
Total	11,457.00	.....	.....	.....	10,000.00	.....	0.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including using appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: November 14, 2017.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–27626 Filed 12–21–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–81]

30-Day Notice of Proposed Information Collection: Annual Adjustment Factors (AAF) Rent Increase Requirement

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* January 22, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Inez.C. Downs@hud.gov,* or telephone 202–402–8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 5, 2017 at 82 FR 41974.

A. Overview of Information Collection

Title of Information Collection: Annual Adjustment Factors (AAF) Rent Increase Requirement.

OMB Approval Number: 2502–0507.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–92273–S8.

Description of the need for the information and proposed use: Owners of project-based section 8 contracts that utilize the AAF as the method of rent adjustment provide this information which is necessary to determine whether or not the subject properties' rents are to be adjusted and, if so, the amount of the adjustment.

Respondents (i.e. affected public): Business, Not for profit institution.

Estimated Number of Respondents: 1,080.

Estimated Number of Responses: 8.

Frequency of Response: On occasion.

Average Hours per Response: 1.50 hours.

Total Estimated Burden: 12,960.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: November 24, 2017.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–27623 Filed 12–21–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2017–N146; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plan for the Sand Skink, Orange County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an

application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA). Lennar Corporation (Applicant) is requesting a 15-year ITP for take of the sand skink. We request public comments on the permit application and accompanying proposed habitat conservation plan (HCP), as well as on our preliminary determination that the plan qualifies as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by January 22, 2018.

ADDRESSES: You may submit written comments and request copies of the application, HCP, environmental action statement, or low-effect screening form by any one of the following methods:

Email: northflorida@fws.gov. Use ''Attn: Permit number TE50490C–0'' as your subject line.

Fax: Field Supervisor, (904) 731–3191, ''Attn: Permit number TE50490C–0.''

U.S. mail: Field Supervisor, Jacksonville Ecological Services Field Office Attn: Permit number TE50490C–0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person: You may deliver comments during regular business hours at the office address listed above under *U.S. Mail.* You may inspect the application, HCP, environmental action statement, or low-effect screening form by appointment during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the ESA as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). However, under limited circumstances, we issue permits to authorize incidental take—*i.e.,* take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. The ESA's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

Lennar Corporation is requesting to take of approximately .31 acres (ac) of occupied sand skink (*Neoseps reynoldsi*) foraging and sheltering habitat incidental to construction of a residential development. The 38.44-ac project site is identified with parcel identification number 05–24–27–0000–00–001 and located within section 5, Township 24 South, Range 27 East in Orange County, Florida. The project also includes the clearing, infrastructure building, and landscaping associated with constructing a residential development. The Applicant proposes to mitigate for the take of the threatened sand skink by purchasing 0.62 mitigation credits within The Backbone Conservation Bank or another Service-approved sand skink conservation bank.

Our Preliminary Determination

We have determined that the Applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we have determined that the ITP for this project is ''low effect'' and qualifies for categorical exclusion under NEPA, as provided by 43 CFR 46.205 and 46.210. A low-effect HCP is one involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the ESA. We will also evaluate whether issuance of the ITP complies with section 7 of the ESA by conducting an intra-Service consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If the requirements are met, we will issue ITP number TE50490C–0 to the Applicant.

Public Comments

If you wish to comment on the permit application, HCP, or associated documents, you may submit comments by any one of the methods listed above in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA and NEPA regulation 40 CFR 1506.6.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2017–27601 Filed 12–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17XL LLID930000 L11100000.DF0000 LXSGPL000000 4500103385]

Notice of Intent To Prepare Two Great-Basin-Wide Programmatic Environmental Impact Statements to Reduce the Threat of Wildfire and Support Rangeland Productivity

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) intends to prepare two programmatic Environmental Impact Statements (EISs) for BLM Districts in the Great Basin region. By this Notice BLM is announcing the beginning of the scoping process to solicit public comments and identify issues to be addressed in the environmental analyses.

DATES: This Notice initiates the public scoping process for the two programmatic EISs. Comments on issues may be submitted in writing until February 20, 2018. The date(s) and

location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM website at: *https://go.usa.gov/xnQcG.* In order for comments to be considered for the draft programmatic EISs, all comments must be received prior to the close of the 60-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the draft programmatic EISs.

ADDRESSES: You may submit comments related to the programmatic EISs by any of the following methods:

- Website: *https://go.usa.gov/xnQcG.*
- *Email: GRSG_PEIS@blm.gov.*
- *Fax*: 208–373–3805.
- *Mail*: Jonathan Beck, 1387 S. Vinnell Way, Boise, ID 83709.

FOR FURTHER INFORMATION CONTACT: Jonathan Beck, Project Manager Boise Support Team, telephone 208–373–3841; address 1387 S. Vinnell Way, Boise ID 83709; email *jmbeck@blm.gov.* Contact Mr. Beck to add your name to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Beck. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM is proposing to develop two programmatic EISs: (1) Fuel Breaks Programmatic EIS and (2) Fuels Reduction and Rangeland Restoration Programmatic EIS. One EIS will analyze potential effects of constructing fuel breaks and the other EIS will analyze potential effects of reducing fuel loading, and restoring rangeland productivity within the Great Basin region, which includes portions of the states of Idaho, Oregon, Nevada, California, Utah, and Washington.

Both projects would protect and conserve natural habitats from loss resulting from wildfires and the spread of invasive species. Although these proposals are similar, they have different purposes. The purpose of the Fuel Breaks Programmatic EIS is the protection of life and property and to reduce the threat and size of wildfires on western rangelands. The purpose of the Fuels Reduction and Rangeland Restoration Programmatic EIS is to restore the rangelands habitat so they provide multiple use opportunities for all user groups and habitat for the hundreds of plants and animals that define this iconic landscape.

The BLM is proposing to prepare these analyses concurrently to gain efficiencies in scoping and effects analyses. The goal of these programmatic EISs is to analyze the region-wide and cumulative impacts of the proposed actions and to gain efficiencies in subsequent National Environmental Policy Act (NEPA) analyses required for individual projects.

Purpose

The programmatic EISs would expedite the development, enhancement, maintenance and utilization of fuel breaks, fuels reduction, and rangeland restoration for the protection, recovery, and conservation of natural western habitats in the Great Basin region. The projects would reduce the threat of habitat loss from fires and restore habitat to maintain the rangeland's productivity and support the western lifestyle. Fuel breaks act as fire-anchor points and firefighter staging areas; provide protection of ongoing and pending habitat restoration projects; and assist in quicker and earlier fire suppression response times, thereby reducing wildfire risk, aiding in the protection of human life and property, protecting taxpayer investment in habitat restoration projects, and improving western landscapes by offering multiple use opportunities. The restoration will replace invasive species with native habitat, decreasing the continuous cover of annual grasses that fuel large wildfires.

Need

Large-scale wildfires have increased significantly throughout the western United States in recent years, particularly in sagebrush-steppe ecosystems, resulting in the widespread loss of sagebrush-steppe vegetation. These wildfires are largely a result of continuous fuel loading, caused by widespread increases in invasive annual grasses and very large areas of continuous sagebrush cover. In the last decade, fires have exceeded 100,000 acres on a regular basis, and the number of areas that burn again before habitat can establish has increased. These large-scale wildfires, with very high to extreme burning conditions, have resulted in increased numbers of injuries and deaths among wildland firefighters and increased destruction of private property and habitat loss for a variety of species. Wildfires have resulted in widespread impacts to healthy sage-lands quality, and have hampered BLM's ability to maintain productive lands. These large-scale, repeated wildfires facilitate the spread of invasive annual grasses, further reducing rangeland quality and availability, thereby adversely affecting sagebrush-recovery rates or, in some instances, preventing recovery altogether. In warm, dry settings, sagebrush-steppe usually takes, at a minimum, many decades to recover, even where invasive annual grasses or other invasive plant species do not become dominant. Invasive species and conifer encroachment can be exacerbated as a result of wildfires in sagebrush ecosystems, resulting in an increased risk of wildfires (positive feedback loop). By compartmentalizing desirable vegetation and providing safer access for firefighters, fuel breaks aid in decreasing potential habitat loss from wildfires, protecting habitat restoration areas, and combatting the spread of invasive species, *i.e.,* decreasing or eliminating this positive feedback loop. By restoring native habitat, invasive species that are helping to fuel these unnaturally large fires will be reduced or removed, making the rangelands more resistant to future wildfires.

The programmatic EISs, once implemented, will provide for increased firefighter safety in the event of wildfires and faster response times to wildfires. They will also assist in the maintenance, protection and restoration of the iconic sagebrush western landscape.

The programmatic EISs will provide a mechanism for the BLM to streamline any future NEPA processes pertaining to fuel breaks, fuels reduction, and rangeland restoration proposals in the Great Basin region.

Scoping and Preliminary Issues

The public scoping process is conducted to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the programmatic EISs. At present, the BLM has identified the following preliminary issues:

1. Fuel break construction and associated road improvement for firefighter access could increase human activity in remote areas and introduce noxious and invasive weeds and increase the incidence of human-caused wildfires.

2. Fuel break construction could remove or alter sagebrush habitat, rendering it unusable for some species.

3. Fuel break construction on either side of existing roads may create movement barriers to small-sized wildlife species by reducing hiding cover.

4. Fuel break construction in highly resistant and resilient habitats may not be necessary because those sites are less likely to burn or will respond favorably to natural regeneration.

5. After habitat restoration treatments, historic uses such as livestock grazing and recreation activities may be temporarily halted until the treatment becomes established and objectives are met.

6. Fuel reduction treatments in pinyon/juniper could disrupt traditional tribal use of these sites.

7. The use of non-native species in fuel breaks could affect listed species and affect species composition in adjacent native plant communities.

Project design features would be used to minimize impacts to rangelands, sensitive species habitat, cultural sites and watersheds, and to limit introduction and spread of noxious and invasive weeds.

The BLM will use and coordinate the NEPA scoping process to help fulfill the public involvement requirements under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the proposed fuel break, fuel reduction, and rangeland restoration programmatic proposals that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Timothy M. Murphy,

BLM Idaho State Director.

[FR Doc. 2017–27595 Filed 12–21–17; 8:45 am]

BILLING CODE 4310–AK–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1010]

Certain Semiconductor Devices, Semiconductor Device Packages, and Products Containing Same; Termination of Investigation on the Basis of Settlement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined in the above-captioned investigation to grant a motion to terminate the investigation on the basis of settlement, resulting in termination of the investigation in its entirety.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 24, 2016, based on a complaint filed on behalf of Tessera Technologies, Inc.; Tessera, Inc.; and Invensas Corporation, all of San Jose, California (collectively, ''Tessera''). 81 FR 41344 (Jun. 24, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent No. 6,856,007 (''the '007 patent''); U.S. Patent No. 6,849,946 (''the '946 patent''); and U.S. Patent No. 6,133,136 (''the '136 patent''). The notice of investigation names 24 respondents. Those respondents are Broadcom Limited of Singapore, and Broadcom Corporation of Irvine, California (collectively, ''Broadcom''), as well 22 other manufacturers and importers of products containing Broadcom's semiconductor devices: Avago Technologies Limited of Singapore, and Avago Technologies U.S. Inc. of San Jose, California (collectively, ''Avago''); Arista Networks, Inc. of Santa Clara, California; ARRIS International plc, ARRIS Group, Inc., ARRIS Solutions, Inc., ARRIS Enterprises, and Pace Ltd., all of Suwanee, Georgia, as well as Pace Americas LLC and Pace USA LLC, both of Boca Raton, Florida, and ARRIS Technology, Inc. of Horsham, Pennsylvania (collectively ''ARRIS''); ASUSTek Computer, Inc. of Taipei, Taiwan, and ASUS Computer International of Fremont, California (collectively, ''ASUS''); Comcast Cable Communications, LLC, Comcast Cable Communications Management, LLC, and Comcast Business Communications, LLC, each of Philadelphia, Pennsylvania (collectively, ''Comcast''); HTC Corporation of Taoyuan, Taiwan, and HTC America Inc. of Bellevue, Washington (collectively, ''HTC''); NETGEAR, Inc. of San Jose, California; Technicolor S.A. of Issy-Les-Moulineaux, France, as well as Technicolor USA, Inc. and Technicolor Connected Home USA LLC, both of Indianapolis, Indiana (collectively, ''Technicolor''). The Office of Unfair Import Investigations is not participating in the investigation.

Earlier in Commission proceedings, Avago was terminated from the investigation. Order No. 70 (Feb. 27, 2017), *not reviewed,* Notice (Mar. 27, 2017). In addition, certain accused products were adjudicated not to infringe the '007 patent. Order No. 77 (Mar. 15, 2017), *reviewed and affirmed with modifications,* Notice (Apr. 14, 2017). Certain asserted claims have been withdrawn from the investigation. Order No. 82 (Mar. 22, 2017), *not reviewed,* Notice (Apr. 21, 2017).

On June 30, 2017, the ALJ issued the final initial determination (''final ID''). The final ID finds a violation of section 337 as to claims 16, 17, 20, and 22 of the '946 patent. Final ID at 262. The final ID finds that for claims 1, 2, 11, 12, 16, 24–26, and 34 of the '136 patent, the claims are infringed, and not invalid, but that the existence of a domestic industry was not shown. *Id.* at 262–63. For the '007 patent, the final ID finds that infringement was shown only as to

claim 18, and that all of the asserted claims (claims 13, 16, and 18) are invalid, and no domestic industry was shown. *Id.* at 263.

Tessera and the respondents each filed a petition for review of the ID. In addition, the parties and a number of non-parties submitted statements on the public interest.

On September 29, 2017, the Commission determined to review the ID in part. Notice at 3 (Sept. 29, 2017) (''Notice of Review''). For the '007 patent, the Commission determined to review, and on review, to take no position on the economic prong of the domestic industry requirement, and infringement of claim 18. *Id.* The Commission determined not to review the remainder of the ID as to the '007 patent, including the ID's findings concerning anticipation by, or obviousness over, the prior art. *Id.* The investigation was, thus, terminated as to the '007 patent. *Id.* For the '946 patent and the '136 patent, the Commission determined not to review the ID's findings concerning the level of skill in the art. *Id.* The Commission determined to review all other issues for the '946 patent and the '136 patent. *Id.* The Commission requested further briefing from the parties on the issues under review and briefing from the parties and the public on remedy, the public interest, and bonding. *Id.* at 3, 6–8.

In response to the Commission notice, Tessera and the respondents filed opening and reply submissions on the issues under review, and remedy, the public interest, and bonding. In addition, the Commission received submissions on remedy and the public interest from several non-parties.

On December 18, 2017, Tessera and the respondents filed a joint motion to terminate the investigation on the basis of settlement.

The Commission finds that the motion is proper in form and complies with Commission Rules. *See* 19 CFR 201.6(a), 210.21(b). The Commission further finds that termination of the investigation will not adversely affect the public interest. Accordingly, the Commission has determined to grant the motion. The Commission hereby terminates the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: December 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–27639 Filed 12–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–989 (Enforcement Proceeding)]

Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same Notice of Institution of Formal Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding relating to the July 14, 2017, remedial orders issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the original investigation on March 14, 2016, based on a complaint filed by Nautilus Hyosung Inc. of Seoul, Republic of Korea and Nautilus Hyosung America Inc. of Irving, Texas (collectively, ''Nautilus''). 81 FR 13149 (Mar. 14, 2016). Pertinent to this action, the complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain automated teller machines, ATM modules, components thereof, and products containing the same by reason of infringement of any of claims 1–3, 6, 8, and 9 of U.S. Patent No. 8,523,235 (''the '235 patent''). *Id.* The complaint also alleged infringement of claims 1–3 and 5 of U.S. Patent No. 7,891,551; claims 1 and 6 of U.S. Patent No. 7,950,655; and claims 1–4, 6, and 7 of U.S. Patent No. 8,152,165. Those claims were subsequently terminated from the investigation. *See* Order No. 11 (June 30, 2016), Comm'n Notice of Non-Review (July 27, 2016); Order No. 17 (July 21, 2016), Comm'n Notice of Non-Review (August 16, 2016). The notice of institution of the investigation named Diebold Nixdorf, Incorporated and Diebold Self-Service Systems both of North Canton, Ohio (collectively, ''Diebold'') as respondents. The Office of Unfair Import Investigations (''OUII'') was not named as a party. *Id.*

On July 14, 2017, the Commission found a Section 337 violation as to the '235 patent and issued a limited exclusion order (''LEO'') as well as cease and desist orders (''CDOs''). 82 FR 33513–14 (July 20, 2017). The LEO prohibits the unlicensed entry of automated teller machines, ATM modules, components thereof, and products containing the same that infringe one or more of claims 1–3, 6, 8, and 9 of the '235 patent that are manufactured by, or on behalf of, or are imported by or on behalf of Diebold Nixdorf, Incorporated, Diebold Self-Service Systems, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns. *Id.* The CDOs prohibit, among other things, the importation, sale, and distribution of infringing products by Diebold. *Id.*

On November 17, 2017, Nautilus filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75(b) to investigate violations of the remedial orders by Diebold. Having examined the enforcement complaint and the supporting documents, the Commission has determined to institute a formal enforcement proceeding to determine whether Diebold is in violation of the July 14, 2017, remedial orders issued in the original investigation and to determine what, if any, enforcement measures are appropriate. Diebold is named as a respondent. OUII is named as a party.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as

amended (19 U.S.C. 1337), and in section 210.75 of the Commission's Rules of Practice and Procedure (19 CFR 210.75).

By order of the Commission.
Issued: December 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–27568 Filed 12–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1005]

Certain L-Tryptophan, L-Tryptophan Products, and Their Methods of Production; Commission Final Determination Finding a Section 337 Violation; Issuance of a Limited Exclusion Order and Cease and Desist Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930 (''section 337''), as amended, in this investigation. The Commission has issued a limited exclusion order prohibiting the importation of certain L-tryptophan and L-tryptophan products that infringe claim 10 of U.S. Patent No. 6,180,373 (''the '373 patent'') or claim 20 of U.S. Patent No. 7,666,655 (''the '655 patent''). The Commission has also issued a cease and desist order directed to the domestic respondent. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–1005 on June 14, 2016, based on a complaint filed by Complainants Ajinomoto Co., Inc. of Tokyo, Japan and Ajinomoto Heartland Inc. of Chicago, Illinois (collectively, ''Ajinomoto'' or ''Complainants''). *See* 81 FR 38735–6 (June 14, 2016). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain L-tryptophan, L-tryptophan products, and their methods of production, by reason of infringement of certain claims of the '655 patent and the '373 patent (collectively, ''the asserted patents''). *Id.* The notice of investigation identified CJ CheilJedang Corp. of Seoul, Republic of Korea; CJ America, Inc. (''CJ America'') of Downers Grove, Illinois; and PT CheilJedang Indonesia of Jakarta, Indonesia (collectively ''CJ'' or ''Respondents'') as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to the investigation.

On April 17, 2017, the ALJ issued an initial determination (''ID'') granting Complainants' unopposed motion for summary determination that they satisfy the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(A) and (B) for both asserted patents. *See* Order No. 18, *unreviewed,* Comm'n Notice (May 17, 2017).

On August 11, 2017, the ALJ issued his final initial determination (''FID'') finding no violation of section 337. Specifically, the FID finds that: (1) Respondents' accused products do not infringe the asserted claims of the '373 or the '655 patents either literally or under the doctrine of equivalents; (2) claim 10 of the '373 patent is invalid for indefiniteness and lack of written description; (3) claim 20 of the '655 patent is invalid for lack of written description; and (4) Complainants' products do not satisfy the technical prong of the domestic industry requirement with respect to the '655 or the '373 patents. In addition, the ALJ issued a Recommended Determination (''RD'') recommending, should the Commission find a section 337 violation, that the Commission issue: (1) A limited exclusion order against Respondents' accused products; and (2) a cease and desist order against Respondent CJ America. The RD further recommends no bond during the Presidential review period.

On August 14, 2017, the Commission issued a Notice requesting written submissions on the public interest. *See* 82 FR 39456–57 (Aug. 18, 2017). On September 20, 2017, Respondents filed a written submission in response to the Commission's August 14, 2017 Notice. No other submissions were received.

On October 12, 2017, the Commission issued a Notice determining to review the FID in its entirety. *See* 82 FR 48528–29 (Oct. 18, 2017). The October 12, 2017 Notice requested briefing in response to certain questions relating to the FID's finding of no section 337 violation. *See id.* In addition, the October 12, 2017 Notice solicited written submissions on issues of remedy, the public interest, and bonding. *See id.* On October 27, 2017, the parties filed written submissions in response to the October 12, 2017 Notice, and on November 3, 2017, the parties filed responses to each other's submissions.

Having examined the record of this investigation, including the FID, the RD, and the parties' submissions, the Commission has determined to:

(1) Reverse the FID's finding that the accused products do not infringe claim 10 of the '373 patent;

(2) reverse the FID's finding that the domestic industry requirement is not satisfied for the '373 patent.

(3) Reverse the FID's finding that claim 10 of the '373 patent is invalid under 35 U.S.C. 112, second paragraph, for indefiniteness;

(4) reverse the FID's finding that claim 10 of the '373 patent is invalid under 35 U.S.C. 112, first paragraph, for lack of written description;

(5) affirm the FID's finding that claim 10 of the '373 patent is not invalid under 35 U.S.C. 112, first paragraph, for lack of enablement;

(6) affirm the FID's finding that claim 10 of the '373 patent is not invalid under 35 U.S.C. 103 for obviousness;

(7) affirm in part and reverse in part the FID's finding that the accused products do not infringe claim 20 of the '655 patent;

(8) reverse the FID's finding that the domestic industry requirement is not satisfied for the '655 patent.

(9) Affirm the FID's finding that claim 20 of the '655 patent is not invalid under 35 U.S.C. 112, second paragraph, for indefiniteness.

(10) Reverse the FID's finding that claim 20 of the '655 patent is invalid under 35 U.S.C. 112, first paragraph, for lack of written description; and

(11) affirm all other findings in the FID that are not inconsistent with the Commission's determination.

Accordingly, the Commission finds that there is a violation of section 337 with respect to both asserted patents. The Commission has determined the appropriate remedy is a limited exclusion order against Respondents' accused products, and a cease and desist order against Respondent CJ America. The Commission has also determined that the public interest factors enumerated in subsections 337(d)(l) and (f)(1) (19 U.S.C. 1337(d)(l), (f)(1)) do not preclude issuance of the limited exclusion order and cease and desist order. The Commission has further determined to set a bond at zero (0) percent of entered value during the Presidential review period (19 U.S.C. 1337(j)).

The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: December 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–27567 Filed 12–21–17; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committee on the Federal Rules of Bankruptcy Procedure

AGENCY: Advisory Committee on the Federal Rules of Bankruptcy Procedure, Judicial Conference of the United States.

ACTION: Notice of cancellation of public hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Bankruptcy Procedure has been canceled: Bankruptcy Rules Hearing on January 17, 2018, in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

SUPPLEMENTARY INFORMATION: Announcement for this hearing was previously published in 82 FR 37610.

Dated: December 19, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–27614 Filed 12–21–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0011]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register** on September 9, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until January 22, 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.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 from the Grants to Support Tribal Domestic Violence and Sexual Assault Coalitions Program (Tribal Coalitions Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0011. 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 14 grantees from the Tribal Coalitions Program. The Tribal Coalitions Program grantees include Indian tribal governments that will support the development and operation of new or existing nonprofit tribal domestic violence and sexual assault coalitions in Indian country. These grants provide funds to develop and operate nonprofit tribal domestic violence and sexual assault coalitions in Indian country to address the unique issues that confront Indian victims. The Tribal Coalitions Program provides resources for organizing and supporting efforts to end violence against Indian women.

(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 14 respondents (grantees from the Tribal Coalitions 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 that grantees may engage in with grant funds. Grantees must complete only those sections that are relevant to their 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 28 hours, that is 14 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: December 19, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–27574 Filed 12–21–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0010]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register** on September 9, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until January 22, 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.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 from the Grants to State Sexual Assault and Domestic Violence Coalitions Program (State Coalitions Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0010. 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 88 grantees from the State Coalitions Program. The State Coalitions Program provides federal financial assistance to state coalitions to support the coordination of state victim services activities, and collaboration and coordination with federal, state, and local entities engaged in violence against women activities.

(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 88 respondents (State Coalitions 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 State Coalitions 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 176 hours, that is 88 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: December 19, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–27573 Filed 12–21–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register** on September 9, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until January 22, 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.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 Grants to Reduce Violent Crimes Against Women on Campus Program (Campus Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0005. 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 100 grantees (institutions of higher education) of the Campus Program whose eligibility is determined by statute. Campus Program grants may be used to enhance victim services and develop programs to prevent violent crimes against women on campuses. The Campus Program also enables institutions of higher education to develop and strengthen effective security and investigation strategies to combat violent crimes against women on campuses, including domestic violence, dating violence, sexual assault, and stalking.

(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 100 respondents (Campus 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 Campus 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 200 hours, that is 100 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: December 19, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–27572 Filed 12–21–17; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0009]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register** on September 9, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until January 22, 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.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 from the Safe Havens: Supervised Visitation and Exchange Grant Program (Supervised Visitation Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0009. 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 33 grantees of the Supervised Visitation Program who are States, Indian tribal governments, and units of local government. The Supervised Visitation Program provides an opportunity for communities to support the supervised visitation and safe exchange of children, by and between parents, in situations involving

domestic violence, child abuse, sexual assault, or stalking.

(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 33 respondents (Supervised Visitation 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 Supervised Visitation 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 66 hours, that is 33 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: December 19, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–27571 Filed 12–21–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0018]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-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. The proposed information collection was previously published in the **Federal Register** on September 9, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until January 22, 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.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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 the Grants to Indian Tribal Governments Program (Tribal Governments Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0018. 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 85 grantees of the Grants to Indian Tribal Governments Program (Tribal Governments Program), a grant program authorized by the Violence Against Women Act of 2005. This discretionary grant program is designed to enhance the ability of tribes to respond to violent crimes against Indian women, enhance victim safety, and develop education and prevention strategies. Eligible applicants are recognized Indian tribal governments or their authorized designees.

(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 85 respondents (Tribal Governments 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 Tribal Governments 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 170 hours, that is 85 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: December 19, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–27575 Filed 12–21–17; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Adverse Effect Wage Rate for Range Occupations in 2018

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the

Department of Labor (Department) is issuing this notice to announce the 2018 Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H–2A workers) to perform herding or production of livestock on the range.

AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H–2A workers and workers in corresponding employment so that the wages and working conditions of similarly employed U.S. workers will not be adversely affected. In this notice, the Department announces the annual update of the AEWR for workers engaged in the herding or production of livestock on the range, as required by the methodology established in the *Temporary Agricultural Employment of H–2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States,* 80 FR 62958, 63067–63068 (Oct. 16, 2015); 20 CFR 655.211.

DATES: The rates take effect January 1, 2018.

FOR FURTHER INFORMATION CONTACT: William W. Thompson, II, Administrator, Office of Foreign Labor Certification, Box #12–200, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number: 202–513–7350 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627.

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services of the Department of Homeland Security will not approve an employer's petition for the admission of H–2A nonimmigrant temporary and seasonal agricultural workers in the U.S. unless the petitioner has received from the Department an H–2A labor certification. The labor certification provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5); 20 CFR 655.100.

Adverse Effect Wage Rate for 2018

The Department's H–2A regulations covering the herding or production of livestock on the range (H–2A Herder Rule) at 20 CFR 655.210(g) and 655.211(a)(1) provide that employers must offer, advertise in recruitment, and pay each worker employed under 20 CFR 655.200–655.235 a wage that is at least the highest of: (i) The monthly AEWR, (ii) the agreed-upon collective bargaining wage, or (iii) the applicable minimum wage imposed by Federal or State law or judicial action. Further, when the monthly AEWR is adjusted during a work contract, and is higher than both the agreed-upon collective bargaining wage and the applicable minimum wage imposed by Federal or State law or judicial action in effect at the time the work is performed, the employer must pay that adjusted monthly AEWR upon publication by the Department in the **Federal Register**. 20 CFR 655.211(a)(2).

As provided in 20 CFR 655.211(c) of the H–2A Herder Rule, the methodology for establishing the monthly AEWR for range occupations in all states is based on the rate of $7.25/hour multiplied by 48 hours per week, and then multiplied by 4.333 weeks per month. Beginning with calendar year 2017, the monthly AEWR is adjusted annually based on the Employment Cost Index (ECI) for wages and salaries published by the Bureau of Labor Statistics for the preceding annual period.

In setting the AEWR for 2017, ETA applied the required ECI adjustment of 2.4 percent, resulting in a monthly wage of $1544.07. The H–2A Herder Rule at 20 CFR 655.211(d) applied a two-year transition to the full monthly AEWR, with the wage in 2017 set at 90 percent of the full monthly AEWR, *i.e.,* $1,389.67/month. For calendar year 2018, the Department is setting the national monthly AEWR at 100 percent of the full wage calculated using the H–2A Herder Rule methodology. The 12-month change in the ECI for wages and salaries of private industry workers between September 2016 and September 2017 was 2.6 percent. To set the AEWR for 2018, ETA used that ECI percentage to adjust what would have been the full monthly AEWR for calendar year 2017 if the 2017 rate had not been reduced to 90 percent of the wage due to the transition period.[1]

Thus, the national monthly AEWR rate for all range occupations in the H–2A program in 2018 is calculated by multiplying the full AEWR for calendar year 2017 by the 2018 ECI adjustment ($1544.07 × 1.026 = $1,584.22). Accordingly, any employer certified or seeking certification for range workers must pay each worker a wage that is at least the highest of the monthly AEWR of $1,548.22, the agreed-upon collective bargaining wage, or the applicable minimum wage imposed by Federal or State legislation or judicial action, at the time work is performed on or after the effective date of this notice.

Signed in Washington, DC.

Rosemary Lahasky,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. 2017–27530 Filed 12–21–17; 8:45 am]

BILLING CODE 4510–FP–P

[1] The regulation at 20 CFR 655.211(c)(2) states that the monthly AEWR is calculated based on the ECI for wages and salaries ''for the preceding October–October period.'' This regulatory language was intended to identify the Bureau of Labor Statistics' October publication of ECI for wages and salaries, which presents data for the September–September period. Accordingly, the most recent 12-month change in the ECI for private sector workers published on October 31, 2017 by the Bureau of Labor Statistics was used for establishing the monthly AEWR under the regulations. See *https://www.bls.gov/news.release/eci.htm.* The ECI for private sector workers was used rather than the ECI for all civilian workers given the characteristics of the H–2A herder workforce.

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Meeting of the Advisory Board on Toxic Substances and Worker Health Subcommittee on the Site Exposure Matrices (SEM)

AGENCY: Office of Workers' Compensation Programs, Department of Labor.

ACTION: Notice.

SUMMARY: Announcement of meeting of the Subcommittee on the Site Exposure Matrices of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

DATES: The subcommittee will meet via teleconference on January 16, 2018, from 1:00 p.m. to 3:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: For press inquiries: Ms. Amy Louviere, Office of Public Affairs, U.S. Department of Labor, Room S–1028, 200 Constitution Ave. NW, Washington, DC 20210; telephone (202) 693–4672; email *Louviere.Amy@dol.gov.* For further information you may contact Douglas Fitzgerald, Designated Federal Officer, at *fitzgerald.douglas@dol.gov,* or Carrie Rhoads, Alternate Designated Federal Officer, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution

Avenue NW, Suite S–3524, Washington, DC 20210, telephone (202) 343–5580.

This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The Advisory Board sunsets on December 19, 2024. This subcommittee is being assembled to gather and analyze data and continue working on advice under Area #1, the Site Exposure Matrices.

The Advisory Board operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and its implementing regulations (41 CFR part 102–3).

Agenda: The tentative agenda for the Subcommittee on the Site Exposure Matrices meeting includes: Developing comments on DOL responses to Board recommendations; continuing discussions on items related to SEM from recent Board meeting as necessary.

OWCP transcribes Advisory Board subcommittee meetings. OWCP posts the transcripts on the Advisory Board web page, *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm,* along with written comments and other materials submitted to the subcommittee or presented at subcommittee meetings.

Public Participation, Submissions, and Access to the Public Record

Subcommittee meeting: The subcommittee will meet via teleconference on Tuesday, January 16, 2018, from 1:00 p.m. to 3:00 p.m. Eastern Time. Advisory Board subcommittee meetings are open to the public. The teleconference number and other details for listening to the meeting will be posted on the Advisory Board's website no later than 72 hours prior to the meeting. This information will be posted at *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm.*

Requests for special accommodations: Please submit requests for special accommodations to participate in the subcommittee meeting by email, telephone, or hard copy to Ms. Carrie Rhoads, OWCP, Room S–3524, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202) 343–5580; email *EnergyAdvisoryBoard@dol.gov.*

Submission of written comments for the record: You may submit written comments, identified by the subcommittee name and the meeting date of January 11, 2018, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify in the email subject line, ''Subcommittee on the Site Exposure Matrices'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW, Washington, DC 20210. Due to security-related procedures, receipt of submissions by regular mail may experience significant delays.

Comments must be received by January 11, 2017. OWCP will make available publically, without change, any written comments, including any personal information that you provide. Therefore, OWCP cautions interested parties against submitting personal information such as Social Security numbers and birthdates.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, are also available on the Advisory Board's web page at *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm.*

Signed at Washington, DC, on December 12, 2017.

Julia Hearthway,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2017–27394 Filed 12–21–17; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Alan T. Waterman Award Committee (#1172).

DATE AND TIME: January 30, 2018; 8:30 a.m. to 2:30 p.m.

PLACE: National Science Foundation, 2415 Eisenhower Avenue, Suite W19000, Alexandria, Virginia 22314.

TYPE OF MEETING: Closed.

CONTACT PERSON: Sherrie B. Green, Program Manager, NSF, 2415 Eisenhower Avenue, Suite W17126, Alexandria, VA 22314; Telephone: (703) 292–8040.

PURPOSE OF MEETING: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

AGENDA: To review and evaluate nominations as part of the selection process for awards.

REASON FOR CLOSING: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c), (6) of the Government in the Sunshine Act.

Dated: December 19, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–27586 Filed 12–21–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Ocean Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Proposal Review Panel for Ocean Sciences (#10752)—JOIDES Resolution Science Operator (JRSO), Texas A&M (Site Visit).

DATE AND TIME: February 28–March 2, 2018, 9:00 a.m.–5:00 p.m.

PLACE: JOIDES Resolution Science Operator (JRSO), Texas A&M University, 1000 Discovery Drive, Texas A&M University West Campus, College Station, TX 77845, Conference Room C126.

TYPE OF MEETING: Part-open.

CONTACT PERSON: James F. Allan, Program Director, Ocean Drilling, Division of Ocean Sciences; National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: (703) 292–8144.

PURPOSE OF MEETING: Site visit to provide advice and recommendations

concerning the performance of the International Ocean Discovery Program (IODP) drillship facility *JOIDES Resolution* during FY 2017.

AGENDA:

Wednesday, February 28

9:00 a.m.–9:15 a.m. NSF and panel introduction (Open)
9:15 a.m.–11:00 a.m. Initial Report of the JOIDES Resolution Science Operator (JRSO) (Open)
11:00 a.m.–12:00 p.m. Co-Chief Review Report (Open)
12:00 p.m.–1:00 p.m. Lunch (Open)
1:00 p.m.–3:00 p.m. JRSO response to Co-Chief Review Report (Open)
3:00 p.m.–4:00 p.m. Meet with JRSO Staff (Open)
4:00 p.m.–5:00 p.m. Site Visit Panel discussion of presentations and overnight questions to JRSO (Closed)

Thursday, March 1

9:00 a.m.–11:00 a.m. JRSO discussion of major challenges in operational context, and how they are responding (Open)
11:00 a.m.–12:00 p.m. Effectiveness of Programmatic Planning Structure (Open)
12:00 p.m.–1:00 p.m. Lunch (Open)
1:00 p.m.–2:00 p.m. JRSO discussion of major challenges in providing services and innovation to IODP science community, and how they are responding (Open)
2:00 p.m.–3:00 p.m. Response of JRSO to Panel questions if any remain (Open)
3:00 p.m.–3:30 p.m. Break
3:30 p.m.–5:00 p.m. Site Visit Panel discussion on panel report structure and overnight questions to JRSO (Closed)

Friday, March 2

9:00 a.m.–10:00 a.m. Site Visit Panel discussion; work on report (Closed)
10:00 a.m.–11:00 a.m. Response of JRSO to Panel questions (Open)
11:00 a.m.–12:00 p.m. Site Visit Panel discussion; work on report (Closed)
12:00 p.m.–1:00 p.m. Lunch (Closed)
1:00 p.m.–3:30 p.m. Site Visit Panel discussion; work on report (Closed)
3:30 p.m.–4:00 p.m. Break
4:00 p.m.–5:00 p.m. Site Visit Panel presents report and recommendations to JRSO (Closed)

REASON FOR CLOSING: During closed sessions the review will include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the review. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: December 19, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–27587 Filed 12–21–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Advisory Committee for International Science and Engineering Meeting (#25104).

DATE AND TIME: January 26, 2018; 8:00 a.m. to 5:00 p.m.

PLACE: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; 703–292–8710.

TYPE OF MEETING: Open.

CONTACT PERSON: Roxanne Nikolaus, Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; 703–292–8710.

PURPOSE OF MEETING: To provide advice, recommendations and counsel on major goals and policies pertaining to international programs and activities.

AGENDA:

- Update on Office of International Science and Engineering activities
- Strategic reviews of Directorate international collaboration
- Readout from December 4–6, 2017, Committee of Visitors
- Discussion of Environment and Security Joint Activities with the NSF Advisory Committee for Environmental Research and Education
- Preliminary overview of Subcommittee on International Collaboration report
- Meeting with NSF leadership

Dated: December 19, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–27588 Filed 12–21–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285; NRC–2017–0223]

Omaha Public Power District; Fort Calhoun Station, Unit No. 1; Requests for Exemptions Regarding Emergency Planning Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing exemptions in response to a request from Omaha Public Power District (OPPD or the licensee) regarding certain emergency planning (EP) requirements. The exemptions will eliminate the requirements to maintain an offsite radiological emergency plan and reduce the scope of onsite EP activities at the Fort Calhoun Station, Unit No. 1 (FCS), based on the reduced risks of accidents that could result in an offsite radiological release at a decommissioning nuclear power reactor.

DATES: The exemption was issued on December 11, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0223 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0223. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at

the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–4125; email: *James.Kim@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated at Rockville, Maryland, on December 19, 2017.

For the Nuclear Regulatory Commission.

James S. Kim,

Project Manager, Special Projects and Process Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–285

Omaha Public Power District

Fort Calhoun Station, Unit No. 1

Exemption

I. Background

Omaha Public Power District (OPPD, the licensee) is the holder of Renewed Facility Operating License No. DPR–40 for Fort Calhoun Station, Unit No. 1 (FCS). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC) now or hereafter in effect. The facility consists of a pressurized-water reactor located in Washington County, Nebraska.

By letter dated August 25, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16242A127), OPPD submitted a certification to the NRC indicating it would permanently cease power operations at FCS on October 24, 2016. On October 24, 2016, OPPD permanently ceased power operation at FCS. On November 13, 2016 (ADAMS Accession No. ML16319A254), OPPD certified that it had permanently defueled the FCS reactor vessel.

In accordance with § 50.82(a)(1)(i) and (ii), and § 50.82(a)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), the specific license for the facility no longer authorizes reactor operation, or emplacement or retention of fuel in the respective reactor vessel, after certifications of permanent cessation of operations and of permanent removal of fuel from the reactor vessel are docketed. The facility is still authorized to possess and store irradiated (*i.e.,* spent) nuclear fuel. The spent fuel is currently being stored onsite in a spent fuel pool (SFP).

During normal power reactor operations, the forced flow of water through the reactor coolant system removes heat generated by the reactor. The reactor coolant system, operating at high temperatures and pressures, transfers this heat through the steam generator tubes converting non-radioactive feedwater to steam, which then flows to the main turbine generator to produce electricity. Many of the accident scenarios postulated in the updated safety analysis reports (USARs) for operating power reactors involve failures or malfunctions of systems, which could affect the fuel in the reactor core and, in the most severe postulated accidents, would involve the release of large quantities of fission products. With the permanent cessation of reactor operations at FCS and the permanent removal of the fuel from the reactor vessel, such accidents are no longer possible. The reactor, reactor coolant system, and supporting systems are no longer in operation and have no function related to the storage of the spent fuel. Therefore, emergency planning (EP) provisions for postulated accidents involving failure or malfunction of the reactor, reactor coolant system, or supporting systems are no longer applicable.

The EP requirements of 10 CFR 50.47, ''Emergency plans,'' and Appendix E to 10 CFR part 50, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' continue to apply to nuclear power reactors that have permanently ceased operation and have removed all fuel from the reactor vessel. There are no explicit regulatory provisions distinguishing EP requirements for a power reactor that is permanently shut down and defueled from those for a reactor that is authorized to operate. To reduce or eliminate EP requirements that are no longer necessary due to the decommissioning status of the facility, OPPD must obtain exemptions from those EP regulations. Only then can OPPD modify the FCS emergency plan to reflect the reduced risk associated with the permanently shutdown and defueled condition of FCS.

II. Request/Action

By letter dated December 16, 2016 (ADAMS Accession No. ML16356A578), OPPD requested exemptions from certain EP requirements of 10 CFR part 50 for FCS. More specifically, OPPD requested exemptions from certain planning standards in 10 CFR 50.47(b) regarding onsite and offsite radiological emergency plans for nuclear power reactors; from certain requirements in 10 CFR 50.47(c)(2) that require establishment of plume exposure and ingestion pathway emergency planning zones for nuclear power reactors; and from certain requirements in 10 CFR 50, Appendix E, Section IV, which establish the elements that make up the content of emergency plans. In letters dated February 10, April 14, and April 20, 2017 (ADAMS Accession Nos. ML17041A443, ML17104A191, and ML17111A857, respectively), OPPD provided responses to the NRC staff's requests for additional information concerning the proposed exemptions.

The information provided by OPPD included justifications for each exemption requested. The exemptions requested by OPPD would eliminate the requirements to maintain formal offsite radiological emergency plans, reviewed by the Federal Emergency Management Agency (FEMA) under the requirements of 44 CFR part 350, and reduce the scope of onsite EP activities. The licensee stated that the application of all of the standards and requirements in 10 CFR 50.47(b), 10 CFR 50.47(c), and 10 CFR part 50, Appendix E is not needed for adequate emergency response capability, based on the substantially lower onsite and offsite radiological consequences of accidents still possible at the permanently shutdown and defueled facility, as compared to an operating facility. If offsite protective actions were needed for a very unlikely accident that could challenge the safe storage of spent fuel at FCS, provisions exist for offsite agencies to take protective actions using a comprehensive emergency management plan (CEMP) under the National Preparedness System to protect the health and safety of the public. A CEMP in this context, also referred to as an emergency operations plan (EOP), is addressed in FEMA's Comprehensive Preparedness Guide 101, ''Developing and Maintaining Emergency Operations Plans,'' which is publicly available at *http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf.* Comprehensive Preparedness Guide 101 is the foundation for State, territorial, Tribal, and local EP in the United States. It promotes a common understanding of the fundamentals of risk-informed planning and decision-making and helps planners at all levels of government in their efforts to develop and maintain viable, all-hazards, all-threats emergency plans. An EOP is flexible enough for use in all emergencies. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for ''all-hazards planning.''

III. Discussion

In accordance with 10 CFR 50.12, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when: (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things, that the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

As noted previously, the current EP regulations contained in 10 CFR 50.47(b) and Appendix E to 10 CFR part 50 apply to both operating and shutdown power reactors. The NRC has consistently acknowledged that the risk of an offsite radiological release at a power reactor that has permanently ceased operations and removed fuel from the reactor vessel is significantly lower, and the types of possible accidents are significantly fewer, than at an operating power reactor. However, current EP regulations do not recognize that once a power reactor permanently ceases operation, the risk of a large radiological release from credible emergency accident

scenarios is significantly reduced. The reduced risk for any significant offsite radiological release is based on two factors. One factor is the elimination of accidents applicable only to an operating power reactor, resulting in fewer credible accident scenarios. The second factor is the reduced short-lived radionuclide inventory and decay heat production due to radioactive decay. Due to the permanently defueled status of the reactor, no new spent fuel will be added to the SFP and the radionuclides in the current spent fuel will continue to decay as the spent fuel ages. The irradiated fuel will produce less heat due to radioactive decay, increasing the available time to mitigate the SFP inventory loss. The NRC's NUREG/CR–6451, ''A Safety and Regulatory Assessment of Generic BWR [Boiling Water Reactor] and PWR [Pressurized Water Reactor] Permanently Shutdown Nuclear Power Plants,'' dated August 31, 1997 (ADAMS Accession No. ML082260098) and the NRC's NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants,'' February 2001 (ADAMS Accession No. ML010430066), confirmed that for permanently shutdown and defueled power reactors that are bounded by the assumptions and conditions in the report, the risk of offsite radiological release is significantly less than for an operating power reactor.

In the past, EP exemptions similar to those requested by FCS, have been granted to permanently shutdown and defueled power reactor licensees. However, the exemptions did not relieve the licensees of all EP requirements. Rather, the exemptions allowed the licensees to modify their emergency plans commensurate with the credible site-specific risks that were consistent with a permanently shutdown and defueled status. Specifically, the NRC's approval of these prior exemptions was based on the licensee's demonstration that: (1) the radiological consequences of design-basis accidents would not exceed the limits of the U.S. Environmental Protection Agency's (EPA) Early Phase Protective Action Guides (PAGs) of one roentgen equivalent man (rem) at the exclusion area boundary; and (2) in the unlikely event of a beyond-design-basis accident resulting in a loss of all modes of heat transfer from the fuel stored in the SFP, there is sufficient time to initiate appropriate mitigating actions, and if needed, for offsite authorities to implement offsite protective actions using a CEMP approach to protect the health and safety of the public.

With respect to design-basis accidents at FCS, the licensee provided analysis demonstrating that 10 days following permanent shutdown, the radiological consequences of the only remaining design-basis accident with potential for offsite radiological release (the FHA in the Auxiliary Building, where the SFP is located) will not exceed the limits of the EPA PAGs at the exclusion area boundary. Therefore, because FCS has been permanently shutdown for approximately 13 months, there is no longer any design-basis accident that would warrant an offsite radiological emergency plan meeting the requirements of 10 CFR part 50.

With respect to beyond design-basis accidents at FCS, the licensee analyzed a drain down of the spent fuel pool water that would effectively impede any decay heat removal. The analysis demonstrates that at 530 days (1 year, 165 days) after shutdown, there would be at least 10 hours after the assemblies have been uncovered until the limiting fuel assembly (for decay heat and adiabatic heatup analysis) reaches 900 degrees Celsius, the temperature used to assess the potential onset of fission product release. The analysis conservatively assumed the heat up time starts when the spent fuel pool has been completely drained, although it is likely that site personnel will start to respond to an incident when drain down starts. The analysis also does not consider the period of time from the initiating event causing loss of SFP water inventory until cooling is lost.

The NRC staff reviewed the licensee's justification for the requested exemptions against the criteria in 10 CFR 50.12(a) and determined, as described below, that the criteria in 10 CFR 50.12(a) are met, and that the exemptions should be granted. An assessment of the OPPD EP exemptions is described in SECY–17–0080, ''Request by the Omaha Public Power District for Exemptions from Certain Emergency Planning Requirements for the Fort Calhoun Station, Unit No. 1,'' dated August 10, 2017 (ADAMS Accession No. ML17116A430). The Commission approved the NRC staff's recommendation to grant the exemptions in the staff requirements memorandum to SECY–17–0080, dated October 25, 2017 (ADAMS Accession No. ML17298A976). Descriptions of the specific exemptions requested by OPPD and the NRC staff's basis for granting each exemption are provided in SECY–17–0080 and summarized in Table 1, ''Evaluation of Specific Exemptions to EP Requirements,'' of the exemption issued December 11, 2017 (ADAMS Accession No. ML17263B191). The staff's detailed review and technical basis for the approval of the specific EP exemptions, requested by OPPD, are provided in the NRC staff's safety evaluation dated December 11, 2017 (ADAMS Accession No. ML17263B198).

A. Authorized by Law

The licensee has proposed exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR 50, Appendix E, Section IV, that would allow OPPD to revise the FCS Emergency Plan to reflect the permanently shutdown and defueled condition of the station. As stated above, in accordance with 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50. The NRC staff has determined that granting of the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, the exemptions are authorized by law.

B. No Undue Risk to Public Health and Safety

As stated previously, OPPD provided analyses that show the radiological consequences of design-basis accidents will not exceed the limits of the EPA early phase PAGs at the exclusion area boundary. Therefore, formal offsite radiological emergency plans required under 10 CFR part 50 are no longer needed for protection of the public beyond the exclusion area boundary, based on the radiological consequences of design-basis accidents still possible at FCS.

Although very unlikely, there is one postulated beyond-design-basis accident that might result in significant offsite radiological releases. However, NUREG–1738 confirms that the risk of beyond-design-basis accidents is greatly reduced at permanently shutdown and defueled reactors. The NRC staff's analyses in NUREG–1738 concludes that the event sequences important to risk at permanently shutdown and defueled power reactors are limited to large earthquakes and cask drop events. For EP assessments, this is an important difference relative to operating power reactors, where typically a large number of different sequences make significant contributions to risk. As described in NUREG–1738, relaxation of offsite EP requirements in 10 CFR part 50, a few months after shutdown resulted in only a small change in risk. The report further concludes that the change in risk due to relaxation of offsite EP requirements is small because the overall risk is low, and because even under current EP requirements for operating power reactors, EP was judged to have marginal impact on evacuation effectiveness in the severe earthquakes that dominate SFP risk. All other sequences including cask drops (for which offsite radiological emergency plans are expected to be more effective) are too low in likelihood to have a significant impact on risk.

Therefore, granting exemptions to eliminate the requirements of 10 CFR part 50 to maintain offsite radiological emergency plans and to reduce the scope of onsite EP activities will not present an undue risk to the public health and safety.

C. Consistent with the Common Defense and Security

The requested exemptions by OPPD only involve EP requirements under 10 CFR part 50 and will allow OPPD to revise the FCS Emergency Plan to reflect the permanently shutdown and defueled condition of the facility. Physical security measures at FCS are not affected by the requested EP exemptions. The discontinuation of formal offsite radiological emergency plans and the reduction in scope of the onsite emergency planning activities at FCS will not adversely affect OPPD's ability to physically secure the site or protect special nuclear material. Therefore, the proposed exemptions are consistent with common defense and security.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, is to provide reasonable assurance that adequate protective measures can and will be taken in the event

of a radiological emergency, to establish plume exposure and ingestion pathway emergency planning zones for nuclear power plants, and to ensure that licensees maintain effective offsite and onsite radiological emergency plans. The standards and requirements in these regulations were developed by considering the risks associated with operation of a power reactor at its licensed full-power level. These risks include the potential for a reactor accident with offsite radiological dose consequences.

As discussed previously in Section III, because FCS is permanently shut down and defueled, there is no longer a risk of a significant offsite radiological release from a design-basis accident exceeding EPA early phase PAG at the exclusion area boundary and the risk of a significant offsite radiological release from a beyond-design-basis accident is greatly reduced when compared to an operating power reactor. The NRC staff has confirmed the reduced risks at FCS by comparing the generic risk assumptions in the analyses in NUREG–1738 to site-specific conditions at FCS and determined that the risk values in NUREG–1738 bound the risks presented by FCS. As indicated by the results of the research conducted for NUREG–1738 and more recently, for NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor'' (ADAMS Accession No. ML14255A365), while other consequences can be extensive, accidents from SFPs with significant decay time have little potential to cause offsite early fatalities, even if the formal offsite radiological EP requirements were relaxed. The licensee's analysis of a beyond-design-basis accident involving a complete loss of SFP water inventory, based on an adiabatic heatup analysis of the limiting fuel assembly for decay heat, shows that within 530 days (1 year, 165 days) after shutdown, the time for the limiting fuel assembly to reach 900 °C is 10 hours after the assemblies have been uncovered assuming a loss of air cooling.

The only analyzed beyond-design-basis accident scenario that progresses to a condition where a significant offsite release might occur, involves the very unlikely event where the SFP drains in such a way that all modes of cooling or heat transfer are assumed to be unavailable, which is referred to as an adiabatic heatup of the spent fuel. The licensee's analysis of this beyond-design-basis accident shows that within 530 days (1 year, 165 days) after shutdown, more than 10 hours would be available between the time the fuel is initially uncovered (at which time adiabatic heatup is conservatively assumed to begin), until the fuel cladding reaches a temperature of 1652 degrees Fahrenheit (900 °C), which is the temperature associated with rapid cladding oxidation and the potential for a significant radiological release. This analysis conservatively does not include the period of time from the initiating event causing a loss of SFP water inventory until all cooling means are lost.

The NRC staff has verified OPPD's analyses and its calculations. The analyses provide reasonable assurance that in granting the requested exemptions to OPPD, there is no design-basis accident that will result in an offsite radiological release exceeding the EPA early phase PAGs at the exclusion area boundary. In the unlikely event of a beyond-design-basis accident affecting the SFP that results in a complete loss of heat removal via all modes of heat transfer, there will be well over 10 hours available before an offsite release might occur and, therefore, at least 10 hours to initiate appropriate mitigating actions to restore a means of heat removal to the spent fuel. If a radiological release were projected to occur under this unlikely scenario, a minimum of 10 hours is considered sufficient time for offsite authorities to implement protective actions using a CEMP approach to protect the health and safety of the public.

Exemptions from the offsite EP requirements in 10 CFR part 50 have previously been approved by the NRC when the site-specific analyses show that at least 10 hours is available following a loss of SFP coolant inventory accident with no air cooling (or other methods of removing decay heat) until cladding of the hottest fuel assembly reaches the zirconium rapid oxidation temperature. The NRC staff concluded in its previously granted exemptions, as it does with the OPPD requested EP exemptions, that if a minimum of 10 hours is available to initiate mitigative actions consistent with plant conditions, or if needed, for offsite authorities to implement protective actions using a CEMP approach, then formal offsite radiological emergency plans, required under 10 CFR part 50, are not necessary at permanently shutdown and defueled facilities.

Additionally, FCS committed to maintaining SFP makeup strategies in its letter to the NRC dated December 16, 2016 (ADAMS Accession No. ML16356A578). The multiple strategies for providing makeup to the SFP include: using existing plant systems for inventory makeup; an internal strategy that relies on the fire protection system with redundant pumps (one diesel-driven and electric motor-driven); and onsite diesel fire truck that can take suction from the Missouri River. These strategies will continue to be required as license condition 3.G, ''Mitigation Strategy License Condition.'' Considering the very low probability of beyond-design-basis accidents affecting the SFP, these diverse strategies provide multiple methods to obtain additional makeup or spray to the SFP before the onset of any postulated offsite radiological release.

For all the reasons stated above, the NRC staff finds that the licensee's requested exemptions to meet the underlying purpose of all of the standards in 10 CFR 50.47(b), and requirements in 10 CFR 50.47(c)(2) and 10 CFR part 50, Appendix E, acceptably satisfy the special circumstances in 10 CFR 50.12(a)(2)(ii) in view of the greatly reduced risk of offsite radiological consequences associated with the permanently shutdown and defueled state of the FCS facility.

The NRC staff has concluded that the exemptions being granted by this action will maintain an acceptable level of emergency preparedness at FCS and, if needed, that there is reasonable assurance that adequate offsite protective measures can and will be taken by State and local government agencies using a CEMP approach in the unlikely event of a radiological emergency at the FCS facility. Since the underlying purposes of the rules, as exempted, would continue to be achieved, even with the elimination of the requirements under 10 CFR part 50 to maintain formal offsite radiological emergency plans and reduction in the scope of the onsite emergency planning activities at FCS, the special circumstances required by 10 CFR 50.12(a)(2)(ii) exist.

E. Environmental Considerations

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as discussed in the NRC staff's Finding of No Significant Impact and associated Environmental Assessment published November 27, 2017 (82 FR 56060).

IV. Conclusions

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that OPPD's request for exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, and as summarized in Table 1 of the exemption dated December 11, 2017, are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants OPPD's exemptions from certain EP requirements of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, as discussed and evaluated in detail in the staff's safety evaluation dated December 11, 2017. The exemptions are effective as of April 7, 2018.

Dated at Rockville, Maryland, this 11th day of December, 2017.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–27590 Filed 12–21–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0061]

In the Matter of All Operating Reactor Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Director's decision under 10 CFR 2.206; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision in response to a petition dated February 19, 2016, filed by Roy Mathew, Sheila Ray, Swagata Som, Gurcharan Singh Matharu, Tania Martinez Navedo, Thomas Koshy, and

Kenneth Miller (Petitioners), requesting that the NRC take enforcement-related action with regard to all operating nuclear power plants. The petitioner's requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: The director's decision was issued on December 12, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0061 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0061. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tanya Mensah, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3610, email: *Tanya.Mensah@nrc.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision (ADAMS Accession No. ML17304A893) under Title 10 of the *Code of Federal Regulations* (10 CFR) section 2.206 on a petition filed by the Petitioners on February 19, 2016 (ADAMS Accession No. ML16050A223).

The Petitioners requested that the NRC take enforcement action against all operating nuclear power plants. Specifically, the Petitioners requested that the NRC either: (1) Issue orders to require immediate corrective actions including compensatory measures to address the operability of electric power systems in accordance with their plant technical specifications, and to implement plant modifications in accordance with current NRC regulatory requirements and staff guidance provided in the references within the 2.206 petition; or (2) issue orders to immediately shut down the nuclear power plants that are operating without addressing the significant design deficiency identified in NRC Bulletin 2012–01, ''Design Vulnerability in Electric Power System,'' dated July 27, 2012, (ADAMS Accession No. ML12074A115) since the licensees are not in compliance with their technical specifications (typically Section 3.8.1) related to onsite and offsite power systems.

On February 24, 2016, the NRC's petition manager acknowledged receipt of the petition and offered the Petitioners an opportunity to address the Petition Review Board (PRB). The Petitioners declined an opportunity to address the PRB on the basis that the petition already contained all of the relevant facts to support the PRB's review.

The NRC sent a copy of the proposed director's decision to the Petitioners and to the licensees for comment by letters dated September 18, 2017 (ADAMS Accession Nos. ML17156A197 and ML17156A214). The Petitioners and the licensees were provided the opportunity to provide comments on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. The Petitioners provided comments by letter dated October 11, 2017 (ADAMS Accession No. ML17291A040), and the Nuclear Energy Institute (NEI) provided comments, on behalf of licensees, by letter dated October 16, 2017 (ADAMS Accession No. ML17291A846). No new information was provided. To enhance the clarity of the director's decision, the NRC staff revised the description of the NRC's accident sequence precursor (ASP) program provided in Section D of the director's decision, to differentiate between condition and event assessments. The comments from the Petitioners and NEI, along with the NRC staff's responses to the comments, are included as an attachment to the director's decision. The attachment identifies any updates to the director's decision, as a result of comments received from the Petitioners and NEI.

The Director, Office of Nuclear Reactor Regulation, has determined that the request(s) to issue orders to operating reactor licensees regarding an open phase condition be denied. The reasons for this decision are explained in the Director's Decision DD–17–04, pursuant to 10 CFR 2.206.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 19th day of December 2017.

For the Nuclear Regulatory Commission.

Tanya M. Mensah,

Senior Project Manager, ROP Oversight and Generic Communications Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–27583 Filed 12–21–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–58 and CP2018–95; CP2018–96; CP2018–97; MC2018–59 and CP2018–98; CP2018–99]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 26, 2017 (Comment due date applies to MC2018–58 and CP2018–95; CP2018–96; CP2018–97); December 27, 2017 (Comment due date applies to MC2018–59 and CP2018–98; CP2018–99).

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–58 and CP2018–95; *Filing Title:* USPS Request to Add Priority Mail Contract 392 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 15, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Kenneth R. Moeller; *Comments Due:* December 26, 2017.

2. *Docket No(s).:* CP2018–96; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator; *Filing Acceptance Date:* December 15, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Katalin K. Clendenin; *Comments Due:* December 26, 2017.

3. *Docket No(s).:* CP2018–97; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Plus 1E Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* December 15, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Natalie R. Ward; *Comments Due:* December 26, 2017.

4. *Docket No(s).:* MC2018–59 and CP2018–98; *Filing Title:* USPS Request to Add First-Class Package Service Contract 87 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 15, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Natalie R. Ward; *Comments Due:* December 27, 2017.

5. *Docket No(s).:* CP2018–99; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement; *Filing Acceptance Date:* December 15, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Natalie R. Ward; *Comments Due:* December 27, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–27551 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 396 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–67, CP2018–107.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27548 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service Contract 88 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–60, CP2018–100.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27541 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 66 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–62, CP2018–102.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27543 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 395 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–66, CP2018–106.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27547 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 394 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–65, CP2018–105.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27546 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of revisions to an existing systems of records.

SUMMARY: The United States Postal Service® (Postal Service) is proposing to revise the Customer Privacy Act Systems of Records (SOR). These changes are being made to:

a. Improve the customer experience by enhancing convenience and facilitating the provision of accurate and reliable delivery information.

b. To support other Federal Government agencies by providing authorized services.

DATES: These revisions will become effective without further notice on January 22, 2018 unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be mailed or delivered to the Privacy and Records Management Office, United States Postal Service, 475 L'Enfant Plaza SW, Room 1P830, Washington, DC 20260–1101. Copies of all written comments will be available at this address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service™ has determined that one Customer Privacy Act Systems of Records should be revised to modify Categories of Records in the System, Authority for Maintenance of the System, Purpose(s), Retention and Disposal, and System Manager(s) and Address.

I. Background

A. Electronic signature on file (eSOF) is being implemented to improve customer experience for Informed Delivery® enrollees that opt-in to eSOF, by providing a convenient option for Priority Mail Express, Signature confirmation and Insured (over $500) package recipients, that agree to Terms and Conditions of use to apply an electronic signature at the point of delivery. Informed Delivery customers that are interested in eSOF will have the opportunity to opt-in to the feature. After opting in, customers can apply their electronic signature on an item by USPS tracking number for packages that are eSOF eligible and are inbound to the 11 digit delivery point ZIP-Code tracked on the customers' Informed Delivery dashboard. With this feature, package shippers will also have the opportunity to choose whether or not they wish to allow their packages to be signed for with an electronic signature applied through the eSOF process.

B. Provide interagency support to other Federal Government agencies with services authorized under 39 U.S.C., Section 411. The Postal Service intends to conduct a biometric capture of fingerprints to support the needs of other Federal Government agencies. This process will include: Collection of the individual's name, order number, or email address entered into the appropriate online computer application for scheduling purposes; in-person capturing of the individual's fingerprints using a biometric fingerprint reader and transmitting the information to the Federal Government Agency that has requested the information; and collecting a fingerprinting service fee, as appropriate, from the individual.

II. Rationale for Changes to USPS Privacy Act Systems of Records

Privacy Act System of Records 910.000, System Name: Identity and Document Verification Services, is being revised to improve customer and mailer experience with shipping records that include accurate and reliable delivery information and to support other Federal Government agencies by providing authorized services.

III. Description of Changes to Systems of Records

Pursuant to 5 U.S.C. 552a (e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect these amended systems of records to have any adverse effect on individual privacy rights. The affected systems are as follows:

USPS 910.000

SYSTEM NAME:

Identity and Document Verification Services.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM

[CHANGE TO READ]

* * * * *

8. Recipient information: Electronic signature ID, electronic signature image, electronic signature expiration date and timestamp.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

[CHANGE TO READ]

* * * * *

39 U.S.C. 401, 403, 404, and 411.

PURPOSES

[CHANGE TO READ]

* * * * *

6. To improve the customer experience and facilitate the provision of accurate and reliable delivery information.

7. To identify, prevent, or mitigate the effects of fraudulent transactions.

8. To support other Federal Government agencies by providing authorized services.

9. To ensure the quality and integrity of records.

* * * * *

RETENTION AND DISPOSAL

[CHANGE TO READ]

* * * * *

7. Records related to electronic signature images are retained in an electronic database for 3 years.

8. Other categories of records are retained for a period of up to 30 days.

SYSTEM MANAGER(S) AND ADDRESS

[CHANGE TO READ]

Chief Information Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1500.

* * * * *

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2017–27557 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express Contract 56 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–63, CP2018–103.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27544 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 65 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–61, CP2018–101.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27542 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 398 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–69, CP2018–109.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27550 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 397 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–68, CP2018–108.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27549 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 18, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 393 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–64, CP2018–104.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–27545 Filed 12–21–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82342]

Notice of Intention To Cancel Registrations of Certain Transfer Agents

December 18, 2017.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') intends to issue an order, pursuant to Section 17A(c)(4)(B) of the Securities Exchange Act of 1934 (''Act''),[1] cancelling the registrations of the transfer agents whose names appear in the attached Appendix.

FOR FURTHER INFORMATION CONTACT: Christian Sabella, Associate Director, or Catherine Whiting, Senior Counsel, at (202) 551–4990, U.S. Securities and Exchange Commission, Division of Trading and Markets, 100 F Street NE, Washington, DC 20549–7010 or by email at *tradingandmarkets@sec.gov* with the phrase ''Notice of Intention to Cancel Transfer Agent Registration'' in the subject line.

Background

Section 17A(c)(4)(B) of the Act provides that if the Commission finds that any transfer agent registered with the Commission is no longer in existence or has ceased to do business as a transfer agent, the Commission shall by order cancel that transfer agent's registration.

Although the Commission has made efforts to locate and to determine the status of each of the transfer agents listed in the Appendix, based on the facts it has, the Commission believes that each of those transfer agents is no longer in existence or has ceased doing business as a transfer agent. Accordingly, at any time after January 31, 2018, the Commission intends to issue an order cancelling the registrations of the transfer agents listed in the Appendix.

The representative of any transfer agent listed in the Appendix who believes the registration of the transfer agent should not be cancelled must notify the Commission in writing or by email prior to January 31, 2018. Written notifications may be mailed to Office of Clearance and Settlement, Division of Trading and Markets, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20459–7010. Email notifications may be sent to *tradingandmarkets@sec.gov* with the phrase ''Notice of Intention to Cancel Transfer Agent Registration'' in the subject line.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[2]

Brent J. Fields,

Secretary.

APPENDIX

TA name	File number
AG Transfer Agency LLC	084–06306
Allied Stock Transfer, Inc	084–06171
AlphaMetrix, LLC	084–06327
Baron Capital Transfer & Registrar LLC	084–06440
Bluechip Equity Inc. DBA Bluechip Trust Company	084–06173
Cascade Stock Transfer, Inc	084–06204
Cascade Stock Transfer, Inc	084–06204
Centerline Affordable Housing Advisors LLC	084–01911
Chris Lotito	084–06197
Clayton Securities Services, Inc	084–05425
Demiurgic, Inc	084–06274
Elite Transfer Corp	084–06193
EnDevCo, Inc	084–06084
First National Bank of Omaha	084–06174
First National Bank of Sioux Falls	084–06228
Fund Dynamics, LLC	084–06208
Hiko Bell Mining & Oil Company	084–05445
Holladay Stock Transfer, Inc	084–01822
Integrity Stock Transfer	084–06113
Intercontinental Registrar & Transfer Agency, Inc	084–01123
Investor Data Services	084–01425
Johnson, Lawrence & Associates	084–05831
Karrison Compagnie Inc	084–06046
Life Sciences Research	084–06094
LM Anderson Securities, LLC	084–06257
Matrix Capital Group Inc	084–06122
Premier Stock Transfer, LLC	084–06518
Progressive Transfer, Inc	084–06268
Quads Trust Company	084–05621
Repository & Related Services, LLC	084–06500
Securities Registrar & Transfer Corp	084–00582
Signal Stock Transfer, Inc	084–06360
Standard Transfer & Trust Co., Inc	084–05819
Superior Stock Transfer, Inc	084–06121
Thermal Energy Storage Inc	084–01300
U.S. Stock Transfer Corp	084–06293
U.S. Trust & Transfer Co	084–05663
Valley Forge Management Corp	084–00012
Wall Street Stock Transfer Corporation	084–06246

[FR Doc. 2017–27566 Filed 12–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82346; File No. SR–CBOE–2017–076]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 5.4, Withdrawal of Approval of Underlying Securities

December 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December

[1] 15 U.S.C. 78q–1(c)(4)(B).

[2] 17 CFR 200.30–3(a)(22).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

4, 2017, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend Rule 5.4 to allow the Exchange to restrict option series to closing transactions when an option class is open for trading solely on the Exchange and the underlying security continues to meet the requirements for approval. (additions are *italicized;* deletions are [bracketed])

* * * * *

Cboe Exchange, Inc.

Rules

* * * * *

Rule 5.4. Withdrawal of Approval of Underlying Securities.

No change.

. . . *Interpretations and Policies:*

.01–.12 No change.

.13 If an option class is open for trading on another national securities exchange, the Exchange may delist such option class immediately. If an option class is open for trading solely on the Exchange, the Exchange may determine to not open for trading any additional series in that option class[,]*; may restrict series with open interest to closing transactions, provided that, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Rule 6.74(b) or (d) may be permitted;* and may delist the option class when all series within that class have expired. In all instances, delisting shall be preceded by a notice to TPH organizations concerning the delisting.

.14–.16 No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to amend Rule 5.4 to allow the Exchange to restrict option series to closing transactions when an option class is open for trading solely on the Exchange and the underlying security continues to meet the requirements for approval. The Exchange believes the ability to restrict option series to closing transactions when an option class is open for trading solely on the Exchange and the underlying security continues to meet the requirements for approval will allow the Exchange to delist option series in a timely and efficient manner.

Currently, when an option class is trading on another exchange Cboe Options may delist such option class immediately, regardless of whether the option class continues to meet the requirements for approval.[5] When an option class that no longer meets the requirements for approval is trading solely on the Exchange the Exchange may not add any additional series,[6] may restrict series with open interest to closing transactions,[7] and may delist any series without open interest.[8] However, when an option class continues to meet the requirements for approval and is trading solely on the Exchange the Exchange may not restrict series with open interest to closing transactions; instead, the Exchange may only delist series with no open interest [9] and ''determine to not open for trading any additional series in that option class, and may delist the option class when all series within that class have expired.'' [10]

The Exchange seeks to amend Interpretation and Policy .13 to Rule 5.4 to allow the Exchange to restrict option series to closing transactions when an option class is open for trading solely on the Exchange and the underlying security continues to meet the requirements for approval.

There are various business reasons why the Exchange may choose to no longer list an option class (*e.g.,* lack of trading interest, lack of market-making interest, etc.). The Exchange believes restricting such classes to closing transactions will allow open interest to be closed in a timelier and more efficient manner. When seeking to delist an option class the Exchange believes that restricting series to closing transactions is a better way to transition the class to a delisted state than the current method of not adding additional series and allowing market participants to continue to add new positions in the existing series. Restricting trading to closing transactions encourages market participants to close transactions, which helps to limit any potential negative effects associated with delisting a class. For example, restricting trading to closing transactions helps prevent market participants from adding new positions that cannot be rolled into the following expiration (a common options strategy).

The Exchange notes that this proposal is consistent with the manner in which Rule 5.4 operates in relation to option classes with underlying securities that no longer meet the requirements for approval—additional series are not added, series with open interest are restricted to closing only, and series without open interest are delisted. As proposed, when the Exchange seeks to delist an option class with an underlying security that continues to meet the requirements for approval the Exchange will not open additional series in the option class and will restrict trading to closing transactions. Also consistent with current Rule 5.4, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Cboe Rule 6.74(b) or

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Rule 5.4.13.

[6] *See* Rule 5.4 and 5.4.13.

[7] *See* Rule 5.4.12.

[8] *See* Rule 5.4.12.

[9] *See* Rule 5.4.12.

[10] *See* Rule 5.4.13.

(d) may be permitted. Allowing Market-Makers and TPH organizations to facilitate closing transactions of public customers will help public customers close positions in classes that will be delisted by the Exchange, which helps to protect investors and the public interest. It is reasonable to restrict series to closing only pursuant to current Rule 5.4 when underlying securities no longer meet requirements for approval. The Exchange believes it is also reasonable to restrict series to closing when the options class no longer satisfies business justifications for listing the class.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, when seeking to delist an option class—whether or not the underlying security continues to meet the requirements for approval—the Exchange believes that restricting series to closing transactions is a better way to transition the class to a delisted state than the current method of not adding additional series and allowing market participants to continue to add new positions in the existing series. Restricting trading to closing transactions encourages market participants to close transactions, which helps to limit any potential negative effects associated with delisting a class and helps to protect customers and the public interest.

The Exchange notes that this proposal is consistent with the manner in which Rule 5.4 operates in relation to option classes with underlying securities that no longer meet the requirements for approval—additional series are not added, series with open interest are restricted to closing only, and series without open interest are delisted. As proposed, when the Exchange seeks to delist an option class with an underlying security that continues to meet the requirements for approval the Exchange will not open additional series in the option class and will restrict trading to closing transactions. Also consistent with current Rule 5.4, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Cboe Rule 6.74(b) or (d) may be permitted. Allowing Market-Makers and TPH organizations to facilitate closing transactions of public customers will help public customers close positions in classes that will be delisted by the Exchange, which helps to protect investors and the public interest. It is reasonable to restrict series to closing only pursuant to current Rule 5.4 when underlying securities no longer meet requirements for approval. The Exchange believes it is also reasonable to restrict series to closing when the option class no longer satisfies business justifications for listing the class.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. This proposed rule change is consistent with the manner in which Rule 5.4 operates in relation to option classes with underlying securities that no longer meet the requirements for approval—additional series are not added, series with open interest are restricted to closing only, and series without open interest are delisted. Also consistent with current Rule 5.4, opening transactions by Market-Makers executed to accommodate closing transactions of other market participants and opening transactions by TPH organizations to facilitate the closing transactions of public customers executed as crosses pursuant to and in accordance with Cboe Rule 6.74(b) or (d) may be permitted. Allowing Market-Makers and TPH organizations to facilitate closing transactions of public customers will help public customers close positions in classes that will be delisted by the Exchange, which helps to protect investors and the public interest and does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and subparagraph (f)(6) Rule 19b–4 thereunder.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2017–076 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2017–076. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–076 and should be submitted on or before January 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–27564 Filed 12–21–17; 8:45 am]

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[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82345; File No. SR–LCH SA–2017–009]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to Wrong Way Risk Margin

December 18, 2017.

I. Introduction

On October 30, 2017, Banque Central de Compensation, which conducts business under the name LCH SA (''LCH SA''), 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 (SR–LCH SA–2017–009) to amend its Reference Guide: CDS Margin Framework (''CDSClear Margin Framework'' or ''Framework'') to adjust the manner in which the wrong way risk (''WWR'') margin component of the Framework addresses offsets between currencies when calculating WWR margin. The proposed rule change was published for comment in the **Federal Register** on November 16, 2017.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

LCH SA has proposed to amend its CDSClear Margin Framework to adjust the manner in which the WWR margin component of the Framework addresses offsets between currencies when calculating WWR margin. According to LCH SA, the WWR component of the Framework is designed to cover the anticipated financial contagion effect that would arise in case of a clearing member being declared in default. The current WWR margin formula provides for offsets between currencies by allowing offset between WWR and right way risk (''RWR''). Specifically, under the current approach, a WWR currency offset is applied as the greater of: (x) The WWR amount in Euros minus the RWR amount in Euros [4]; and (y) the WWR amount in Euros multiplied by 1 minus a factor representing the correlation between European and U.S. financial institutions by calculating the average historical cross correlation of credit spreads on credit default swaps (''CDS'') with respect to all pairs of European and U.S. financial institutions that are clearing members of LCH SA.[5] Under this approach, if one currency has WWR and the other has RWR, LCH SA would compare the WWR amount, as offset by the RWR, to the WWR amount, which is reduced by scaling the WWR by 1 minus the correlation factor, and take the greater of these two amounts.[6] As a result, either the full amount of RWR is allowed to offset the WWR, or only a portion of the WWR is taken into account without any regard to the amount of RWR.[7]

LCH SA proposed to revise this approach by amending the WWR currency offset formula in the Framework to set the WWR margin component of Framework as the greater of: (i) The WWR amount in Euros, minus the RWR amount multiplied by the 10-year average historical correlation of credit spreads on CDS in respect of European and U.S. financial institutions; and (ii) zero. Thus, under the proposed approach, RWR would never completely offset WWR, but rather would offset WWR after discounting it based on the average of observed correlations of CDS credit spreads with respect to European and U.S. financial institutions.[8]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[9] Section 17A(b)(3)(F) of the Act [10] requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody and control of the clearing agency or for which it is responsible, and to protect investors and the public interest. Rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–82043 (November 9, 2017), 82 FR 53536 (November 16, 2017) (SR–LCH–SA–2017–009) (''Notice'').

[4] Amounts not denominated in Euros are converted to Euros using a foreign exchange rate plus or minus a haircut. *See,* Notice, 82 FR at 53536.

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] 15 U.S.C. 78s(b)(2)(C).

[10] 15 U.S.C. 78q–1(b)(3)(F).

17Ad–22(b)(2) requires, in relevant part, a registered clearing agency that performs central counterparty services to establish, implement, maintain and enforce written policies and procedures that are reasonably designed to use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.[11] Rules 17Ad–22(e)(6)(i) and (v) require a covered clearing agency that provides central counterparty services to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things, considers and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market, and uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products.[12]

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act and the relevant provisions of Rule 17Ad–22 thereunder. Specifically, the Commission believes that the proposed rule change will enhance LCH SA's assessment of the risks associated with clearing products that may exhibit WWR, and thereby collect an appropriate level of resources, which in turn will improve LCH SA's ability to withstand the default of a Clearing Member. As a result, the Commission believes that the proposed rule change will augment LCH SA's ability to safeguard the securities and funds which are in its custody and control. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.

Moreover, the Commission believes that WWR is a relevant factor when considering the risks associated with clearing securities products, including CDS products, and when developing margin models to cover credit exposures associated with providing clearance and settlement services for such products. By ensuring that it will take into consideration both WWR and RWR as proposed, LCH SA will have margin that more accurately measures the level of risk, and should therefore produce margin requirements that are commensurate with such risks, as well as the attributes of the products it clears. Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of Rule 17Ad–22(b)(2) and Rule 17Ad–22(e)(6)(i) and (v).

IV. Conclusion

It Is Therefore Ordered pursuant to Section 19(b)(2) of the Act that the proposed rule change (SR–LCH SA–2017–009) be, and hereby is, approved.[13]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–27563 Filed 12–21–17; 8:45 am]

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[11] 17 CFR 240.17Ad–22(b)(2).

[12] 17 CFR 240.17Ad–22(e)(6)(i) and (v).

[13] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82343; File No. SR–NYSE–2017–68]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List To Adopt a Rebate for the NYSE Bonds℠ System

December 18, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 14, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to adopt a rebate for the NYSE Bonds℠ system. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 proposes to amend its Price List to provide a rebate for the NYSE Bonds system.[4]

The Exchange currently does not charge any execution fee for orders in bonds that take liquidity from the NYSE Bonds Book. For orders in bonds that provide liquidity, the Exchange currently provides a rebate of $0.05 per bond, with a maximum rebate of $50 per execution, for bond liquidity providers that meet the requirements of Rule 88.[5] The Exchange also currently provides rebates under the Liquidity Provider Incentive Program[6] pursuant to which the Exchange pays a daily rebate to a User[7] that is a Member or Member Organization based on the number of Qualifying CUSIPs on the NYSE Bonds Book for which a Unique User[8] meets prescribed quoting requirements. The Exchange is not proposing any change to the bond liquidity provider rebate

[4] The Exchange originally filed to amend the Fee Schedule on December 1, 2017 (SR–NYSE–2017–65) and withdrew such filing on December 14, 2017.

[5] There are currently no bond liquidity providers who meet the requirements of Rule 88 and therefore no rebates are currently provided under the program.

[6] *See* Securities Exchange Act Release Nos 77591 (April 12, 2016), 81 FR 22656 (April 18, 2016) (SR–NYSE–2016–26); 77812 (May 11, 2016), 81 FR 30594 (May 17, 2016) (SR–NYSE–2016–34); and 79210 (November 1, 2016), 81 FR 78213 (November 7, 2016) (SR–NYSE–2016–68).

[7] Rule 86(b)(2)(M) defines a User as any Member or Member Organization, Sponsored Participant, or Authorized Trader that is authorized to access NYSE Bonds.

[8] For purposes of the Liquidity Provider Incentive Program, the term 'Unique User' means a User, a trading desk of a User, or a customer of a User, on whose behalf a Member or Member Organization enters quotes or orders under a Unique User ID that such User requests from and is provided by the Exchange. *See* Securities Exchange Act Release No. 80934 (June 15, 2017), 82 FR 28173 (June 20, 2017) (SR–NYSE–2017–27).

program or the Liquidity Provider Incentive Program.

The Exchange proposes to adopt the Agency Order Incentive Program. As proposed, a monthly rebate of $4,000 would be payable to a User that submits an average of 400 resting limit orders of any size per trading day [9] during the month and that are submitted as Agency Orders by the User. For purposes of the proposed Agency Order Incentive Program, an Agency Order is any order submitted by a User that it represents as agent on NYSE Bonds. For example, assume a User submits 10,000 orders during January 2018, which has 21 trading days. Of the 10,000 orders, if 8,500 orders are resting limit orders that are represented as agent by the User, the average for the purposes of the proposed rebate would be 405 orders per trading day (8,500 orders/21 trading days). In this instance the User will have met the average orders per day requirement to qualify for the proposed rebate. The Exchange believes that the proposed rebate program would encourage additional displayed liquidity in bonds on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange believes that it is reasonable and equitable to adopt the Agency Order Incentive Program for the bonds trading platform, which would provide rebates for member organizations that provide liquidity to bonds traded on the Exchange. This proposed rule change targets a particular segment in which the Exchange seeks to attract greater order flow. The proposed rebate program would provide an incentive for additional liquidity at the Exchange. The Exchange further believes Agency Orders are becoming an increasingly important segment of bonds trading and the proposed rebate seeks to incentivize market participants to direct a greater number of such orders to the Exchange.

The Exchange believes the proposed fee change would provide an incentive for Users to provide additional liquidity to the market and add competition to the existing group of liquidity providers. Finally, the Exchange believes that the proposed rule change is not unfairly discriminatory in that it would apply uniformly to all Users accessing NYSE Bonds. All similarly situated Users would be subject to the same rebate structure, and each User would have the ability to determine the extent to which the Exchange's proposed rebate structure will provide it with an economic incentive to use NYSE Bonds, and model its business accordingly.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Debt securities typically trade in a decentralized OTC dealer market that is less liquid and transparent than the equities markets. The Exchange believes that the proposed change would increase competition with these OTC venues by creating incentives to engage in bonds transactions on the Exchange and rewarding market participants for actively quoting and providing liquidity in the only transparent bond market, which the Exchange believes will enhance market quality.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues that are not transparent. In such an environment, the Exchange must continually review, and consider adjusting its fees and rebates to remain competitive with other exchanges as well as with alternative trading systems and other venues that are not required to comply with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed change will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and subparagraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–68 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–68. 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

[9] A trading day is any day that NYSE Bonds is available for trading, as determined by Securities Industry and Financial Market Association (''SIFMA''), which annually provides recommendations for early and full market closes that the bond market, including NYSE Bonds, follows. The current SIFMA holiday schedule is available at *http://www.sifma.org/services/holiday-schedule/#us2016.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4), (5).

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

[15] 15 U.S.C. 78s(b)(2)(B).

only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2017–68, and should be submitted on or before January 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82344; File No. SR–NYSEARCA–2017–142]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Decommission Extension Fee for Receipt of the NYSE Arca Integrated Feed Market Data Product

December 18, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 12, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a Decommission Extension Fee for receipt of the NYSE Arca Integrated Feed market data product. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 proposes to adopt a Decommission Extension Fee for receipt of the NYSE Arca Integrated Feed market data product,[4] as set forth on the NYSE Arca Equities Proprietary Market Data Fee Schedule (''Fee Schedule'').[5] Recipients of NYSE Arca Integrated Feed would continue to be subject to the already existing subscription fees currently set forth in the Fee Schedule. The proposed Decommission Extension Fee would apply only to subscribers who choose to continue to receive the NYSE Arca Integrated Feed in its legacy format for up to two months after the previously-announced date for the end of distribution in the legacy format, after which the feed will be distributed exclusively in the new format as notified to customers previously and further explained below. The Exchange has provided customers with adequate notice that it intends to discontinue dissemination of the data feed in the legacy format, having first announced this to customers in June 2017.[6]

As part of the Exchange's efforts to regularly upgrade systems to support more modern data distribution formats and protocols as technology evolves, beginning August 21, 2017, NYSE Arca Integrated Feed began transmitting in a new format, Exchange Data Protocol (XDP). Since August 21, 2017, the Exchange has been transmitting NYSE Arca Integrated Feed in both the legacy format and in XDP format without any additional fee being charged for providing this data feed in both formats. The dual dissemination remained in place until November 30, 2017, the planned decommission date of the legacy format.

The purpose of the proposed Decommission Extension Fee is to provide customers an incentive to fully transition to the XDP format so the Exchange does not have to continue to support both the legacy format and the XDP format and incur, for example, the costs involved in maintaining additional servers and monitoring multiple distribution channels and testing environments not needed by the XDP format. Therefore, beginning December 1, 2017, recipients of NYSE Arca Integrated Feed who wish to continue to receive NYSE Arca Integrated Feed in the legacy format will be subject to the proposed Decommission Extension Fee of $5,000 per month.[7] During the

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 65669 (November 2, 2011), 76 FR 69311 (November 8, 2011) (SR–NYSEArca–2011–78) (notice of filing and immediate effectiveness of proposed rule change offering the NYSE Arca Integrated Feed). *See also* Securities Exchange Act Release Nos. 66128 (January 10, 2012), 77 FR 2331 (January 17, 2012) (SR–NYSEArca–2011–96) (establishing fees for NYSE Arca Integrated Feed); 69315 (April 5, 2013), 78 FR 21668 (April 11, 2013) (SR–NYSEArca–2013–37) (establishing non-display usage fees); 73011 (September 5, 2014), 79 FR 54315 (September 11, 2014) (SR–NYSEArca–2014–93) (amending non-display usage fees); 76914 (January 14, 2016), 81 FR 3484 (January 21, 2016) (SR–NYSEArca–2016–03) (amending fees for NYSE Arca Integrated Feed); and 82100 (November 16, 2017), 82 FR 55660 (November 22, 2017) (SR–NYSEArca–2017–130) (amending fees for NYSE Arca Integrated Feed).

[5] The Exchange originally filed to amend the Fee Schedule on November 29, 2017 (SR–NYSEArca–2017–136) and withdrew such filing on December 12, 2017.

[6] *See* Trader Update at *https://www.nyse.com/trader-update/history#110000065786. See also https://www.nyse.com/trader-update/history #110000078705.*

[7] The concept of a Decommission Extension Fee is not novel. The Exchange's affiliates, NYSE and NYSE American, have both previously adopted a Decommission Extension Fee for receipt of multiple market data products when those products migrated to the XDP format. *See* Securities Exchange Act Release Nos. 79286 (November 10, 2016), 81 FR 81186 (November 17, 2016) (SR–NYSE–2016–73); 79287 (November 10, 2016), 81 FR 81216

extension period, recipients of NYSE Arca Integrated Feed would continue to be subject to the subscription fees currently noted in the Fee Schedule. The extension period for receiving this data feed in the legacy format will expire on January 30, 2018, on which date distribution of NYSE Arca Integrated Feed in the legacy format will be permanently discontinued as previously announced to customers.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides an equitable allocation of reasonable fees among users and recipients of the data and is not designed to permit unfair discrimination among customers, issuers, and brokers.

The Exchange believes that adopting an extension fee for subscribers of NYSE Arca Integrated Feed who wish to receive this data feed in the legacy format for a period of time beyond the built-in overlap period is reasonable, equitable and not unfairly discriminatory because the proposed fee would apply equally to all data recipients that subscribe to NYSE Arca Integrated Feed. The Exchange believes that it is reasonable to require data recipients to pay the proposed Decommission Extension fee during the extension period for taking the data feed in the legacy format beyond the period of time specifically allotted by the Exchange for data feed customers to adapt to the new XDP format at no extra cost. To that end, the extension fee is designed to encourage data recipients to migrate to the XDP format in order to continue to receive NYSE Arca Integrated in XDP as the legacy format would no longer be available after close of trading on January 30, 2018. The Exchange does not intend to support the legacy format at all after January 30, 2018.

The Exchange notes that NYSE Arca Integrated Feed is entirely optional. Firms are not required to purchase NYSE Arca Integrated Feed, nor is the Exchange required to offer any feed (NYSE Arca Integrated Feed, or otherwise) in a particular format, and it is a benefit to the markets generally that NYSE Arca update its distribution technology to make it more efficient (and at the same time eliminate less efficient forms of dissemination). Firms that do purchase NYSE Arca Integrated Feed do so for the primary goals of using them to increase revenues, reduce expenses, and in some instances compete directly with the Exchange (including for order flow); those firms are able to determine for themselves whether NYSE Arca Integrated Feed or any other similar products are attractively priced or not.[10]

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (DC Cir. 2010), upheld reliance by the Securities and Exchange Commission (''Commission'') upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [11]

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for proprietary market data and that the Commission can rely upon such evidence in concluding that the fees established in this filing are the product of competition and therefore satisfy the relevant statutory standards. In addition, the existence of alternatives to the legacy format, such as converting to XDP as soon as possible, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can select such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for proprietary market data would be so complicated that it could not be done practically or offer any significant benefits.[12]

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. An exchange's ability to price its proprietary market data feed products is constrained by actual competition for the sale of proprietary market data products, the joint product nature of exchange platforms,[13] and the existence of alternatives to the Exchange's proprietary data (and in this instance, the ability of any firm to switch to the new distribution format in a time frame

(November 17, 2016) (SR–NYSEMKT–2016–100); 77388 (March 17, 2016), 81 FR 15363 (March 22, 2016) (SR–NYSE–2016–21); and 77389 (March 17, 2016), 81 FR 15375 [sic] (March 22, 2016) (SR–NYSEMKT–2016–37).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4), (5).

[10] *See, e.g.,* Proposing Release on Regulation of NMS Stock Alternative Trading Systems, Securities Exchange Act Release No. 76474 (Nov. 18, 2015) (File No. S7–23–15). *See also,* ''Brokers Warned Not to Steer Clients' Stock Trades Into Slow Lane,'' Bloomberg Business, December 14, 2015 (Sigma X dark pool to use direct exchange feeds as the primary source of price data).

[11] *NetCoalition,* 615 F.3d at 535.

[12] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties and the Commission to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's website at *http://www.sec.gov/rules/concept/s72899/buck1.htm.* Finally, the prices set herein are prices for continuing to support distribution formats the Exchange has elected to retire in favor of new and more efficient distribution formats, making cost-based analyses even less relevant.

[13] *See generally Pricing of Market Data Services, An Economic Analysis* at vi (''Given the general structure of electronic order books and electronic order matching, it is not possible to provide transaction services without generating market data, and it is not possible to generate trade transaction—or market depth—data without also supplying a trade execution service. In economic terms, trade execution and market data are joint products.'') (Oxera 2014).

that eliminates the need to pay these fees entirely).

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with one another for listings and order flow and sales of market data itself, providing ample opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and distributing their own market data. Proprietary data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market. Indeed, the U.S. Department of Justice (''DOJ'') (the primary antitrust regulator) has expressly acknowledged the aggressive actual competition among exchanges, including for the sale of proprietary market data. In 2011, the DOJ stated that exchanges ''compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale.'' [14]

Moreover, competitive markets for listings, order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products and therefore constrain markets from overpricing proprietary market data. Broker-dealers send their order flow and transaction reports to multiple venues, rather than providing them all to a single venue, which in turn reinforces this competitive constraint. As a 2010 Commission Concept Release noted, the ''current market structure can be described as dispersed and complex'' with ''trading volume . . . dispersed among many highly automated trading centers that compete for order flow in the same stocks'' and ''trading centers offer[ing] a wide range of services that are designed to attract different types of market participants with varying trading needs.'' [15] More recently, former SEC Chair Mary Jo White has noted that competition for order flow in exchange-listed equities is ''intense'' and divided among many trading venues, including exchanges, more than 40 alternative trading systems, and more than 250 broker-dealers.[16] And as the Commission's own Chief Administrative Law Judge found after considering extensive fact and expert testimony and documentary evidence on the subject, ''there is fierce competition for trading services (or 'order flow')'' among exchanges, and ''the record evidence shows that competition plays a significant role in restraining exchange pricing of depth-of-book products.'' *In the Matter of the Application of Securities Industry And Financial Markets Association For Review of Actions Taken By Self-Regulatory Organizations,* Initial Decision Release No. 1015, Administrative Proceeding File No. 3–15350 (June 1, 2016), at pp. 8 and 33.

If an exchange succeeds in competing for quotations, order flow, and trade executions, then it earns trading revenues and increases the value of its proprietary market data products because they will contain greater quote and trade information. Conversely, if an exchange is less successful in attracting quotes, order flow, and trade executions, then its market data products may be less desirable to customers in light of the diminished content and data products offered by competing venues may become more attractive. Thus, competition for quotations, order flow, and trade executions puts significant pressure on an exchange to maintain both execution and data fees at reasonable levels.

In addition, in the case of products that are also redistributed through market data vendors, such as Bloomberg and Thompson Reuters, the vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available NYSE Arca Integrated Feed in the legacy format unless their customers request it, and customers will not elect to pay the proposed fees unless NYSE Arca Integrated Feed in the legacy format can provide value by sufficiently increasing revenues or reducing costs in the customer's business in a manner that will offset the fees. And as noted above, the Exchange has provided customers with adequate notice that it intends to discontinue dissemination of the data feed in the legacy format.[17] Therefore, the proposed Decommission Extension Fee would only be applicable to those customers who have a need or desire to continue to take the data feed in the legacy format beyond the period provided for migration to the XDP format. Customers who timely migrate to the XDP format to receive the data feed would not need to receive the data feed in the legacy format and therefore would not be subject to the Decommission Extension Fee at all. All of these factors operate as constraints on pricing proprietary data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [18] of the Act and subparagraph (f)(2) of Rule 19b–4 [19] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] of the Act to

[14] Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), *available* at *http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html; see also* Complaint in U.S. v. Deutsche Borse AG and NYSE Euronext, Case No. 11–cv–2280 (DC Dist.) ¶ 24 (''NYSE and Direct Edge compete head-to-head . . . in the provision of real-time proprietary equity data products.'').

[15] Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (Jan. 14, 2010), 75 FR 3594 (Jan. 21, 2010) (File No. S7–02–10). This Concept Release included data from the third quarter of 2009 showing that no market center traded more than 20% of the volume of listed stocks, further evidencing the dispersal of and competition for trading activity. *Id.* at 3598. According to NYSE Internal Database and Consolidated Tape Statistics, in aggregate, from January 1, 2016 to October 31, 2017, no exchange traded more than 14% of the volume of listed stocks by either trade or dollar volume, further evidencing the continued dispersal of and fierce competition for trading activity.

[16] Mary Jo White, Enhancing Our Equity Market Structure, Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available on the Commission website), citing Tuttle, Laura, 2014, ''OTC Trading: Description of Non-ATS OTC Trading in National Market System Stocks,'' at 7–8.

[17] *See supra* note 6.

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(2).

[20] 15 U.S.C. 78s(b)(2)(B).

determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2017–142 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2017–142. 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–2017–142 and should be submitted on or before January 12, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–27562 Filed 12–21–17; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 10232]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Diamond Mountains: Travel and Nostalgia in Korean Art'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Diamond Mountains: Travel and Nostalgia in Korean Art,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about February 7, 2018, until on or about May 20, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the 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, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–27620 Filed 12–21–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10231]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Heavenly Bodies: Fashion and the Catholic Imagination'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that twenty-four objects to be included in the exhibition ''Heavenly Bodies: Fashion and the Catholic Imagination,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about May 10, 2018, until on or about October 8, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the 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, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice

of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–27619 Filed 12–21–17; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36068 (Sub-No. 2)]

The Indiana Rail Road Company—Temporary Trackage Rights Exemption—CSX Transportation, Inc.

The Indiana Rail Road Company (INRD), a Class II rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(8) for its acquisition of limited, temporary overhead trackage rights over a line of railroad of CSX Transportation, Inc. (CSXT) between its connection with CSXT at approximately CSXT milepost OZA 204.5 at Sullivan, Ind., and the connection with trackage serving the Oaktown Mine at approximately CSXT milepost OZA 219.05 at Oaktown, Ind., a distance of approximately 14.55 miles.

As explained by INRD in its notice of exemption in Docket No. FD 36068, pursuant to a May 15, 2008 trackage rights agreement and two subsequent supplements to that agreement dated August 1, 2009, and November 20, 2009, INRD holds trackage rights over a line of railroad of CSXT from Sullivan to Carlisle and Oaktown, Ind.[1] The purpose of those trackage rights is to allow INRD to handle unit coal trains from mines at Carlisle and Oaktown to specified destinations on INRD or other railroads with which INRD interchanges. In 2016, the Board authorized temporarily expanding the existing trackage rights to allow INRD to handle loaded and empty coal trains between the Oaktown Mine and the Kentucky Utilities Generating Station in Harrodsburg, Ky., in interline service with other rail carriers.[2] The current temporary trackage rights agreement is scheduled to expire on December 31, 2017. INRD states that it intends to consummate the transaction on January 6, 2018. The sole purpose of the trackage rights is to allow INRD to handle loaded and empty unit coal trains between the Oaktown Mine and the Kentucky Utilities Generating Station in Harrodsburg, Ky., in interline service with other rail carriers. The temporary trackage rights will expire on December 31, 2018.[3]

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption.

An original and 10 copies of all pleadings, referring to Docket No. FD 36068 (Sub-No. 2), must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on INRD's representative, Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Dr., Ste. 920, Chicago, IL 60606–2832.

According to INRD, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and historic reporting under 49 CFR 1105.8(b)(3).

Board decisions and notices are available on our website at ''*WWW.STB.GOV.*''

Decided: December 19, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–27604 Filed 12–21–17; 8:45 am]

BILLING CODE 4915–01–P

[1] *See Indiana R.R.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 35328 (STB served Dec. 31, 2009); *Indiana R.R.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 35287 (STB served Sept. 2, 2009); *Indiana R.R.—Amended Trackage Rights Exemption—CSX Transp., Inc.,* FD 35137 (STB served May 22, 2008, and Dec. 4, 2009).

[2] *Indiana R.R.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 36068 (STB served Oct. 14, 2016); *Indiana R.R.—Trackage Rights Exemption—CSX Transp., Inc.,* FD 36068 (Sub-No. 1) (STB served Feb. 9, 2017).

[3] INRD states that, upon expiration of the temporary trackage rights, its underlying trackage rights authorized in Docket Nos. FD 35137, FD 35287, and FD 35328 will remain in place.

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2018–1)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the first quarter 2018 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. A new base level for the index is calculated in the Board's decision, as the statute requires be done every five years. The first quarter 2018 RCAF (Unadjusted) is 1.027. The first quarter 2018 RCAF (Adjusted) is 0.422. The first quarter 2018 RCAF–5 is 0.402.

DATES: *Applicability Date:* January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our website, *http://www.stb.gov.* Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Decided: December 18, 2017.

By the Board, Board Members Begeman and Miller.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–27634 Filed 12–21–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2017–0199]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CHASIN TAIL 2; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-

build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before January 22, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2017–0199. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.Carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CHASIN TAIL 2 is:

—Intended Commercial Use of Vessel: ''Charter fishing''

—Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Florida, North Carolina, Maryland''

The complete application is given in DOT docket MARAD–2017–0199 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator
Dated: December 19, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–27576 Filed 12–21–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2016–0065]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on October 2, 2017.

DATES: Comments must be submitted to OMB on or before January 22, 2018.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, OMB, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Stephen Hench, Office of Chief Counsel (NCC–0100), Room W41–229, NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202.366.2992.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation, see 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) 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) 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) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

Title: Defect and Noncompliance Reporting and Notification.

Type of Request: Renewal of a currently approved information collection.

OMB Control Number: 2127–0004.

Affected Public: Businesses or individuals.

Abstract: The 60-day notice for this information collection received four (4) comments. Two of these comments were anonymously submitted and discuss issues unrelated to this information collection (a SEC rule, and global temperature changes). One of these comments, submitted by Gary and Sherry Buckingham, queries: ''Where and when will we know to get our air bags from Takata fixed?'' Vehicle manufacturers are required to mail letters to vehicle owners notifying them

when a remedy is available and how to obtain the free remedy. Additionally, individuals may consult NHTSA's Takata Recall Spotlight website (*https://www.nhtsa.gov/recall-spotlight/takata-air-bags*), and utilize NHTSA's VIN Look-Up Tool (available at *https://www.nhtsa.gov/recalls*), to obtain information including how the recalls may affect their specific vehicle(s). The final comment received was submitted by the Alliance of Automobile Manufacturers (Alliance) and the Association of Global Automakers (Global Automakers) (hereinafter collectively ''Alliance & Global''). Alliance & Global offered comments on estimates related to safety recall reporting and owner notification obligations, as well as estimates related to manufacturer obligations under the Takata Coordinated Remedy Program. A summary of these comments is below with the corresponding burden estimates, along with the agency's response.

This collection covers the information collection requirements found within various statutory sections in the Motor Vehicle Safety Act of 1966 (Act), 49 U.S.C. 30101, *et seq.,* that address and require manufacturer notifications to NHTSA of safety-related defects and failures to comply with Federal Motor Vehicle Safety Standards (FMVSS) in motor vehicles and motor vehicle equipment, as well as the provision of particular information related to the ensuing owner and dealers notifications and free remedy campaigns that follow those notifications. The sections of the Act imposing these requirements include 49 U.S.C. 30118, 30119, 30120, and 30166. Many of these requirements are implemented through, and addressed with more specificity in, 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* (Part 573) and 49 CFR 577, *Defect and Noncompliance Notification* (Part 577).

Pursuant to the Act, motor vehicle and motor vehicle equipment manufacturers are obligated to notify, and then provide various information and documents to, NHTSA in the event a safety defect or noncompliance with Federal Motor Vehicle Safety Standards (FMVSS) is identified in products they manufactured. *See* 49 U.S.C. 30118(b) and 49 CFR 573.6. Manufacturers are further required to notify owners, purchasers, dealers, and distributors about the safety defect or noncompliance. *See* 49 U.S.C. 30118(b), 30120(a); 49 CFR 577.7, 577.13. Manufacturers are required to provide to NHTSA copies of communications pertaining to recall campaigns that they issue to owners, purchasers, dealers, and distributors. *See* 49 U.S.C. 30166(f); 49 CFR 573.6(c)(10).

Manufacturers are also required to file with NHTSA a plan explaining how they intend to reimburse owners and purchasers who paid to have their products remedied before being notified of the safety defect or noncompliance, and explain that plan in the notifications they issue to owners and purchasers about the safety defect or noncompliance. *See* 49 U.S.C. 30120(d) and 49 CFR 573.13. Manufacturers are further required to keep lists of the respective owners, purchasers, dealers, distributors, lessors, and lessees of the products determined to be defective or noncompliant and involved in a recall campaign, and are required to provide NHTSA with a minimum of six quarterly reports reporting on the progress of their recall campaigns. *See* 49 CFR 573.8 and 573.7, respectively.

In addition, in an enforcement action, certain manufacturers may be required by administrative order to conduct supplemental recall communications utilizing non-traditional means (*e.g.,* text messaging, social media) crucial to achieving completion of a unique, large-scale recall. Presently, NHTSA is overseeing manufacturer recalls of unprecedented complexity involving Takata air bag inflators, where it has required such supplemental owner communications.[1]

The Act and Part 573 also contain numerous information collection requirements specific to tire recall and remedy campaigns. These requirements relate to the proper disposal of recalled tires, including a requirement that the manufacturer conducting the tire recall submit a plan and provide specific instructions to certain persons (such as dealers and distributors) addressing that disposal, and a requirement that those persons report back to the manufacturer certain deviations from the plan. *See* 49 U.S.C. 30120(d) and 49 CFR 573.6(c)(9). The regulations also require that manufacturers report to NHTSA intentional and knowing sales or leases of defective or noncompliant tires.

49 U.S.C. 30166(n) and its implementing regulation found at 49 CFR 573.10 mandate that anyone who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire that is not compliant with FMVSS, and with actual knowledge that the tire manufacturer has notified its dealers of the defect or noncompliance as required under the Act, is required to report that sale or lease to NHTSA no more than five working days after the person to whom the tire was sold or leased takes possession of it.

Estimated Burden: The existing information collection associated with 49 CFR part 573 and portions of 49 CFR part 577 currently has an estimated annual burden of 36,070 hours associated with an estimated 275 respondents per year.[2] Our prior estimates of the burden hours and cost associated with the requirements currently covered by this information collection require adjustment as follows.

Based on current information, we estimate 274 distinct manufacturers filing an average of 963 part 573 Safety Recall Reports each year. This is a change from our previous estimate of 854 part 573 Safety Recall Reports filed by 275 manufacturers each year. In addition, with reference to the metric associated with NHTSA's VIN Look-up Tool regulation, see 49 CFR 573.15, we estimate it takes the 17 major passenger-vehicle manufacturers (that each produce more than 25,000 vehicles annually) more burden hours to complete these Reports to NHTSA. *See* 81 FR 70270 (October 11, 2016). Between 2014 and 2016, the major passenger-vehicle manufacturers collectively conducted an average of 299 recalls annually.

We estimate that maintenance of the required owner, purchaser, dealer, and distributor lists requires 8 hours a year per manufacturer. Alliance & Global commented that it was unclear what this task involves, but that ''[i]f it includes obtaining the data and curating it for accuracy on a weekly or biweekly basis, this estimate is far too low.'' Without more information, it is difficult for NHTSA to revise its estimate in light of this comment. However, we note that this list maintenance involves tasks necessary to ensure a company has accurate records (*e.g.,* names and addresses) of owners, purchasers, dealers, and distributors for use in discharging recall-notification obligations under 49 CFR parts 573 and 577, and that the amount of data and nature of information curation will vary from manufacturer to manufacturer. NHTSA continues to estimate at this time that maintenance of the required owner, purchaser, dealer, and distributors lists requires 8 hours a year per manufacturer.

We estimated that it takes a major passenger-vehicle manufacturer 20 burden hours, on average, to prepare and file their Part 573 Reports. In a

[1] *See* ''Notice of Coordinated Remedy Program Proceeding for the Replacement of Certain Takata Air Bag Inflator,'' *available at https://www.regulations.gov/docket?D=NHTSA-2015-0055.*

[2] *See* 81 FR 70269 (October 11, 2016).

previous agency response to prior comments from Nissan North America, Inc. (Nissan), we acknowledged that major passenger-vehicle manufacturers may require more burden hours to file these reports, and agreed with Nissan's estimate of 20 burden hours for this requirement. *See* 81 FR 70270 (October 11, 2016). Alliance & Global here provide further input on this metric as it bears on major passenger-vehicle manufacturers, commenting that as a ''best fit'' of information collected from its member companies, its members spend 40 hours completing each Part 573 Recall Report. NHTSA repeats its observations that most manufacturers who conduct safety recalls are not major passenger-vehicle manufacturers, and that most other manufacturers include very few products in the average safety recall. NHTSA further observes that many members of the Alliance & Global are major passenger-vehicle manufacturers, and that therefore its comments are more representative of, and applicable to the burdens for, such manufacturers. NHTSA thanks the Alliance & Global for its comment, and now estimates that the major passenger-vehicle manufacturers will require 40 burden hours to prepare and file their Part 573 Recall Reports. NHTSA continues to estimate it takes all other manufacturers 4 hours to prepare and file their Part 573 Recall Reports.

Accordingly, we estimate the annual burden hours related to the reporting to NHTSA of a safety defect or noncompliance for the 17 major passenger vehicle-manufacturers to be 11,960 hours annually (299 notices × 40 hours/report), and that all other manufacturers require a total of 2,656 hours annually (664 notices × 4 hours/report) to file their notices. Accordingly, the estimated annual burden hours related to the reporting to NHTSA of a safety defect or noncompliance is 16,808 hours (11,960 hours + 2,656 hours) + (274 MFRs × 8 hours to maintain purchaser lists).[3]

We estimate that an additional 40 hours will be needed to account for major passenger-vehicle manufacturers adding details to Part 573 Safety Recall Reports relating to the intended schedule for notifying its dealers and distributors, and tailoring its notifications to dealers and distributors in accordance with the requirements of 49 CFR 577.13. For all other manufacturers, an additional 2 hours will be needed to account for this obligation. This burden is estimated at 13,288 hours annually (664 notices × 2 hours/notification) + (299 notices × 40 hours/notification).

49 U.S.C. 30166(f) requires manufacturers to provide the Agency copies of all communications regarding defects and noncompliances sent to owners, purchasers, and dealerships. Manufacturers must index these communications by the year, make, and model of the vehicle as well as provide a concise summary of the subject of the communication. We estimated this burden requires 30 minutes for each vehicle recall. Alliance & Global commented that as a ''best fit'' of information collected from its member companies, its members spend 3 hours per recall on this requirement. NHTSA does acknowledge that its previous estimate could have been low, particularly in the case of larger recalls involving a diverse group of vehicle years, makes, and models, which Alliance & Global members may face more frequently than smaller manufacturers. Accordingly, NHTSA now estimates this burden to be 3 hours for the 17 major passenger-vehicle manufacturers. This totals an estimated 1,229 hours annually (299 recalls × 3 hours for the 17 major passenger-vehicle manufacturers) + (664 recalls × .5 for all other manufacturers).

In the event a manufacturer supplied the defective or noncompliant product to independent dealers through independent distributors, that manufacturer is required to include in its notifications to those distributors an instruction that the distributors are to then provide copies of the manufacturer's notification of the defect or noncompliance to all known distributors or retail outlets further down the distribution chain within five working days. *See* 49 CFR 577.7(c)(2)(iv). As a practical matter, this requirement would only apply to equipment manufacturers since vehicle manufacturers generally sell and lease vehicles through a dealer network, and not through independent distributors. We believe our previous estimate of 95 equipment recalls per year needs to be adjusted to 87 equipment recalls per year to better reflect recent data. Although distributors are not required to follow that instruction, we expect that they will, and have estimated the burden associated with these notifications (identifying retail outlets, making copies of the manufacturer's notice, and mailing) to be 5 hours per recall campaign. Assuming an average of 3 distributors per equipment item, (which is a liberal estimate given that many equipment manufacturers do not use independent distributors) the total number of burden hours associated with this third-party notification burden is approximately 1,305 hours per year (87 recalls × 3 distributors × 5 hours).

As for the burden linked with a manufacturer's preparation of and notification concerning its reimbursement for pre-notification remedies, we estimated that the preparation of a reimbursement plan takes approximately 4 hours annually, an additional .5 hours is spent tailoring each plan to particular defect and noncompliance notifications to NHTSA and adding tailored language about the plan to a particular safety recall's owner notification letters, and an additional 12 hours annually is spent disseminating plan information. Alliance & Global commented that as a ''best fit'' of information collected from its member companies, its members spend 1.5 hours, instead of .5 hours, tailoring reimbursement plans for a given recall.

NHTSA appreciates Alliance & Global's comment, and acknowledges that its previous estimate could have been low, particularly in the case of larger recalls involving a diverse group of vehicle years, makes, and models, which Alliance & Global members may face more frequently than smaller manufacturers. NHTSA now estimates this burden to be 1 hour for the 17 major passenger-vehicle manufacturers. Incorporating this revision, for this burden NHTSA estimates a total 5,165 annual hours (274 MFRs × 4 hours to prepare plan) + [(299 recalls × 1.5 hours tailoring plan for each recall for 17 major passenger-vehicle manufacturers) + (664 recalls × .5 tailoring plan for all other manufacturers)] + (274 MFRs × 12 hours to disseminate plan information)).

The Safety Act and 49 CFR part 573 also contain numerous information collection requirements specific to tire recall and remedy campaigns, as well as a statutory and regulatory reporting requirement that anyone who knowingly and intentionally sells or leases a defective or noncompliant tire notify NHTSA of that activity.

Manufacturers are required to include specific information related to tire disposal in the notifications they provide NHTSA concerning identification of a safety defect or noncompliance with FMVSS in their tires, as well as in the notifications they issue to their dealers or other tire outlets participating in the recall campaign. *See* 49 CFR 573.6(c)(9). We estimate that the agency administers 12 tire recalls each year, on average. We estimate that the inclusion of this additional information will require an additional two hours of effort beyond the subtotal above associated with non-tire recall

[3] For more information about how we derived these and certain other estimates please see 81 FR 70269 (October 11, 2016).

campaigns. This additional effort consists of one hour for the NHTSA notification and one hour for the dealer notification for a total of 24 burden hours (12 tire recalls a year × 2 hours per recall).

Manufacturer-owned or controlled dealers are required to notify the manufacturer and provide certain information should they deviate from the manufacturer's disposal plan. Consistent with our previous analysis, we ascribe zero burden hours to this requirement since to date no such reports have been provided and our original expectation that dealers would comply with manufacturers' plans has proven true.

Accordingly, we estimate 24 burden hours a year will be spent complying with the tire recall campaign requirements found in 49 CFR 573.6(c)(9).

The agency recently received one report under 49 U.S.C. 30166(n) and its implementing regulation at 49 CFR 573.10 of a defective or noncompliant tire being intentionally sold or leased, so our previous estimate of zero burden hours for this regulatory requirement is being revised. The agency estimates 1 burden hour annually will be spent preparing and submitting such reports.

We continue to believe nine vehicle manufacturers, who did not operate VIN-based recalls lookup systems prior to August 2013, incur certain recurring burdens on an annual basis. We continue to estimate that 100 burden hours will be spent on system and database administrator support. These 100 burden hours include: Backup data management and monitoring; database management, updates, and log management; and data transfer, archiving, quality assurance, and cleanup procedures. We estimate another 100 burden hours will be incurred on web/application developer support. These burdens include: Operating system and security patch management; application/web server management; and application server system and log files management. We estimate these burdens will total 1,800 hours each year (9 MFRs × 200 hours). We estimate the recurring costs of these burden hours will be $30,000 per manufacturer.[4] We estimate that the total cost to the industry from these recurring expenses will total $270,000, on an annual basis (9 MFRs × $30,000).

Changes to 49 CFR part 573 in 2013 required 27 manufacturers to update each recalled vehicle's repair status no less than every 7 days, for 15 years from the date the VIN is known to be included in the recall. This ongoing requirement to update the status of a VIN for 15 years continues to add a recurring burden on top of the one-time burden to implement and operate these online search tools. We estimate that 8 affected motorcycle manufacturers will make recalled VINs available for an average of 2 recalls each year and 19 affected passenger-vehicle manufacturers will make recalled VINs available for an average of 8 recalls each year. We believe it will take no more than 1 hour, and potentially much less with automated systems, to update the VIN status of vehicles that have been remedied under the manufacturer's remedy program. We estimate this will require 8,736 burden hours per year (1 hour × 2 recalls × 52 weeks × 8 MFRs + 1 hour × 8 recalls × 52 weeks × 19 MFRs) to support the requirement to update the recalls completion status of each VIN in a recall at least weekly for 15 years.

As the number of Part 573 Recall Reports has increased in recent years, so has the number of quarterly reports that track the completion of safety recalls. Our previous estimate of 3,800 quarterly reports received annually is now revised upwards to 4,498 quarter reports received annually. We estimated it takes manufacturers 10 minutes to gather the pertinent information for each quarterly report, and 4 additional hours annually for the 17 major passenger-vehicle manufacturers to electronically submit their reports. Alliance & Global commented that as a ''best fit'' of information collected from its member companies, its members spend 1 hour (instead of 10 minutes) gathering pertinent information for each quarterly report, and 10 hours annually (instead of 4 hours) in additional time related to submitting their reports.

As NHTSA previously observed in revising its estimate—in light of comments from Nissan—the gathering of pertinent information is likely automated through electronic reporting. *See* 81 FR 70270 (October 11, 2016) (adopting Nissan's estimate of 10 minutes). However, we now recognize that the degree of automation of these processes may vary across manufacturers. Accordingly, we adopt Alliance & Global's estimate of 1 hour.

NHTSA's estimate of 4 additional related hours annually for the 17 major passenger-vehicle manufacturers to electronically submit their reports was based on an estimate of time, in response to a comment from Nissan, to electronically submit reports each quarter (for up to 30 recalls in each given quarter). *See* 81 FR 70270 (October 11, 2016). NHTSA recognizes that major passenger-vehicle manufacturers may have more than 30 recalls on which to report for a given quarter, and will also include an additional six (6) hours for the 17 major passenger-vehicle manufacturers, for a total of ten (10) burden hours. We therefore now estimate that the quarterly reporting burden pursuant to Part 573 totals 4,668 hours [(4,498 quarterly reports × 1 hour/report) + (17 MFRs × 10 additional hours for electronic submission)].

We continue to estimate a small burden of 2 hours annually in order to set up a manufacturer's online recalls portal account with the pertinent contact information and maintaining/updating their account information as needed. We estimate this will require a total of 548 hours annually (2 hours × 274 MFRs).

We estimated that 20 percent of Part 573 reports will involve a change or addition regarding recall components, and that at one hour per amended report, this totals 193 burden hours per year. Alliance & Global implicitly commented on the 20 percent figure, assuming in its proposed burden estimate that all recalls involve a change or addition regarding recall components. However, not all recalls require such a change, and Alliance & Global do not offer an alternative figure and/or further explanation of their estimate. Accordingly, NHTSA will retain the 20-percent figure in its estimate. Alliance & Global did, however, comment that this task generally takes its members at least two (2) hours per recall, and ''more in complex matters,'' and NHTSA acknowledges that its previous estimate could have been low—particularly in the case of larger recalls involving a diverse group of vehicle years, makes, and models. NHTSA is adding another hour to this burden estimate for the 17 major passenger-vehicle manufacturers, recognizing that many recalls are conducted by smaller manufacturers but, at the same time, the burden may be more than 2 hours for complex recalls that Alliance & Global members may more often face. NHTSA now estimates the burden associated with a change or addition regarding recall components at 253 burden hours per year (299 recalls for 17 major passenger-vehicle manufacturers × .20 = 60 recalls; 60 × 2 = 120 hours) + (664 recalls for all other manufacturers × .20 = 133 recalls × 1 = 133).

As to the requirement that manufacturers notify NHTSA in the

[4] $8,000 (for data center hosting for the physical server) + $12,000 (for system and database administrator support) + $10,000 (for web/application developer support) = $30,000.

event of a bankruptcy, we expect this notification to take an estimated 2 hours to draft and submit to NHTSA. We continue to estimate that only 10 manufacturers might submit such a notice to NHTSA each year, so we calculate the total burden at 20 hours (10 MFRs × 2 hours).

We estimated that it takes manufacturers an average of 8 hours to draft their notification letters, submit them to NHTSA for review, and then finalize them for mailing to their affected owners and purchasers. Alliance & Global commented that it believed its members generally require 11 hours on average for these tasks. NHTSA does acknowledge its estimate may be low for major passenger-vehicle manufacturers, of which much of Alliance & Global are comprised. Accordingly, we estimate that the 49 CFR part 577 requirements result in 8,601 burden hours annually (8 hours per recall × 664 recalls per year) + (11 hours per recall × 299).

The burden estimate associated with the regulation that requires interim owner notifications within 60 days of filing a Part 573 Safety Recall Report must be revised upward. We previously calculated that about 10 percent of past recalls require an interim notification mailing, but recent trends show that 12 percent of recalls require an interim owner notification mailing. We continue to estimate the preparation of an interim notification can take up to 10 hours. We therefore estimate that 1160 burden hours are associated with the 60-day interim notification requirement (963 recalls × .12 = 116 recalls; 116 recalls times 10 hours per recall = 1160 hours).

As for costs associated with notifying owners and purchasers of recalls, we continue to estimate a cost of $1.50 per first class mail notification, on average. This cost estimate includes the costs of printing, mailing, as well as the costs vehicle manufacturers may pay to third-party vendors to acquire the names and addresses of the current registered owners from state and territory departments of motor vehicles. In reviewing recent recall figures, we determined that an estimated 75.8 million letters are mailed yearly totaling $113,700,000 ($1.50 per letter × 75,800,000 letters). The requirement in 49 CFR part 577 for a manufacturer to notify their affected customers within 60 days would add an additional $13,644,000 (75,800,000 letters × .12 requiring interim owner notifications = 9,096,000 letters; 9,096,000 × $1.50 = $13,644,000). In total, we estimate that the current 49 CFR part 577 requirements cost manufacturers a total of $127,614,000 annually ($113,700,000 for owner notification letters + $13,644,000 for interim notification letters + $270,000 for VIN Look-up Tool operation = $127,614,000).

NHTSA further has authority to require that, in an enforcement action, vehicle manufacturers conduct supplemental recall communications, potentially utilizing non-traditional means (*e.g.,* text messaging, social media). This is currently occurring in the Takata recalls, which involve 19 vehicle manufacturers and approximately 46 million defective inflators currently under recall in approximately 34 million vehicles that need to be recalled as quickly as possible, given that thirteen people in the United States have lost their lives to a rupturing Takata inflator and more than two hundred people have reported associated injuries, many of which were disfiguring or life-threatening. The scope of the Takata recalls is unprecedented in the agency's history. Therefore, the below analysis only takes into account the expected paperwork burden of this collection over the next three years, without making any assumptions about the likelihood of another large-scale recall that leads to similar types of supplementary notices. However, the agency believes the lessons learned from the Takata recall will provide a useful guidepost in structuring any similar future action.

To address the scope and complexity of the Takata recalls, NHTSA issued a Coordinated Remedy Order, as amended on December 9, 2016 (the ''ACRO''), which requires affected vehicle manufacturers to conduct supplemental owner notification efforts in coordination with NHTSA and the Independent Monitor of Takata. On December 23, 2016, the Monitor, in consultation with NHTSA, issued Coordinated Communications Recommendations for vehicle owner outreach (''CCRs''), which includes a recommendation that vehicle manufacturers provide at least one form of consumer outreach per month for vehicles in a launched recall campaign (*i.e.,* a recall where parts are available) until the vehicle is remedied (unless otherwise accounted for as scrapped, stolen, exported, or otherwise unreachable under certain procedures in the ACRO). *See* CCRs ¶ 1(b); ACRO ¶¶ 45–46. The Monitor also recommended that manufacturers utilize at least three non-traditional means of communication (postcards; email; telephone calls; text message; social media) as part of their overall outreach strategy. *See* CCRs ¶ 1(a). If a vehicle manufacturer does not wish to follow the Monitor's recommendations, the ACRO permits the manufacturer to propose an alternative communication strategy to NHTSA and the Monitor.

Alliance & Global commented that supplemental recall communications are not mandatory. NHTSA acknowledges this is generally the rule (although the agency may require a manufacturer to provide additional notifications if it determines the initial notification did not result in an adequate number of remedied vehicles or equipment, see 49 U.S.C. 30119(e), 49 CFR 577.10), and appreciates manufacturers' efforts in furtherance of the shared goal of remedying as many vehicles affected by the Takata recalls as possible. Alliance & Global also cited to a Notice of Proposed Rulemaking regarding additional owner notifications, and drew a parallel between potential burdens associated with that rulemaking and this information collection. NHTSA appreciates the parallel, but emphasizes that the ACRO and CCRs prescribe distinct requirements pursuant to NHTSA's enforcement authority, and that neither those documents nor this notice involve a rulemaking.

Alliance & Global also commented that ''NHTSA did not identify all of the Takata ACRO and related tasks that are subject to PRA approval,'' and that the burden estimates should be revised accordingly. Alliance & Global thereafter listed additional ''tasks'' under the ACRO, with associated burdens for which they believe NHTSA must account here.[5]

NHTSA recognizes the ACRO sets forth various requirements in addition to the consumer outreach described above, but believes the investigatory exception to the PRA, which specifically exempts collections of information ''during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities,'' applies to such requirements. 5 CFR 1320.3(c), 1320.4(a)(2); 44 U.S.C. 3501 *et seq.* Accordingly, NHTSA's responses to comments and burden estimates here are with respect only to the monthly outreach requirements outlined above.

The Monitor's recommendations for outreach were adopted in significant part because research supports that frequent notifications using non-traditional means results in improved remedy completion. The agency cited

[5] Alliance & Global, while identifying requirements, do not offer an estimate of the associated burdens—observing they ''are striving to collect aggregated data to permit an informed estimate of the time and cost of these tasks, and intends to provide supplemental comments to aid the agency's evaluation of these burdens.''

several sources in its 60-day notice [6] with which Alliance & Global took issue, stating that ''NHTSA did not explain how supplemental communications contemplated by the ACRO and the CCR are 'necessary for the proper performance of the functions of the agency, including whether the information will have practical utility' '' as required by OMB regulations. In relevant part, Alliance & Global's basis for this assertion appears to be that NHTSA did not specifically prove that a monthly cadence of outreach was more effective than other outreach frequencies because NHTSA only cited to general research regarding outreach frequency in support of this proposition. NHTSA recognizes that these sources did not specifically conclude that monthly notifications (instead of, *e.g.,* weekly, bi-weekly, bi-monthly, etc.) are always the most effective. But the sources to which NHTSA cites all tend toward advocating greater notification frequency—not less—and Alliance & Global do not point to any sources of their own that stand specifically for the contrary. The very nature of the Takata recalls—unprecedented and, as Alliance & Global recognize, ''extraordinary''—means that no research will be perfectly on-point, and that in addition to relying on lessons learned as the recall campaigns continue, it is prudent to rely on other sources of probative information, including information from relatively analogous settings such as advertising, where the purpose is to locate specific consumers and effectively communicate a specific message to those consumers. The underlying principle, of frequent outreach via multiple communications methods, is supported by the available information, including a recently released report from the U.S. Government Accountability Office,[7] as well as a report from Independent Monitor specific to the very recalls at issue here.[8]

In a similar vein, the agency is also aware of generalized concerns about ''notification fatigue,'' and invited comment on this phenomenon, including the optimal frequency, content, mode, and method of recall/defects notifications from manufacturers to consumers. The agency previously stated its interest in any research or data on consumer ''fatigue'' that relates to a recall with potential consequences of death or severe injury, as in the case of the Takata recalls. Alliance & Global did not provide any information on this issue. Instead, Alliance & Global noted that they are unaware of data-based research that supports the notion that outreach pursuant to the ACRO actually results in improved remedy completion. Setting aside findings of the Independent Monitor that indicate otherwise, see n.8, this also implicitly recognizes the central issue: The Takata recalls are unprecedented, and that while it may be ''that no one knows 'the optimal frequency, content, mode and method' of communicating with consumers about recalls, including whether 'more' is always 'better,' '' the studies NHTSA cites indicate that more is in fact better. Alliance & Global have cited no studies of their own to the contrary.

In any event, NHTSA appreciates Alliance & Global's comments as part of the ongoing dialogue to better understand the relationship between recall notification and recall completion. NHTSA has met, and continues to meet, with numerous manufacturers to discuss this very issue, including at regularly scheduled meetings for the vehicle manufacturers affected by the Takata air bag inflator recalls. As Alliance & Global acknowledge, affected vehicle manufacturers have been working with the Independent Monitor to improve outreach results in the Takata recalls, which should result in further understanding of the issue. NHTSA will continue to monitor the development of knowledge in this area, and looks forward to future collaboration with manufacturers.

The volume of outreach required by the ACRO and the CCRs (and the costs associated with that outreach) is a function of the number of unrepaired vehicles that are in a launched campaign and are not otherwise accounted for as scrapped, stolen, exported, or otherwise unreachable. The schedule in Paragraph 35 of the ACRO delineates the expected remedy completion rate, by quarter, of vehicles in a launched remedy campaign.

NHTSA estimated a yearly average of 19 vehicle manufacturers issuing monthly supplemental communications over the next three years pursuant to the ACRO and the CCRs. Manufacturers may satisfy the CCRs through third-party vendors (which many manufacturers are already utilizing), in-house strategies, or some combination thereof. NHTSA estimated the cost for supplemental communications at $0.44 per VIN per month.

Utilizing these variables, we estimated an initial annualized cost contemplated by the ACRO and CCRs over the next three years of $43,557,722 per year, and discounted this annualized cost by the cost of outreach efforts settling defendants in the Southern District of Florida multi-district litigation (Toyota, Subaru, Nissan, BMW, Mazda, and Honda) are required to conduct pursuant to their respective settlements—which amounted to a discount of $15,721,393. *See generally In re: Takata Airbag Products Liab. Litig.,* 14–cv–24009, MDL No. 2599 (S.D. Fla.). Those outreach programs are to utilize non-traditional methods of outreach, including telephone, email, social media, and text messaging, and NHTSA anticipated they will produce outreach that would satisfy the minimum requirements of the CCRs. In total, therefore, we estimated the annualized burden at $27,836,329. NHTSA also estimated it would take manufacturers 2 hours each month to draft or customize supplemental recall communications utilizing non-traditional means, submit them to NHTSA for review, and finalize them to send to affected owners and purchasers.

Alliance & Global commented that, even assuming a cost of $0.44/VIN, monthly outreach costs would actually total $108 million per year based on the number of unremedied vehicles stated in the Independent Monitor's report, *The State of Takata Airbag Recalls* (November 15, 2017). NHTSA notes, however, that such an estimate assumes that none of those vehicles would actually be repaired (and therefore not subject to outreach requirements) at any

[6] *See* 82 FR 45941; GM Safety Recalls: *Innovations in Customer Outreach* (NHTSA Retooling Recalls Workshop, April 28, 2015); Auto Alliance & NADA Survey Key Findings (November 2015); GM letter to NHTSA in comment to NPRM, Docket No. NHTSA–2016–0001 (March 23, 2016); Susanne Schmidt & Martin Eisend, *Advertising Repetition: A Meta-Analysis on Effective Frequency in Advertising,* 44 J. Advertising 415, 425 (2015); Blair Entenmann, Marketing Help!, The Principles of Targeted Direct Mail Advertising (2007); Chuck Flantroy, *Direct Mail Works: The Power of Frequency*, Kessler Creative (August 31, 2016).

[7] *See* U.S. Government Accountability Office, *Auto Recalls: NHTSA Should Take Steps to Further Improve the Usability of Its website* (GAO–18–127) (Dec. 4, 2017), at 10–11, 13–15 (indicating articulated safety risk is the most influential factor in owners' decision to obtain repair, and that owners have additional preference for receiving recall notification by electronic means).

[8] *See* The Independent Monitor of Takata and Coordinated Remedy Program, *The State of the Takata Airbag Recalls* (Nov. 15, 2017), Section VIII.A, *available at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/the_state_of_the_takata_airbag_recalls-report_of_the_independent_monitor_112217_v3_tag.pdf.* (''[T]he Monitor's research to date indicates that communications regarding the recalls should be frequent and clearly written with a call to action. . . . [and] shows that in cases of highly dangerous recalls, affected vehicle owners want to be notified with urgent, disruptive messages, repeated with great frequency in order to better ensure they become aware of the issue and understand its gravity.'').

point during a given year—a factor that NHTSA's methodology did take into account, with reference to the schedule set forth in Paragraph 35 of the ACRO.

Alliance & Global also commented that the cost burden of this outreach ''is far more than $0.44/VIN on average and requires more than 2 hours per month to prepare and administer.'' Alliance & Global, however, provide an unclear picture of alternative estimates, offering only ''initial average estimates'' of $2 to $5/VIN, and then observing that other initiatives ''can further increase costs as high as approximately $30 to more than $100/VIN.'' Indeed, at this time Alliance & Global can only provide what it refers to be a low-end estimate of a burden close to $40 million/month for its members affected by the Takata recalls, ''expect[ing] to refine [their] estimates in supplemental comments.'' And Alliance & Global offered no alternative estimate to the NHTSA's estimated burden of 2 hours per month to prepare and administer non-traditional outreach.

Alliance & Global appear to admit that their cost estimates are at most preliminary, and therefore it is difficult for NHTSA to significantly revise its cost estimate based on these comments. However, NHTSA appreciates Alliance & Global's input, which provides useful insight into the cost of these outreach programs—about which to this point NHTSA has had relatively little information. NHTSA further recognizes per-VIN outreach costs can vary significantly depending on the vehicles and owners involved, as well as the particular strategies manufacturers have selected to engage in consumer outreach for different recalls at different levels of maturity. Accordingly, NHTSA accepts Alliance & Global's assertion that, on average, a per-VIN-per-month outreach estimate of $0.44 is low, and will revise its estimate to $2/VIN per month. NHTSA will retain its estimated burden of 2 hours per month to prepare and administer non-traditional outreach. NHTSA looks forward to additional insights it may gain from supplemental information Alliance & Global may submit.

Alliance & Global also commented that discounting the annualized outreach costs by costs of anticipated outreach pursuant to MDL settlements was not ''an appropriate baseline for this cost analysis.'' Alliance & Global stated the outreach efforts the settling manufacturers were conducting pursuant to the ACRO and CCRs facilitated their MDL settlements, and that the ACRO and CCRs predated the MDL settlements. Alliance & Global also posited that it is ''premature'' to assume outreach efforts under the ACRO and CCRs will satisfy the MDL settlement obligations. Assuming, for the sake of argument, that the ACRO and CCRs ''facilitated'' the MDL settlements, it is of no consequence; going forward, those settling vehicle manufacturers must comply with the terms of their respective settlements, which include provisions for enhanced outreach efforts. While NHTSA acknowledges the exact nature of this outreach is presently unclear, at this juncture NHTSA anticipates it is more likely than not that the outreach efforts conducted under the settlements would satisfy the minimum requirements of the ACRO and CCRs. Alliance & Global have provided no indication otherwise.

Accordingly, NHTSA estimates the terms of the ACRO and the CCRs, assuming remedy-completion rates consistent with those set forth in the former, contemplate an initial annualized cost of $197,989,647 per year for the next three years (2018–2020), with an annualized discount of $71,460,877 to account for outreach conducted pursuant to the MDL settlements described above, for a net annualized cost of $126,528,770. NHTSA estimates that manufacturers will take an average of 2 hours each month drafting or customizing supplemental recall communications utilizing non-traditional means, submitting them to NHTSA for review, and finalizing them to send to affected owners and purchasers. NHTSA therefore estimates that 456 burden hours annually are associated with issuing these supplemental recall communications (12 months × 2 hours per month × 19 manufacturers = 456 hours).

Because of the forgoing burden estimates, we are revising the burden estimate associated with this collection. The 49 CFR part 573 and 49 CFR part 577 requirements found in today's notice will require 63,606 hours each year. Additionally, manufacturers impacted by 49 CFR part 573 and 49 CFR part 577 requirements will incur a recurring annual cost estimated at $127,614,000 total. The burden estimate in this collection contemplated for conducting supplemental recall communications under the ACRO to achieve completion of the Takata recalls is 456 hours each year. Additionally, the ACRO contemplates impacted vehicle manufacturers incurring an annual cost estimated at $126,528,770. Therefore, in total, we estimate the burden associated with this collection to be 64,062 hours each year, with a recurring annual cost estimated at $254,142,770.

Estimated Number of Respondents—NHTSA estimates that there will be approximately 274 manufacturers per year filing defect or noncompliance reports and completing the other information collection responsibilities associated with those filings. NHTSA estimates there will be an average of 19 manufacturers each year conducting supplemental nontraditional monthly outreach pursuant to administrative order in an enforcement action associated with the Takata recall.

Jeffrey Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2017–27635 Filed 12–21–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Information Collection and Request for Public Comment

ACTION: Notice and request for public comment.

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

DATES: Written comments must be received on or before February 20, 2018 to be assured of consideration.

ADDRESSES: Submit your comments via email to Brette Fishman, Management Analyst, CDFI Fund, U.S. Department of the Treasury, at *cdfihelp@cdfi.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Brette Fishman, Management Analyst, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220 or by phone at (202) 653–0300. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at *http://www.cdfifund.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1559–0041.

Type of Review: Extension without change.

Abstract: 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 Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Affected Public: Businesses and other organizations.

Average Expected Annual Number of Activities: 10.

Average Estimated Annual Number of Respondents: 10,000.

Responses per Respondent: 1.

Average Minutes per Response: 20.

Total Burden Hours: 10,000.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: Pub. L. 104–13.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2017–27565 Filed 12–21–17; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

VA New Hampshire Vision 2025 Task Force

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the VA New Hampshire Vision 2025 Task Force, which is a subcommittee of the Special Medical Advisory Group (SMAG), will meet January 9, 2018 from 8:00 a.m.–5:00 p.m. ET and January 10, 2018 from 8:00 a.m.–5:00 p.m. ET at the Department of Veterans Affairs, Manchester VA Medical Center, 718 Smyth Road Manchester, NH 03104, Building 1, 1st Floor, Training & Education Room. There will also be a teleconference line available for those attendees unable to attend in person. The meeting is open to the public.

The purpose of the subcommittee is to develop a comprehensive set of options and recommendations to develop a future vision of what VA must do to best meet the needs of New Hampshire Veterans. The recommendations will be reviewed by the SMAG and then those final recommendations will be forwarded to the Secretary and Under Secretary for Health for decision and action.

The agenda will include an update on the ongoing VA-led national market assessment project and facilitated sessions with task force members as they synthesize the various data and focus group inputs from the various VA and non-VA support they have received so far. The listen only teleconference line is reached by dialing 1–800–767–1750 and then entering the access code: 91129#. However, there are a limited number of lines. Consequently, if more than one person at an organization wants to join, we encourage you to use one phone line to allow other organization to listen. Otherwise, you are welcome to join in person. No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Subcommittee's review to Brenda Faas, Designated Federal Officer, Department of Veterans Affairs at *Brenda.Faas@va.gov,* or Thomas Pasakarnis, Alternate Designated Federal Officer, Department of Veterans Affairs at *Thomas.Pasakarnis@va.gov.* Any member of the public wishing to attend the meeting or listen in via the teleconference line or seeking additional information should contact Mr. Pasakarnis.

Because the meeting will be held in a federal government building, anyone attending must be prepared to show a valid photo government issued ID. Please allow 15 minutes before the meeting begins for this process.

Dated: December 19, 2017.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–27594 Filed 12–21–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the subcommittees of the Rehabilitation Research and Development Service Scientific Merit Review Board will meet from 8:00 a.m. to 5:00 p.m. on the dates indicated below:

Subcommittee	Date(s)	Location
Research Career Scientists	February 26, 2018	*VA Central Office.

Subcommittee	Date(s)	Location
Regenerative Medicine	February 27, 2018	Crowne Plaza, Washington National Airport Hotel.
Rehabilitation Engineering & Prosthetics/Orthotics	February 27, 2018	Crowne Plaza, Washington National Airport Hotel.
Psychological Health & Social Reintegration	February 27, 2018	Crowne Plaza, Washington National Airport Hotel.
Brain Injury: TBI & Stroke	February 27–28, 2018	Crowne Plaza, Washington National Airport Hotel.
Sensory Systems/Communication Disorders	February 28, 2018	Crowne Plaza, Washington National Airport Hotel.
Musculoskeletal/Orthopedic Rehabilitation	February 28–March 01, 2018.	Crowne Plaza, Washington National Airport Hotel.
Career Development Award Program	February 28–March 01, 2018.	Crowne Plaza, Washington National Airport Hotel.
Aging & Neurodegenerative Disease	March 01, 2018	Crowne Plaza, Washington National Airport Hotel.
Spinal Cord Injury	March 01, 2018	Crowne Plaza, Washington National Airport Hotel.
Center and Research Enhancement Award Program	March 15, 2018	Crystal Gateway Marriott.

The addresses of the meeting sites are:

* Teleconference—VA Central Office, 1100 First Street NE, Washington, DC 20002. Crowne Plaza Washington National Airport Hotel, 1480 Crystal Drive, Arlington, VA 22202. Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

The purpose of the Board is to review rehabilitation research and development applications and advise the Director, Rehabilitation Research and Development Service, and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects.

The subcommittee meetings will be open to the public for approximately one-half hour at the start of each meeting to cover administrative matters and to discuss the general status of the program. Members of the public who wish to attend the open portion of the teleconference sessions may dial 1 (800) 767–1750, participant code 35847. The remaining portion of each subcommittee meeting will be closed to the public for the discussion, examination, reference to, and oral review of the research applications and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to attend (by phone or in person) the open portion of a subcommittee meeting must contact Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, at Department of Veterans Affairs (10P9R), 810 Vermont Avenue NW, Washington, DC 20420, or email *tiffany.asqueri@va.gov* at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: December 19, 2017.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–27577 Filed 12–21–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

VA Prevention of Fraud, Waste, and Abuse Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the VA Prevention of Fraud, Waste, and Abuse Advisory Committee will meet January 18–19, 2018 at 301 7th St. SW, Conference Room 2720, Washington, DC, 20024, from 8:00 a.m. until 5:00 p.m. (EST). All sessions are open to the public.

The purpose of the Committee is to advise the Secretary, through the Assistant Secretary for Management and Chief Financial Officers, on matters relating to improving and enhancing VA's efforts to identify, prevent, and mitigate fraud, waste, and abuse across VA in order to improve the integrity of VA's payments and the efficiency of its programs and activities.

The agenda will include detailed discussions of VA's Care in the Community program, issues identified in the Community Care program, improper payment payments and root causes of improper payments, working group and subcommittee reports, and recommendations.

The meeting will include time reserved for public comments in the afternoon. A sign-up sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Tamika Barrier via email at *Tamika.Barrier@va.gov.*

Because the meeting will take place in a Federal building, visitors will be required to present photo identification. Any person attending should allow an additional 30 minutes before the beginning to allow for this security process. For interested parties who cannot attend in person, there is a toll-free telephone number (800) 767–1750; access code 03905#.

Note: *The telephone line will be muted until the Committee Chairman opens the floor for public comment.* Any member of the public seeking additional information should contact Tamika Barrier, Designated Federal Officer, at (757) 254–8630.

Dated: December 19, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–27592 Filed 12–21–17; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 82 Friday,
No. 245 December 22, 2017

Part II

Pension Benefit Guaranty Corporation

29 CFR Parts 4000, 4001, 4003, et al.
Missing Participants; Final Rule

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4000, 4001, 4003, 4041, 4041A, and 4050

RIN 1212–AB13

Missing Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) administers a program to hold retirement benefits for missing participants and beneficiaries in terminated retirement plans and to help those participants and beneficiaries find and receive the benefits being held for them. The existing program is limited to single-employer defined benefit pension plans covered by the pension insurance system under the Employee Retirement Income Security Act of 1974 (ERISA). With this final regulation, PBGC revises the existing program to simplify procedures and remove unnecessary rules and, as authorized by the Pension Protection Act of 2006, establishes similar programs for most defined contribution plans, multiemployer plans covered by the pension insurance system, and certain defined benefit plans that are not covered.

DATES: *Effective date:* This rule is effective January 22, 2018.

Applicability date: This rule applies to termination of a plan other than a multiemployer plan covered by title IV of ERISA where the date of plan termination is after calendar year 2017. This rule applies to the close-out of a multiemployer plan covered by title IV of ERISA where the close-out is completed after calendar year 2017. This rule does not apply to PBGC's payment of missing participant benefits attributable to prior terminations. The provisions of 29 CFR part 4050 as in effect immediately before January 22, 2018 apply to PBGC's payment of missing participant benefits attributable to prior terminations.

FOR FURTHER INFORMATION CONTACT: Stephanie Cibinic (*cibinic.stephanie@pbgc.gov*), Deputy Assistant General Counsel for Regulatory Affairs, 202–326–4400 extension 6352; or Deborah C. Murphy (*murphy.deborah@pbgc.gov*), Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026; 202–326–4400 extension 3451. (TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400 extension 3451 or 202–326–4400 extension 6352.)

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Regulatory Action

This regulation is needed to implement changes in the statutory basis for the missing participants program. The changes provide for expansion of the program to cover defined contribution (individual account) plans, multiemployer pension plans, and small professional service employer plans not covered by title IV of ERISA.

PBGC's legal authority for this action comes from section 4002(b)(3) of ERISA, which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA, and section 4050 of ERISA, which gives PBGC authority to prescribe regulations regarding missing persons owed benefits under terminated retirement plans, including rules on the amounts to be paid to and from the program and how to search for missing participants and beneficiaries.

Major Provisions of the Regulatory Action

The final regulation streamlines requirements and eliminates unnecessary provisions in the existing missing participants program, expands the program to most terminated defined contribution plans, to terminated multiemployer plans covered by title IV, and to terminated professional service plans with 25 or fewer participants. Under the regulatory action, PBGC will charge fees for plans to transfer benefits into the program; the fees will not exceed PBGC's costs. Responding to comments on the proposed rule, the regulatory action modifies the criteria for being ''missing,'' provides more flexibility in the diligent search rules for defined benefit plans, and simplifies the existing procedures for defined benefit plans to determine the appropriate sum to transfer to PBGC on behalf of a missing participant or beneficiary.

Background

In General

The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA), which applies to most defined benefit (DB) plans. In general terms, a DB plan is a retirement plan that provides specified benefits and is subject to certain funding requirements. Within statutory limits, PBGC guarantees benefits of participants and their beneficiaries upon the underfunded termination of a plan covered by title IV. PBGC also monitors the termination of covered plans that are fully funded for guaranteed benefits, which must follow procedures provided under title IV.

The process of closing out a terminated retirement plan involves the disposition of plan assets to satisfy the benefits of plan participants and beneficiaries. One difficulty faced by a plan administrator in closing out a terminated plan is how to provide for the benefits of missing persons. This problem was addressed for single-employer plans subject to the title IV insurance program by the creation, under the Retirement Protection Act of 1994 (RPA '94), of a program administered by PBGC to deal with the benefits of missing participants and beneficiaries in terminated plans.[1] Section 4050 of ERISA, as added by RPA '94, requires a plan administrator to undertake a diligent search (subject to definition in PBGC regulations) for each missing participant or beneficiary. It further describes procedures for a plan to follow in calculating the amount to be transferred to PBGC for a person who is missing, and for PBGC to follow in providing benefits to the person when the person ultimately appears—also subject to PBGC regulations. PBGC implemented the program in part 4050 of its regulations in 1996.

Authorization of Expanded Program

The Pension Protection Act of 2006 amended section 4050 of ERISA to expand its scope dramatically—offering the prospect of participation in the missing participants program to terminated multiemployer plans covered by title IV and several categories of terminated non-covered plans, including most defined contribution (DC) plans. In general terms, a DC plan is a retirement plan that provides for a participant to receive whatever is in the vested portion of the participant's retirement account. Section 4050(c) of ERISA provides for program participation for title IV multiemployer plans similar to that for title IV single-employer plans now in the program (although close-out of a multiemployer plan may not follow immediately upon plan termination). Non-title IV plans described under

[1] Not all terminated plans are included. ERISA section 4050(a)(1) refers to plans subject to ERISA section 4041(b)(3)(A). That includes plans in standard terminations (as stated in section 4041(b)(3)(A)) and plans in ''sufficient distress terminations'' (as provided for in section 4041(c)(3)(B)(i) and (ii)), but not plans trusteed by PBGC.

section 4050(d) of ERISA would be eligible (but not required) to turn benefits of missing participants and beneficiaries over to PBGC, and PBGC is further authorized (but not required) to provide for non-title IV plans to report how they dealt with missing persons' benefits not placed either with PBGC or another retirement plan. To develop a better understanding of the DC plan community's needs and desires for, and likely responses to, an expanded missing participants program, PBGC published a request for information (RFI) on June 21, 2013 (at 78 FR 37598). The RFI sought information about the number of missing participants in terminated plans, the size of their benefits, and how the benefits were handled. PBGC received 22 responses. Commenters embraced expansion of PBGC's missing participants program to accept accounts from terminated DC plans and to include those owed money in a searchable database of missing participants and beneficiaries.[2] There was broad support for coordination among federal agencies on issues related to sponsor obligations. Commenters urged the need for both flexibility and safe harbors.

In November 2013, the Advisory Council on Employee Welfare and Pension Benefit Plans (ERISA Advisory Council) issued a report [3] on Locating Missing and Lost Participants based on hearings at which a PBGC staff member testified (among other things) about responses to PBGC's RFI. The Advisory Council report recommended development of effective methods for and guidance on searching for missing participants, including use of web search and commercial locator services. It also recommended that, if PBGC implemented a missing participants program for terminated DC plans, compliance with the PBGC program should be accorded safe harbor status under ERISA. And it urged cooperation among federal agencies, in particular to develop and implement PBGC's missing participants program.

On August 14, 2014, the Employee Benefits Security Administration (EBSA) of the Department of Labor (DOL) issued Field Assistance Bulletin No. 2014–01 on Fiduciary Duties And Missing Participants In Terminated Defined Contribution Plans (the FAB).[4] The FAB provides guidance about required search steps and distribution options for benefits of missing participants in terminated DC plans.

Coordination and Consultation

As recommended by the ERISA Advisory Council, PBGC staff consulted with EBSA staff and staff at the Solicitor of Labor's Plan Benefits Security Division, as well as the Internal Revenue Service (IRS) and the Department of the Treasury. Those consultations were very helpful in developing the proposed and final regulations.

In those consultations, the IRS informed PBGC that it anticipates a DC plan would not fail to be qualified solely because it transfers appropriate amounts to PBGC in accordance with PBGC's missing participants program pursuant to section 4050(a)(2) of ERISA.

IRS also informed PBGC that, consistent with existing treatment of transfers to PBGC from terminated single-employer DB plans covered by title IV of ERISA, amounts transferred by terminated DC and other plans to PBGC under the expanded missing participants program are not taxable distributions subject to withholding or reporting.

The Department of Labor advised PBGC that it intends to review and possibly revise its regulations and guidance to coordinate with PBGC's implementation of a final rule on missing participants. For instance, the Department of Labor indicated its intent to review its fiduciary safe harbor regulation entitled ''Safe Harbor for Distributions from Terminated Individual Account Plans,'' which provides for distributions to individual retirement plans in such circumstances as when the participant or beneficiary was furnished a notice but failed to elect a form of distribution in a timely manner,[5] and thus would be considered missing under this final rule.[6] As part of its review, the Department of Labor said it specifically intends to consider transfers to PBGC appropriate in these same circumstances. The Department of Labor also indicated its intent to review its regulation on Termination of Abandoned Individual Account Plans, which currently provides for distributions generally to individual retirement plans in circumstances identical to those set forth in the Safe Harbor for Distributions from Terminated Individual Account Plans.[7]

Proposed Regulation

On September 20, 2016, PBGC published a proposed regulation (at 81 FR 64700) to expand the missing participants program to terminated multiemployer plans covered by title IV of ERISA similar to the program for covered single-employer plans. The proposal also provided for a voluntary program for terminated defined contribution plans and small professional service defined benefit plans not covered by PBGC insurance. PBGC received 14 written comments on the proposal from across the retirement community, including comments from plan sponsors, third party administrators, financial institutions, representatives of participants and beneficiaries, and participants themselves. PBGC adopted a few changes in the final regulation in response to comments, but the regulation is substantially similar to what was proposed. An overview of the program's features, the regulation's organization, and the comments and PBGC's responses are discussed below.

Introduction

Features of the Program

This final rulemaking lays the legal foundation for a program whose features extend far beyond the confines of the missing participants regulation. Major features of the new program include:

- A new option for DC plans to deal with missing participants and beneficiaries when closing out the plan and to make it more likely that missing persons will receive their benefits.
- A unified unclaimed pension database of information about missing participants and their benefits from terminated DB and DC plans.
- A centralized, reliable, easy-to-use directory through which persons who may be owed retirement benefits from DB or DC plans could find out whether benefits are being held for them.
- Robust features to protect private information about missing participants and their beneficiaries from inadvertent disclosure.
- Periodic active searches by PBGC for missing participants.
- Considerable benefits gained by reuniting missing participants with their lost retirement money that far outweigh the modest costs to plans and participants.
- Provision for a one-time administrative fee to be charged for

[2] *See http://www.pbgc.gov/documents/2013-14834.pdf.*

[3] *See http://www.dol.gov/ebsa/publications/2013ACreport3.html.*

[4] *See http://www.dol.gov/ebsa/regs/fab2014-1.html.*

[5] *See* 29 CFR 2550.404a–3. In certain limited circumstances, the Department of Labor's safe harbor permits a fiduciary to distribute a missing participant's account balance to a federally insured savings account in the missing participant's name or a State unclaimed property fund in lieu of a rollover to an individual retirement plan.

[6] *See* 29 CFR 4050.202.

[7] *See* 29 CFR 2578.1.

plans that transfer missing participants' benefits into the program; no fee for benefits of $250 or less, no ongoing maintenance fees, and no distribution charge.

- Treating participants or beneficiaries as ''missing'' if they fail to make necessary benefit elections upon plan termination or fail to accept lump sum benefits, such as where there are uncashed checks.
- Fewer benefit categories and fewer sets of actuarial assumptions for DB plans determining the amount to transfer to PBGC and a free on-line calculator to do certain actuarial calculations.
- Elimination of unnecessary rules.

Organization of the Regulation

While the basic requirements are the same across all four types of plans, because some terminology and processes may vary with each plan type, the final regulation is divided into four subparts for readability, with each subpart describing the requirements for one of the four categories of plans. The four subparts of the regulation are:

- A revised version of the existing program for single-employer DB plans covered by the title IV insurance program (subpart A),
- New requirements for DC plans (subpart B),[8]
- New requirements for small professional service DB plans (subpart C),[9] and
- New requirements for multiemployer plans covered by the title IV insurance program (subpart D).

Each subpart contains seven sections, dealing with ''Purpose and scope,'' ''Definitions,'' ''Duties'' (and options for non-PBGC-insured plans), ''Diligent search,'' ''Filing with PBGC'' (including fees), ''Missing participant benefits,'' and ''PBGC discretion.''

Used throughout the regulation is the term ''distributee.'' The regulation that is being replaced, following the statute, used the phrase ''missing participant'' to refer to either a beneficiary or a participant. To reduce possible confusion from using the word ''participant'' in a phrase that may refer to a beneficiary, the final regulation (like the proposed) uses the term ''missing distributee'' to refer to a missing participant or missing beneficiary. However, some headings in the regulation and some discussion in this preamble refer to missing participants, the more familiar phrase.

Discussion of Final Regulation and Public Comments

The public comments focused exclusively on the revised rules for PBGC-insured single-employer DB plans and the new rules for DC plans (which are not insured by PBGC). There were no comments specific to multiemployer plans and non-PBGC-insured small professional service DB plans. However, because the diligent search rules, benefit transfer (pay-in) rules, and rules PBGC follows for paying benefits to located participants (pay-out rules) are the same across all DB plans, changes made to those requirements for PBGC-insured single-employer DB plans are carried over into the requirements for the other two types of DB plans. Similarly, because the program is voluntary for all non-PBGC-insured plans, any changes to rules implementing the voluntary features for DC plans are carried into the same rules for small professional service DB plans.

Scope

Terminated Plans

As authorized by the Pension Protection Act of 2006 (PPA), this final regulation makes PBGC's missing participants program—heretofore limited to terminated single-employer DB plans covered by title IV's insurance program—available to other terminated retirement plans.

Commenters commended PBGC for opening up the missing participants program to terminated DC plans in particular, and six commenters expressed support for going even further. They encouraged PBGC to look past a plan's terminated status and assert authority to permit ongoing plans (particularly ongoing DC plans) with missing participants to use the program too.

Commenters explained that whether ongoing or terminated, plans face challenges handling the benefits of participants they can't locate. Two commenters explained that the challenges will grow as the number of missing participants continues to grow along with an increasingly mobile workforce, automatic enrollment in DC plans, etc. Others stated that PBGC's unclaimed pension search database would be more comprehensive if it also included information about missing participants from ongoing plans. Two mentioned legislative efforts in the last Congress to create another government repository for missing participant information and accounts, and noted that coordination and inclusion of ongoing plans in PBGC's program could discourage duplication, complication, and inefficiencies that might follow from potential multiple federal programs.[10] Notwithstanding the importance of the issues raised by these commenters, such an expansion of the program is beyond the scope of this rulemaking.

Voluntary Reporting for DC Plans

The final regulation, like the proposed, provides that PBGC's missing participants program is voluntary for terminated non-PBGC-insured plans, *e.g.,* DC plans, and that a non-PBGC-insured plan that chooses to use the program may elect to be a ''transferring plan'' or a ''notifying plan.'' A transferring plan sends the benefit amounts of missing distributees to PBGC's missing participants program. A notifying plan informs PBGC of the disposition of the benefits of one or more of its missing distributees. PBGC received comments both supporting and opposing this voluntary reporting program for DC plans.

Section 4050(d)(1) of ERISA permits but does not require non-PBGC-insured plans covered by the program to turn missing participants' benefits over to PBGC. Section 4050(d)(2) of ERISA, on the other hand, says that (to the extent provided in PBGC regulations) non-PBGC-insured plans must upon plan termination provide information about the disposition of missing participants' benefits that are not transferred to another pension plan. PBGC's 2013 request for information (RFI) flagged this reporting provision for public comment. There were some differences of opinion on whether reporting should be required or just permitted. In general, employer advocates considered mandatory reporting unnecessarily burdensome, while participant advocates considered it an essential part of an effective pension search program. PBGC proposed to begin by making participation in the missing participants

[8] These are plans that would be described in section 4021 of ERISA but for section 4021(b)(1), (5), (12), and (13) of ERISA and that could transfer benefits to PBGC in money (even if stock were used for other purposes) including plans described in section 403(b) of the Code under which benefits are provided through custodial accounts described in section 403(b)(7) of the Code. PBGC's reading of section 4050(d)(4) of ERISA as plausibly encompassing certain plans described in section 403(b) of the Code applies with respect to title IV of ERISA only and should not be read to suggest that the Internal Revenue Service would interpret this language similarly with respect to the application of sections 401(a) and 403(b) of the Code or for any other purpose under the Code.

[9] These are plans that would be described in section 4021 of ERISA but for section 4021(b)(13) of ERISA.

[10] *See,* S. 3078, the Retirement Savings Lost and Found Act of 2016, 114th Congress, which would have required the Department of the Treasury and the Social Security Administration to create an online ''lost and found'' for missing participant accounts.

program voluntary for such plans. PBGC received the same division of comment on the proposal as on the RFI. Participant advocates denied reporting would be burdensome to plans and employers since information needed to establish an individual retirement account (IRA) on behalf of the participant should be the same information needed to report to PBGC. They also continued to support mandatory reporting as essential to having a complete unclaimed pension search database and effective missing participants program. Employers, practitioners, and financial institutions supported a voluntary program to ensure that plan fiduciaries continue to have options in handling missing participant benefits.

PBGC again considered the comments from both sides and decided to maintain the direction taken in the proposal—that is, to keep reporting voluntary for plans not covered by title IV—but to reevaluate the decision after plans and PBGC gain actual experience with the program. That will allow PBGC to use experience to determine the need for and costs of a mandatory requirement weighed against the completeness of the unclaimed pension search database.

Anti-Cherry-Picking for Transferring DC Plans

Under the final regulation, as under the proposed, a DC plan that chooses to participate in the missing participants program and elects to be a transferring plan must transfer the benefits of all its missing participants into the missing participants program. In the preamble to the proposal, PBGC stated that it was concerned about the possibility of ''cherry-picking''—that is, selective use of the missing participants program—by transferring plans. For example, a plan might turn over all its small accounts to PBGC, while larger accounts that can generate larger maintenance fees for commercial individual retirement plan providers might be turned over to private-sector institutions that charge asset-based fees. PBGC proposed that if a DC plan voluntarily participates in the missing participants program as a transferring plan, it may not pick and choose the missing distributees whose benefits it turns over to PBGC. PBGC invited public comment on the validity of its concerns about cherry-picking and on its proposal for dealing with those concerns.

PBGC received four comments: Three supporting the anti-cherry-picking rule and one objecting to it. Two supporters asserted that the rule would increase the number of individuals about whom PBGC has information in the unclaimed pension search database, making the database and overall missing participants program more effective, with one adding that the rule would simplify program administration and alleviate participant confusion. Another said it did not object if PBGC believes such a rule improves the program's ability to succeed. The commenter opposing the rule stated the rule is inconsistent with, and unnecessary to, a voluntary program. In the commenter's experience, the market hasn't failed to adequately handle larger missing participant accounts, which can be rolled over into IRAs, and some commercial providers have routinely taken in smaller automatic rollover accounts. The same commenter noted that the rule in any event may be unnecessary because most missing participant accounts are small.

PBGC considered the commenters' arguments. PBGC disagrees that the anti-cherry-picking rule changes the voluntary nature of the program; DC plans may participate in PBGC's missing participants program as transferring or notifying plans, or not at all. Further, the rule ensures that the amount in a missing participant's account, and the ability of that account to withstand fees charged by IRA providers, aren't factors in whether a plan transfers accounts into the missing participants program or into IRAs. The rule is consonant with section 4050 of ERISA, which does not put upper or lower limits on the size of the accounts DC plans may transfer into the missing participants program. Therefore, PBGC has adopted the anti-cherry-picking rule with respect to transferring plans without change in the final regulation.

Scope of DB Plan Program

The final regulation, like the proposed, defines what is a DB plan for purposes of the rules under subparts A (single-employer), C (small professional service), and D (multiemployer). For all three types of DB plans, the regulation provides that individual account plans (DC plans) are not included in the scope of the program for DB plans. One commenter asked PBGC to clarify that the regulation treats ''rollover accounts'' in DB plans like DC plans.

The IRS regulations under Code section 414(*l*) are instructive in responding to this comment. For purposes of 26 CFR 1.414(*l*)–1 (dealing with mergers and consolidations), a plan is a ''single plan'' if and only if, on an ongoing basis, all of the plan assets are available to pay benefits to plan participants and beneficiaries. Where a plan document provides that a portion of the assets is reserved for payment of individual account benefits and another portion for payment of pension annuities, the two portions of the assets pertain to two distinct plans. For example, see Code section 414(k).[11] When a DB plan under section 414(k) of the Code terminates, the DB portion and the individual account portion must each be terminated according to the rules associated with each kind of benefit. It follows that if the terminated plan has missing participants in the DB portion, individual account portion, or both, the DB portion would follow the processes with respect to those missing participants under the relevant subpart for DB plans, and the individual account portion would follow the processes under subpart B for DC plans.

In other cases, a participant may roll over a distribution from the participant's DC plan into the same sponsor's DB plan, pursuant to section 402(c) of the Code, to enable payment of a larger annuity benefit under the DB plan. These rollovers increase the participant's benefit under the DB plan and there is no separate DC account maintained in the DB plan.[12] If the participant is missing upon close-out of the plan, for purposes of the missing participants program, the entire benefit would be treated under the rules for DB plans, including how plans calculate the benefit and how PBGC pays the benefit when the participant is located.

Fees

PBGC stated in the preamble to its proposed regulation that it will charge fees for participation in the missing participants program. PBGC received five comments on fees, which are discussed below.

PBGC determined in the proposal to set fees at levels not to exceed its costs to run the missing participants program and provide essential services, such as periodically looking for participants and paying benefits. PBGC's methodology for setting fees under the missing participants program would incorporate the following elements and principles:

(1) PBGC would set fees in a manner consistent with the requirements of 31 U.S.C. 9701 and relevant guidance of the Office of Management and Budget[13] and the Government Accountability

[11] Under Code section 414(k), a DB plan that provides a benefit derived from employer contributions based partly on the balance of a participant's separate account is treated as a DC plan for certain purposes and as a DB plan for other purposes.

[12] See 79 FR 70090 (November 25, 2014); such a rollover is discussed in Rev. Rul. 2012–4, 2012–8 IRB 386.

[13] *See* OMB Circular A–25, User Charges, *https://www.whitehouse.gov/omb/circulars_a025*.

Office.[14] Fees would be based on PBGC's costs, the value of the program to plans and participants, policy considerations (of plans, sponsors, practitioners, and participants and beneficiaries, encouraging plan participation in the program, and with due regard for private-sector providers' concerns), and other relevant factors.

(2) PBGC would set fees with a view to collecting, on average and over time, no more than its out-of-pocket costs for performance of non-governmental functions in support of the missing participants program. PBGC would not seek to recover through fees the value of performance of governmental functions by government employees.

(3) PBGC would set fees as one-time charges, payable when benefits are paid to PBGC, without any obligation to pay PBGC continuing ''maintenance'' fees or a distribution fee. Fees would not be charged for reporting to PBGC the disposition of benefits where no amount is transferred to PBGC.

After considering various fee structures, PBGC proposed a flat fee that would be simple to understand and easy for plans to administer. The fee was based on preliminary cost estimates to provide services for an estimated number of DB and DC missing participants coming into the new expanded program each year. Based on those estimates, PBGC will charge a one-time $35 fee per missing distributee, payable when benefit transfer amounts are paid to PBGC. There will be no charge for amounts transferred to PBGC of $250 or less. There will be no charge for plans that only send to PBGC information about where benefits are held (such as in an IRA or under an annuity contract). Fees will be set forth in the program's forms and instructions.

Most of the five commenters agreed that $35 is reasonable. Three commenters suggested PBGC would further increase the value and encourage the use of its missing participants program by increasing the size of the benefit exempt from the fee. Commenters suggested a range of benefit amounts—from $1,000 or less, to $700 or $500 or less—to exempt from the one-time fee. The commenter that recommended a fee exemption for accounts of $1,000 or less suggested, alternatively, a tiered fee structure for small accounts up to $1,000. Another commenter added that plan sponsors should pay the fee because they make the decisions to terminate plans.

Whether an expense is properly paid by the sponsor or the plan (or charged to a participant's account in the case of a DC plan) is an issue outside the scope of this rule. With respect to the suggestions for raising the benefit amount exempt from the fee, the various amounts presented show there isn't consensus supporting a fee amount or structure different from what PBGC initially proposed, and no quantitative data to back up one amount over another. Therefore, PBGC has decided not to change its initial fee structure. PBGC will review both the amount of the fee and fee structure to determine what is appropriate based on PBGC's actual experience with the new program and the principles stated herein.

Concurrently with publication of this final regulation, PBGC has posted on its website (*www.pbgc.gov*) forms and instructions for the missing participants program, which include the statement of fees, for which approval by the Office of Management and Budget has been requested.

Missing

Missing—Proposed Regulation

The proposed regulation provided that a distributee is ''missing'' if, for a DB plan, the plan does not know where the distributee is on close-out. A DB plan distributee also would be missing if the distributee's benefit was subject to mandatory ''cash-out'' under the terms of the plan and the distributee failed to elect a method of distribution on close-out of the plan.[15] For a DC plan, the proposal provided that a distributee is missing if the distributee failed to elect a method of distribution on close-out of the plan.

PBGC distinguished in the proposed rule DB plan distributees with benefits not subject to mandatory cash-out under plan terms, *i.e.,* distributees with a right to an annuity. No benefit election is generally required of these distributees, and absent an election, the distributee's benefit would be annuitized, preserving the distributee's rights and options under the DB plan. Accordingly, the proposed rule provided that DB plan distributees who are not subject to mandatory cash out under plan terms are missing only if the plan did not know where they were. The proposed definition of ''missing'' for DC plans followed Department of Labor regulations,[16] which treat DC plan distributees who cannot be found following a diligent search similar to distributees whose whereabouts are known but who do not elect a form of distribution.[17]

Missing—Final Regulation

The final rule adopts the proposed rule's definition of ''missing'' for DB plans and the proposed rule's definition of ''missing'' for DC plans, but with some refinements.

The criterion of not knowing the whereabouts of a distributee was stated expressly for DB plans in the proposed rule. It is stated expressly for DB and DC plans in the final rule. PBGC also reconsidered the language in the proposed rule describing the concept of a distributee as being missing if the plan does not know where the distributee is on close-out. If this language were taken literally, a plan may never know with absolute certainty where a distributee is on close-out. The final rule provides that one of the conditions for ''missing'' is that the plan does not know ''with reasonable certainty'' (*e.g.,* if a notice from the plan to a distributee's last known address was returned as undeliverable) the location of the distributee on close-out.

In addition to the above refinements, PBGC further modified the definition of ''missing,'' and clarified the definition in the preamble, in response to several comments. Those comments are discussed below.

Uncashed Benefit Checks

Two commenters recommended that PBGC clarify that plans may transfer into the missing participants program assets being held for distributees who do not accept lump sum distributions due them, for example amounts held to pay uncashed benefit distribution checks issued by a terminated plan. Under the proposed regulation, a distributee was not considered missing if the distributee had elected a form of distribution upon close-out of the plan. This definition would not have included a distributee whose benefit was being paid from the plan by check even if the check subsequently went uncashed.

PBGC considered the commenters' recommendations and modified ''missing'' for DB and DC plans in the

[14] *See* GAO reports numbers GAO–12–193, User Fees: Additional Guidance and Documentation Could Further Strengthen IRS's Biennial Review of Fees, *http://www.gao.gov/assets/590/586448.html,* and GAO–08–386SP, Federal User Fees: A Design Guide, *http://www.gao.gov/assets/210/203357.pdf.*

[15] A qualified plan is permitted to require a mandatory cash out of a participant's benefit pursuant to section 203(e) of ERISA and section 411(a)(11) of the Code.

[16] *See* 29 CFR 2550.404a–3 and 2578.1.

[17] A missing distributee in a terminated DC plan would include a distributee who fails to elect a form of distribution in response to a notice meeting the requirements of 29 CFR 2550.404a–3. If the notice is returned as undeliverable, the DC plan administrator must conduct a diligent search that meets the requirements of section 404 of ERISA.

final regulation. Under the revised definition, a distributee is treated as missing if, upon close-out, the distributee does not accept a lump sum distribution made in accordance with the terms of the plan and, if applicable, any election made by the distributee. For example, if a check issued pursuant to a distributee's election of a lump sum remains uncashed after the last date prescribed on the check or an accompanying notice (*e.g.,* by the bank or the plan) for cashing it (the ''cash-by'' date), the distributee is considered not to have accepted the lump sum. The ''cash-by'' date must be a date that is at least 45 days after issuance of the check. If there is no such ''cash-by'' date, the lump sum is considered unaccepted if the check remains uncashed after its stale date. This definition applies regardless of whether the lump sum distribution was the result of a mandatory cash out provision or a voluntary election.

The benefit transfer amount for a missing distributee who does not cash a distribution check is to be determined in the same way as for any other missing distributee. The distributee's benefit transfer amount must reflect the total value of the benefit without any reduction for tax withholding.[18] PBGC will withhold taxes as appropriate when a missing distributee is found and paid. However, PBGC believes that there is room for flexibility in how the benefit is paid to PBGC in circumstances where it may not be practical to reflect the total value of the benefit in the amount transferred. For example, it would be permissible for the qualified termination administrator (QTA) of an abandoned DC plan (as defined under Department of Labor regulations at 29 CFR 2578.1) to transfer to PBGC the net amount of the uncashed check. PBGC believes that the final rule's provision allowing discretion to promote the purposes of the missing participants program provides PBGC with the necessary flexibility to accommodate such situations.

PBGC believes this modified definition of ''missing'' for DB and DC plans relieves some administrative burden on plans trying to complete a termination when a distributee's benefit check remains uncashed. And it gives distributees some protection by allowing transfer of the benefit amount to the missing participants program where the distributee can search and be searched for and retirement benefits eventually claimed.

Conditional Forfeitures

Two commenters asked PBGC to clarify whether participants for whom benefits were previously forfeited pursuant to Department of the Treasury regulation § 1.411(a)–4(b)(6), because the plan could not locate them, may be treated as missing under the final regulation. Treasury regulation § 1.411(a)–4(b)(6) provides that a right to a benefit isn't treated as forfeitable ''merely because the benefit is forfeitable on account of the inability to find the participant or beneficiary to whom payment is due, provided that the plan provides for reinstatement of the benefit if a claim is made by the participant or beneficiary for the forfeited benefit.'' PBGC believes that such a claim to benefits isn't lost on plan termination, and so the final missing participants regulation treats these individuals the same as any other missing participant. Thus, for example, in a single-employer DB plan covered by title IV of ERISA, the plan must either purchase an irrevocable commitment from an insurer or transfer the benefits to PBGC's program. In a DC plan, the plan may use PBGC's program as either a transferring or notifying plan. PBGC takes no position on the permissibility of conditional forfeitures under title I of ERISA.

One commenter requested that if the final regulation treats these individuals as any other missing participant (as it does), that PBGC provide transition guidance for terminating single-employer DB plans. The commenter stated that some plans may not have the records necessary to value the benefit of a missing participant whose benefit was conditionally forfeited under Treas. Reg. § 1.411(a)–4(b)(6). Because forfeiture is conditioned on the right to reinstatement if a claim is made for the benefits, the plan necessarily should have the records to determine the benefits the plan must reinstate if a participant makes a claim. PBGC therefore assumes plans will have such records. PBGC would expect to deal with defects in such records as it would with defects in any records on a case-by-case basis.

PBGC also recognizes that QTAs of abandoned DC plans for which there is no plan sponsor may not be able to reinstate benefits if there have been conditional forfeitures. As stated elsewhere with respect to abandoned DC plans, PBGC believes that the final rule's provision allowing discretion to promote the purposes of the missing participants program provides flexibility to accommodate this situation if it arises.

DB Plan De Minimis Benefits Rolled Over Into IRAs

As stated above, the final regulation modifies the existing definition of ''missing'' for DB plans to include a non-responsive distributee, *i.e.,* a distributee whose benefit is to be paid as a lump sum and who has not responded to a notice about the distribution of the distributee's benefit, or has not accepted the distribution, upon close-out of the plan. Two commenters requested that PBGC clarify how it will treat a distributee's benefit that was subject to mandatory cash-out under the plan and rolled over into an IRA around the time of the plan's termination. Commenters questioned whether terminating single-employer DB plans that have rolled over mandatory cash-out amounts to IRAs could be required to recover those amounts and transfer them into the missing participants program.

Distributions made in contemplation of plan termination but before the formal commencement of termination proceedings under title IV of ERISA have been a matter of concern to PBGC because those to whom such distributions are made do not receive the protections that the termination process is designed to give distributees on termination. Transfers made just before the formal commencement of termination proceedings in a form that would be improper for a transfer upon plan termination deserve particular scrutiny. If such a distribution were found to be in violation of title IV,[19] the appropriate remedy might be to reverse it.

In general, however, distributions made by an on-going DB plan in accordance with plan provisions and consistent with the plan's pre-termination practices would not be swept into the termination process. ''Distributee'' under this final rule refers to a person entitled to a distribution pursuant to close-out of a plan. Someone whose benefit is rolled over to an IRA before plan termination is not entitled to a distribution pursuant to close-out because the benefit has already been distributed. The final rule does not contemplate the undoing of pre-termination rollovers.

Diligent Search

Whom To Search For

As discussed under *Missing,* some distributees may be considered

[18] A payor or plan administrator may file with the IRS to request a refund of tax amounts withheld. See IRS Internal Revenue Manual 21.7.2.4.6. Adjusted Employer's Federal Tax Return or Claim for Refund.

[19] 29 CFR 4044.4 Violations.

''missing'' because they are non-responsive, without regard to whether their plan knows with reasonable certainty their location. If a plan does indeed know where a non-responsive distributee is, there is clearly nothing to be gained by a diligent search for that distributee.

The proposed rule provided that a diligent search was required for every missing participant, but contained a proviso (in the section on plan duties) that a diligent search was not required for a missing distributee if the plan knew where the distributee was. PBGC concluded that this way of expressing the applicability of the diligent search requirement was potentially confusing. Accordingly, PBGC in the final rule in both the section on plan duties and the section on diligent search states that diligent searches are required only for missing distributees whose location the plan doesn't know with reasonable certainty.

As in the proposed rule, whether a distributee is considered missing depends on the distributee's status upon close-out; and likewise, whether a plan knows with reasonable certainty a missing distributee's whereabouts, for purposes of the diligent search requirement, is determined as of close-out.

Diligent Search Methods for DC Plans

The final regulation, like the proposed, provides that a DC plan must search for each missing distributee whose location the plan does not know with reasonable certainty. The plan must search in accordance with regulations and other applicable guidance issued by the Secretary of Labor under section 404 of ERISA. Compliance with that guidance satisfies PBGC's ''diligent search'' standard for DC plans.[20] PBGC received several comments on this topic, with two commenters specifically commending PBGC for harmonizing the DC program with search guidance already established by the Department of Labor and followed by terminated plans. Another commenter recommended PBGC incorporate specific search methods into the final regulation (much the same as for DB plans). In that way, PBGC, as the agency administering the missing participants program, would have control over the search methods used to meet the diligent search standard. The same commenter recommended that the Department of Labor in turn harmonize its search guidance for DC plans with PBGC's diligent search standard. Another commenter recommended waiving use of a commercial locator service to find a participant with an account balance of less than $200 as fees for locator services can be charged to DC plan accounts and may reduce small accounts by large percentages.

Harmonization is the hallmark of the DC plan missing participants program. The ERISA Advisory Council in its 2013 report (see the discussion above in *Background*) urged cooperation among federal agencies to develop and implement the missing participants program. Commenters to the RFI also urged agreement in guidance and rules from the Department of the Treasury (and Internal Revenue Service), the Department of Labor's Employee Benefits Security Administration (EBSA), and the Pension Benefit Guaranty Corporation that affect searching for and distributing the benefits of missing participants. Guidance from EBSA on searching for missing participants of terminated DC plans has been available since 2004 and was updated in 2014. The Department of Labor's (DOL's) regulatory safe harbor for terminated plans was effective in 2006. Noting the existing fiduciary guidance on search requirements for terminated DC plans, PBGC determined that double search standards established by two agencies applicable to one type of plan (DCs) would create unnecessary administrative burden and confusion for plans, service providers, and participants. PBGC therefore adopts in the final regulation without change the provision that compliance with DOL's fiduciary search guidance satisfies PBGC's diligent search standard.

As for waiving use of a commercial locator service, EBSA has advised PBGC that use of a commercial locator service is not necessarily required for DC plans. As explained in FAB 2014–01, a plan fiduciary at a minimum should take certain steps to find a participant. If those steps fail, ERISA's duties of prudence and loyalty require the fiduciary to consider if additional search steps are appropriate. In making this determination, the fiduciary should consider the size of the participant's account balance and cost of further search efforts. As a result, the specific additional steps that a plan fiduciary takes to locate a missing participant may vary depending on the facts and circumstances. Possible additional search steps include the use of internet search tools, commercial locator services, credit reporting agencies, information brokers, investigation databases and analogous services that may involve charges.

Unknown Beneficiary of a Deceased DC Plan Participant

As noted in the preamble to the proposed regulation, where a DC plan knows a participant is deceased and has no known beneficiary, the unknown beneficiary is a distributee under the missing participants program. In the context of an abandoned DC plan (as defined under Department of Labor regulations at 29 CFR 2578.1), one commenter asked for clarification on how to handle benefits where a beneficiary can't be determined based on available information. The commenter said that a QTA of an abandoned plan particularly may not have adequate information to determine beneficiaries as the QTA may not have been the plan's contractor for services such as maintaining beneficiary designations or providing qualified domestic relations order (QDRO) review.

PBGC expects that there will be instances where a DC plan knows a participant is deceased but has little or no information about a beneficiary. Where an unknown beneficiary of a deceased participant is missing, as defined in the final regulation, the account balance of the deceased participant may be transferred into the missing participants program. PBGC will take into account the fact that there is no known person to search for in evaluating the plan's fulfillment of the diligent search requirement for any such distributee. Plan fiduciaries and QTAs would file in accordance with the forms and instructions for DC plans what information they have about the participant and beneficiary. See the section on Filing with PBGC, below, about flexibilities in filing for abandoned DC plans.

Diligent Search Methods for DB Plans

The search standard for DB plans in the proposed regulation was based on the requirements in the existing regulation with modifications inspired by the guidelines in EBSA's FAB.[21] The proposed standard listed five specific search methods. The first three were to

[20] A distribution generally is permitted under the Department of Labor's safe harbor regulation with no additional search beyond the notification sent to the last known address of the participant or beneficiary in accordance with the requirements of 29 CFR 2520.104b–1(b)(1). If a notice is returned to the plan as undeliverable, the plan fiduciary must, consistent with its duties under section 404(a)(1) of ERISA, take steps to locate the participant or beneficiary and provide notice before making the distribution. See EBSA's FAB 2014–01 for guidance on search steps.

[21] Under the existing regulation, the diligent search rules for single-employer DB plans covered by title IV imposed three requirements: Timeliness, seeking information from beneficiaries of a missing participant, and use of a commercial locator service.

seek information from records of the plan that is closing out, from the employer, and from other plans of the employer (including health plans), and to mine these sources for information to locate the missing individual as well as leads to beneficiaries. The fourth method was to use a no-fee internet search engine or database, and the fifth was to use a commercial locator service as specifically defined in the regulation. PBGC received several comments on the proposed DB plan diligent search requirement, which are described below.

While PBGC's proposed regulation attempted to bring its existing search rules into closer alignment with the search guidance in the FAB, PBGC believed that DB plans would welcome a more explicit and concrete ''checklist'' of steps as outlined in the proposal. PBGC sought comment on whether DB plans would be better served by a different or less prescriptive search standard. The one response affirmed PBGC's belief that a more explicit checklist for DB plans is warranted. Therefore the final regulation, like the proposed, retains this structure.

PBGC also invited comment on searching using a commercial locator service. The proposed regulation gave meaning to what is a commercial locator service for purposes of a diligent search to ensure a more robust, but also necessarily more expensive search, which might not be cost-effective for distributees with relatively small benefits. PBGC proposed to address this issue by reserving to itself the authority to place limits in the missing participants forms and instructions on the requirement for DB plans to use a commercial locator service. PBGC asked whether a waiver should be based on the monthly amount of a distributee's benefit or the present value of the benefit or on some other criterion, and on whether the waiver should be codified in the regulation.

In response, two commenters said they supported waiving use of the commercial locator service method for certain DB distributees and codifying such waiver. One commenter suggested a waiver for small plans (not small benefits) with fewer than 500 participants because a locator service may not be cost-effective for these plans. Another suggested a waiver for monthly annuity benefits of less than $100. One of these commenters added that codification would give plans notice that a waiver is available and if a waiver is subsequently changed.

PBGC considered the commenters' feedback and re-structured the final regulation so that a DB plan need not use the commercial locator service method for a distributee with a very small monthly benefit. The final regulation provides that a plan administrator must have diligently searched for a missing distributee using one of two search methods: A commercial locator service or, as an alternative for a distributee with a very small benefit, *i.e.,* a distributee whose normal retirement benefit is $50 or less per month, the ''records search method.'' PBGC did not draw the line at plan size, as recommended by one commenter, because small plans may have distributees with large benefits. With more at stake, more expense is justified. In contrast, the smaller the benefit, the weaker the justification for requiring use of an expensive search method. Therefore, the final regulation provides that DB plans can choose to use, instead of a commercial locator service, a potentially less costly search method (the ''records search method'') for a participant with a very small benefit.

The ''records search method'' includes the following steps: Searching the records of the plan that is closing out, of the employer, and of each retirement or welfare plan of the employer, for information to locate the distributee; contacting each beneficiary of the distributee identified from the records; and using an internet search for which no fee is charged, such as a search engine, a network database, a public record database (such as those for licenses, mortgages, and real estate taxes) or a ''social media'' website.

PBGC received comments on two search steps in the proposal that are now part of the final rule's ''records search method''—searching using no-fee internet search engines and databases, and searching employer records.

Regarding no-fee internet searches, one commenter recommended that a plan that has used a commercial locator service but has not found a distributee be permitted to skip a no-charge internet search for that distributee. The commenter argued that no-fee internet searches are unwieldy for plans with large numbers of missing participants and that search results can be hard to verify. As stated above, the final regulation provides that a DB plan must have diligently searched for a distributee who is missing upon close-out using only one of two search methods, a commercial locator service or the ''records search method.'' If a DB plan uses a commercial locator service and does not locate the distributee, regardless of whether the benefit is large or small, no further searching is required. Similarly, if the ''records search method'' does not locate the distributee with a very small benefit, no further searching is required.

Two commenters recommended that PBGC modify or eliminate a search of the records of the employer that last employed the distributee and maintained the plan, claiming that this search could be more burdensome than useful. One commenter's suggestion was to limit the period for searching to the last employer that employed the participant within the previous 12 months. Another suggested the method should be optional to account for situations where a plan is acquired by another employer and the missing participant is a terminated vested participant of the former sponsor. In this case, the former sponsor is unlikely to have kept records on the separated employee.

PBGC considered the potential burden and fruitfulness of records searches that could go back many years or require searching the records of another employer. To that end and to keep the cost of the ''records search method'' in general reasonable, the final regulation provides that its requirements (*e.g.,* searching the records of the employer (the contributing sponsor) that most recently maintained the plan and employed the distributee) apply only to the extent reasonably feasible and affordable. Searching is not affordable to the extent that the cost (including the value of labor) is more than a reasonable fraction of the benefit of the distributee being searched for. What is reasonable is a matter of judgment and plan fiduciaries are familiar with reasonableness requirements. See for example ERISA section 404(a)(1)(A)(ii). Spending more to search for a distributee than the value of the distributee's benefit would seem clearly unreasonable. Searching is not feasible to the extent that it is thwarted by legal or practical lack of access to records.

All these requirements are designed to support the basic function of a diligent search—to demonstrate that an appropriate level of effort has gone into finding a person who remains missing. To that end, plan administrators are expected to the extent possible to search using as much information about a distributee as possible, such as name, social security number, date of birth, and last known address. As one commenter explained, searches using multiple data points reduce false positives and oversized search results, producing a more effective search.

A plan (DB or DC) that uses PBGC's missing participants program to provide for the benefits of, or to provide information about the disposition of

benefits for, a person whose whereabouts are unknown, must have followed the diligent search requirements and failed to locate the participant.

Diligent Search Timeframe

Under the proposed regulation, a diligent search must have been completed within six months before the last distribution to a non-missing distributee (if the plan is sending information to PBGC) or within six months before the date the benefit is transferred to PBGC's program. One commenter recommended allowing a period longer than six months to do a diligent search. Experience shows that missing distributees can be found, and it is more efficient—and typically more advantageous for the distributee—to be found before close-out, so that benefits can be distributed in the normal manner. The fact that a distributee could not be found in the past does not mean that the distributee is forever lost. PBGC thus believes that diligent searches should be relatively recent. But after considering the comment, PBGC has concluded that nine months—rather than the six months provided in the proposal—is a reasonable time frame for a diligent search.

As stated above, the proposed regulation measured the diligent search period from a different date depending on whether PBGC received money or just information about a missing distributee. PBGC believes different dates aren't necessary and may be unworkable, for example if a plan has only missing distributees. So, the final regulation uses the same date for all cases. The nine-month period ends when the distributee is identified as missing in a filing with PBGC.

Amounts To Be Transferred

DC Plan Pay-In Rules

The amount to be transferred to PBGC on behalf of a missing distributee—the ''benefit transfer amount''—is relatively simple for DC plans: It is the amount available for distribution to the distributee in connection with the close-out of the plan. PBGC received no comments on its proposed definition of benefit transfer amount for DC plans, and the final regulation follows the proposed in this regard. For a missing distributee who was a participant, the benefit transfer amount would generally be the participant's account balance, but might not be if (for example) a qualified domestic relations order (QDRO) required distribution of a portion of the account to another person. The benefit transfer amount for a DC plan missing distributee also might (but might not) reflect the deduction of expenses. PBGC will not inquire into whether an account balance has been reduced for administrative expenses before it was transferred to PBGC. Whether plan termination expenses were properly allocated among all plan participants by the plan's fiduciary before the transfer is beyond the scope of this regulation.

DB Plan Pay-In Rules—Proposal

For DB plans, the proposed regulation provided that the amount to be transferred to PBGC is the ''benefit transfer amount'' of a missing distributee (and a ''plan make-up amount'' if applicable). The benefit transfer amount would be the present value of future payments of an annuity.

The proposed valuation rules for determining the benefit transfer amount represented a significant departure from the existing valuation rules (for benefits from single-employer plans covered by title IV insurance). The proposal abandoned a four-category approach to valuing benefits in the existing regulation in favor of a leaner three-category approach consistent with that of the statute.[22] The four benefit categories under the existing regulation were arrived at by breaking the first statutory category into two: Benefits actually subject to mandatory cash-out under plan terms, and benefits that could be involuntarily cashed out under the law but not under plan terms. The existing regulation prescribed three sets of assumptions: Plan lump sum assumptions and two sets of PBGC missing participant assumptions (''missing participant lump sum assumptions'' and ''missing participant annuity assumptions).''[23] Whichever assumptions were used, the existing regulation specified that they were to be applied to the most valuable benefit. Thus, the plan had to value each benefit separately for a starting date in each year out into the future in order to find the most valuable one.

In addition to discarding the four-category approach to benefit valuations, PBGC proposed to abandon the ''missing participant lump sum assumptions'' and to modify the ''missing participant annuity assumptions'' (which were closer to termination assumptions in PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044)) into a new, single set of ''PBGC missing participant assumptions.'' The proposed ''PBGC missing participant assumptions'' included no adjustment for expenses—neither the adjustment that is part of the 4044 assumptions nor the load that is part of the missing participant annuity assumptions in the existing regulation. Mortality and interest under the proposed new assumptions were to be the same as under the existing old assumptions, except that the interest assumption in effect for valuations in January would be used for the entire calendar year.

Also under the proposal, pre-retirement death benefits were to be disregarded and the benefit to be valued was to be a straight life annuity beginning at the expected retirement age (XRA).[24] Using XRA avoided the requirement to value the benefit at every age to determine the most valuable benefit and made the new assumptions more like the 4044 assumptions.

A plan that pays no lump sums (even for de minimis amounts) would have no ''plan assumptions'' for lump sums. Under the existing regulation, such plans used ''missing participant lump sum assumptions'' to value all benefits that could lawfully be cashed out. With the elimination of the ''missing participant lump sum assumptions'' and the associated benefit valuation category, the proposed regulation provided that such plans should use assumptions specified under section 205(g)(3) of ERISA and section 417(e)(3) of the Code (dealing with determination of the present value of certain benefits).

Benefits were to be valued as of the date the benefit transfer amount was paid to PBGC (the ''benefit transfer date''). PBGC invited comment on this point. Valuing benefits as of the benefit transfer date would eliminate the need for the rules in the existing regulation about interest on transfers to PBGC

[22] Section 4050 of ERISA describes three benefit categories: ''de minimis'' benefits that a plan could lawfully cash out without consent; benefits payable only as annuities; and benefits for which a lump sum is elective. A plan is to use its own lump sum assumptions to value benefits in the first category; PBGC missing participant assumptions for those in the second category; and for the third category, whichever of the two sets of assumptions produces the greater present value.

[23] Under the existing regulation, benefits actually subject to mandatory cash-out under plan terms are to be valued using plan assumptions. Benefits that could be involuntarily cashed out under the law but not under plan terms are to be valued using the ''missing participant lump sum assumptions.'' Benefits not subject to either voluntary cash-out under the plan or mandatory cash-out under the statute are to be valued using the ''missing participant annuity assumptions.'' Finally, benefits that could not be involuntarily cashed out under the law but for which a lump sum option is available are to be valued using either the ''missing participant annuity assumptions'' or plan assumptions, whichever produces the greater value. Among missing participants whose benefits are transferred to PBGC under the current program, about 87 percent have benefits that are de minimis under plan or PBGC assumptions.

[24] Special ''XRA'' rules would apply to pay-status distributees and non-participant distributees.

between the valuation date and the payment date, since those two dates would be the same.

Plans were to account separately for the value of benefits payable in the future (the ''benefit transfer amount'') and the value of benefit payments missed (or treated as missed) in the past (the ''plan make-up amount''). The value of a missed payment would be the accumulated value of the payment (reflecting interest from the date the payment was due to the date of the plan's payment to PBGC), without reduction for mortality—that is, on the assumption that the annuitant was alive. Interest was to be calculated in the same way as for underpayments of guaranteed benefits by PBGC under PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) using the Federal mid-term rate described in section 1274(d) of the Code with monthly compounding. PBGC was to use the same interest assumption for crediting interest between the date of receipt of a payment from a plan and the date of payment of a lump sum by PBGC. This rate, to be called the ''missing participants interest rate,'' is the same rate prescribed in the existing missing participants regulation as the ''designated benefit interest rate.''

The proposed plan make-up amount was to include not only missed payments to distributees who became missing after they had begun to receive benefit payments, but also payments not made after the required beginning date under section 401(a)(9)(C) of the Code, regardless of which assumptions (PBGC or Plan) were used to determine the transfer amount.

DB Plan Pay-In Rules—Final; Benefit Determination Date

PBGC received three comments dealing with determining the value of benefits as of the benefit transfer date. One appreciated the clarity and consistency of valuing benefits as of the benefit transfer date as proposed. But two commenters expressed concern that the proposal would create undue complications and additional work where the actual transfer took place after the anticipated close-out date, especially with respect to lump sums. Commenters noted that plans determine the lump sum amounts payable to participants as of an assumed payment date, generally the anticipated close-out date. However, in some cases, a plan might not know that a participant is missing at the time the calculations are done. If the plan finds out that someone is missing after the fact, the actual benefit transfer date might be a month or two later than originally anticipated (*i.e.,* not the assumed date used to determine the lump sum amount). In such situations, the proposal would seem to require that the plan recalculate the missing participant's benefit transfer amount on the participant's actual benefit transfer date, which adds cost and burden to the termination process. In addition, one commenter said that recalculation using a much-later-than-anticipated benefit transfer date could affect whether a participant is still subject to mandatory cash-out and treated as missing.

Commenters recommended PBGC apply either a 30-day grace period during which no adjustment to the benefit transfer amount is required, or essentially go back to the existing rule under which interest is owed if payment to PBGC is made significantly after the assumed payment date underlying the calculation of the benefit transfer amount.

In response, the final regulation departs significantly from the proposed, with a view to reducing burden and simplifying the procedures DB plans must follow. The benefit transfer date is replaced by a benefit determination date. The benefit transfer amount will be determined as of the benefit determination date and will not change even if it is paid to PBGC on a later date. When paying lump sums, PBGC will pay a participant the value of the participant's benefit plus interest for the full period from the date as of which the benefit was valued by the plan to the date PBGC pays the participant. But for administrative convenience, PBGC will allow DB plans a 90-day grace period from the benefit determination date before it collects interest for amounts not yet transferred. However, if payment is more than 90 days after the benefit determination date, interest at the Federal mid-term rate will be owed for the period after 90 days through the actual transfer date. (For a DC plan, the benefit determination date is the same as the date the plan pays PBGC, because the plan simply pays PBGC the amount in the account on that date.)

The benefit determination date will be selected by the plan subject to the limitation that it be within the period from the first distribution to a non-missing distributee to the last such distribution.

DB Plan Pay-In Rules—Final; Reported Amounts

While the proposed regulation recognized that benefits must begin no later than the required beginning date under section 401(a)(9)(C) of the Code, it did not consider that some plans do not actuarially increase benefits for terminated vested participants that commence after normal retirement date and instead provide a lump sum to account for the accumulated value of benefits that weren't paid from normal retirement date to the benefit commencement date. For such plans, the proposal had a few shortcomings. For example, with respect to a missing participant under age 55 with a non-de minimis benefit, the proposal anticipated that a plan would be required to report the monthly straight life annuity payable at each integral age from 55 through the required beginning date. When the participant was located, the annuity PBGC would have provided would have been based on those reported amounts. For a plan that doesn't actuarially increase benefits after normal retirement age, the amounts reported to PBGC would have been the same at each age from normal retirement date through required beginning date, so the monthly benefit PBGC would have provided had the participant been located and commenced payment after normal retirement age would have been the same as if the participant had commenced payment at normal retirement date. Since there was no ''pay-out'' provision to account for missing payments before the required beginning date in the proposal, that participant would have been shortchanged.

To take plans of this type into account while still having a simplified approach that works for all DB plans, the final regulation modifies the pay-out rules for post-normal retirement age start dates, and the methodology for determining benefit transfer amounts using ''PBGC missing participant assumptions,'' for non-pay status participants past normal retirement age (with a corresponding change in the filing requirements).

Under the revised approach, a plan is required to report the monthly straight life annuity payable at each integral age from 55 through the normal retirement date (or in some cases accrual cessation date as explained below). When the participant is located, the annuity PBGC provides is based on those reported amounts (with missed payments paid as a lump sum with interest). With this approach, participants whose benefits aren't actuarially increased after normal retirement date aren't short-changed, and neither are participants who accrued benefits after normal retirement date.

DB Plans—Final; Normal Retirement Date and Accrual Cessation Date

As stated above, the normal retirement date, or if later, the date the participant stopped accruing benefits

(*i.e.,* ''accrual cessation date'') replaces the required beginning date.

In the proposal, for purposes of determining the present value of future benefits using PBGC missing participant assumptions, the assumed benefit start date (for determining the annuity to value) for a participant past normal retirement date but not yet past required beginning date, was the benefit transfer date and for a participant past required beginning date, the required beginning date. In the final rule, the assumed benefit start date for a participant past normal retirement date is generally the normal retirement date. However, to account for situations where a non-pay status missing participant accrued benefits after the plan's normal retirement date, the final rule provides that the assumed benefit start date in this situation is the date the participant ceased accruals. (The final rule does this to ensure that the annuity PBGC will provide to such a missing participant when found is no less than what the plan would have provided.)

With respect to participants not yet past normal retirement age, participants in pay status, and beneficiaries, the final rule retains the assumed benefit start date provisions from the proposed regulation for purposes of determining pay-in amounts.

In summary, under the final pay-in rules, the assumed benefit start date for purposes of the PBGC missing participant assumptions is:

- The expected retirement age (XRA) in PBGC's valuation regulation, for a participant not in pay status who has not reached normal retirement date;
- The normal retirement date (or accrual cessation date if later), for a participant not in pay status who has reached normal retirement date;
- The actual benefit start date, for a participant in pay status; and
- For a beneficiary, the later of the benefit determination date or the earliest date the beneficiary could receive benefits under the plan.

PBGC has created an on-line spreadsheet that will calculate the present value of a missing participant's benefit expected to be paid on or after the benefit determination date with the new PBGC missing participant assumptions. A person would simply enter data, such as eligibility for early and unreduced retirement and benefit amounts, and the spreadsheet would do the calculations—including XRA calculations—necessary to determine the present value of benefits, thus making the new PBGC missing participant assumptions easier to use.

Except for making the change from required beginning date to normal retirement date (or accrual cessation date if later), the final regulation retains the other PBGC missing participant assumptions in the proposed regulation (*e.g.,* mortality, interest, form of payment).

DB Plans—Final; Missed Payments

Under the proposed regulation, the amount transferred to PBGC for some distributees—those in pay status or past the required beginning date—included both the benefit transfer amount and a ''plan make-up amount,'' representing payments that should have been made but were missed. The plan make-up amount accumulated the missed payments with interest at the Federal mid-term rate. In reconsidering its proposal as described above, PBGC found itself questioning whether the proposed manner of valuing missed payments, and the requirement to include it in the amount transferred, was appropriate in situations where benefits are valued using plan lump sum assumptions. For example, if a plan determines lump sum amounts for participants past normal retirement age as the present value of an actuarially increased benefit, there is no need for a plan make up amount (*i.e.,* the value of post-normal retirement age missed payments is built into the present value calculation). In addition, it seems unlikely that plans generally would use the Federal mid-term rate to accumulate missed payments in calculating lump sums. Accordingly, PBGC in the final regulation has revised how the benefit transfer amount is determined for calculations based on plan lump sum assumptions to provide that missed payments are to be valued in whatever way the plan would ordinarily value them.

Thus, the term ''plan make-up amount'' is eliminated. However, the concept is retained for calculations determined using PBGC missing participant assumptions. For those calculations, the amount of missed payments with interest is added to the present value of future benefits to yield the benefit transfer amount.

Filing With PBGC

What To File

The proposed regulation specified certain items to be filed for each missing distributee, such as the benefit transfer amount or information about where the missing distributee's benefit is being held, diligent search documentation and other information, fees, and certifications.

There was some support among the comments for documentation of diligent searches, and PBGC considered this matter in developing the final regulation. With a view primarily to reducing burden, PBGC decided that it would not initially require that a plan submit specific documentation of diligent searches with its filing, since compliance with the regulation (including the performance of diligent searches) must be certified on the form. PBGC might revisit this decision if it appears necessary to encourage compliance with the diligent search requirements.

PBGC decided further to make the regulation less specific about documentation generally. PBGC realized, for example, that information would be required not just for each missing distributee (as the proposed regulation said) but also for the filing plan. Rather than trying to be more inclusive about data to be filed, the final rule simply refers to the missing participant forms and instructions for data required. The final rule does, however, list the three types of payments required: fees, benefit transfer amounts, and interest on the latter (for DB plans, if owed). And it retains the supplemental filing requirement from the proposed regulation for a plan to submit additional information if PBGC requests. But the nature of supplemental information that may be requested is more generally stated.

Not within the scope of this rule are documentation, recordkeeping and other requirements of plans and plan terminations elsewhere under ERISA and the Code. While PBGC as administrator of the title IV insurance program can and will audit ERISA title IV plans (such as single-employer DB plans under a standard termination), such other requirements for non-title IV plans are properly subject to the audit and enforcement mechanisms under title I of ERISA and the Code for ensuring that terminations are properly carried out.

Forms and Instructions

The missing participants forms and instructions for DB plans require the reporting of the monthly amount of each missing participant's accrued benefit (if not de minimis) in straight-life form assuming commencement at each integral age going forward from the later of the benefit determination date or age 55 to the normal retirement date (or accrual cessation date if later).[25] Because of the change in the final rule from the required beginning date to the normal retirement date as the last date

[25] PBGC would interpolate where necessary to obtain figures for fractional ages.

when benefits can be paid or begin to be paid, plans will have fewer amounts to calculate and report for missing participants with non-de minimis benefits.

Information on missing participants forms filed for DB and DC plans with PBGC must be certified. A commenter suggested that PBGC add a checkbox to the forms requiring filers to assert that benefit transfer amounts are correct, to remind filers of their obligations. PBGC believes the general certification is sufficient and that adding another check box to the form is unlikely to increase compliance.

One commenter recommended that some questions be added to the Form 5500 Annual Return/Report of Employee Benefit Plan about whether and how DC plans used the missing participants program. PBGC will consider this comment as part of its review of the Form 5500.

Filing for Abandoned DC Plans

The final regulation, like the proposed, provides that the requirements to use the missing participants program, including filing requirements and forms and instructions, apply to all terminated DC plans that choose to use the program, including abandoned plans and QTAs winding up such plans. One commenter asked PBGC to clarify filing requirements for abandoned DC plans with respect to diligent searches. The commenter noted that a QTA may not have or have access to the kinds of records that typically yield participant contact information as part of a diligent search.

The diligent search requirement for DC plans, including abandoned DC plans, is basically the same as the corresponding guidance for fiduciaries issued by the Department of Labor under section 404 of ERISA. PBGC expects that any documentation sufficient to demonstrate compliance with the fiduciary duty to search for missing participants would likewise satisfy any filing requirements PBGC might impose for diligent searches.[26] As indicated under *What to file* above, PBGC has decided not to require submission of diligent search documentation with missing participants forms; but if it were to do so, such documentation would most naturally relate to the QTA's search efforts rather than to the content of historical records.

Missing or incomplete historical records can present a challenge to any plan, not just abandoned DC plans (although the latter as a group are particularly likely to suffer from this problem). PBGC expects the challenges of making, keeping, finding, and using records to be dealt with carefully, skillfully, prudently, and diligently, and where that is the case, PBGC believes this final rule provides flexibility to accommodate difficulties of the kind contemplated by the commenter.

Filing Deadline

In the proposed regulation, the filing deadline for title IV single-employer DB plans would have been 90 days after the distribution deadline in PBGC's regulation on Termination of Single-Employer Plans (29 CFR part 4041). (For plans undergoing sufficient distress terminations, the distribution deadline reflects such plans' special circumstances.) For all other plans, including DC plans, the filing deadline would be 90 days after completion of all distributions not subject to the missing participants program.

One commenter expressed concern that the proposed filing deadline for DC plans—90 days after the last distribution to a participant who isn't missing—might not give DC plans enough time to complete diligent search and other termination tasks if the plan potentially has many missing participants. The commenter suggested the timeframe be extended to 180 days. There was also a question from a commenter as to whether payment from DC plans (of the benefit transfer amount and fees, if any) would be required when forms were filed. PBGC responds to this latter comment that it expects that forms and any required payment would be sent simultaneously.

As to the former, PBGC has given new thought to its administrative procedures for processing filings and now believes that the mechanics of filing are better left to the missing participants forms and instructions, where there is a bit more flexibility than if the procedures were hard-wired in the regulatory text. With regard to filing deadlines for DC plans, while PBGC wants plans to act promptly, it does not want to set standards that discourage DC plan participation. PBGC's understanding is that plans not covered by title IV of ERISA must distribute all assets to participants and beneficiaries as soon as administratively feasible after the plan's termination date. As a rule of thumb, plans are expected to complete termination within one year. Accordingly, the filing instructions set the filing deadline for plans not covered by title IV as the later of 90 days after the last distribution not subject to the missing participants regulation or one year after the plan's termination date under IRS Rev. Rul. 89–87.[27]

For single-employer plans covered by title IV, the filing deadline set in the filing instructions is the same as under the existing regulations, the date the post-distribution certification is due, *i.e.,* within 30 days after the last distribution date. This deadline was changed back to the existing rule from what was in the proposed regulation to maintain consistency in filing for single-employer DB plans undergoing standard terminations.

PBGC Reliance

The vast majority of plans using the expanded missing participants program will be DC plans, over which (beyond their participation in the program) PBGC has no authority. The same is true of small professional service DB plans. This circumstance has led PBGC to re-evaluate its function under the missing participants program with respect to all plans covered by the program; that re-evaluation is reflected in the revision of the administrative review regulation including noting that a participant's recourse is against the plan or plan sponsor, and not PBGC, if a plan incorrectly calculated a benefit transfer amount (see *Administrative Review* under *Related Regulatory Amendments* below). PBGC has concluded that in its role as administrator of the missing participants program, it has and may exercise only very constrained authority. Accordingly, PBGC has removed from the final regulation provisions dealing with audits and related matters and replaced them with provisions making clear that as the missing participants program administrator, PBGC relies on information from plans participating in the program and accepts that information. PBGC holds the information and funds entrusted to it and passes them on to proper claimants. While this does not mean that mistakes cannot be corrected, it does mean that the missing participants program will not be expected to take the initiative in making corrections. However, PBGC's role as administrator of the missing participants program does not detract from its authority as administrator of the title IV insurance program, including as to matters bearing on the missing participants program (such as the amount of benefit a missing distributee

[26] *See,* FAB 2014–01, which states: ''Plan fiduciaries must be able to demonstrate compliance with ERISA's fiduciary standards for all decisions made to locate missing participants and distribute benefits on their behalf. If audited, plan fiduciaries could demonstrate compliance using paper or electronic records.''

[27] 1989–2 CB 81.

may be entitled to from a plan terminated in a standard termination). The extent of that authority is not a proper subject of the missing participants regulation. Neither is the extent of the authority of other federal agencies to pursue violations of ERISA and the Code including with respect to plan terminations and the distribution of assets to participants missing or not. No provision of the missing participants regulation detracts from that authority.

Benefits Paid to Located Participants

Pay-Out Rules Common to DB and DC Plans

One principle that carries over from the existing regulation to the final regulation is that PBGC will receive money for the benefits of some missing distributees but only information about the benefits of others. As under the current program, therefore, there will be two ways PBGC may connect claimants with their benefits. PBGC may pay benefits itself (where PBGC has received a benefit transfer amount from the claimant's plan) or may provide information to the claimant from the plan about how benefits not transferred to PBGC can be claimed (for example, where they have been annuitized with an insurer or transferred to an IRA). The final regulation, like the proposed, modifies the language about PBGC's providing information to clarify that PBGC's role in such circumstances (which is subject to the Privacy Act) does not include resolution of questions about entitlement to a benefit held by another entity (such as an insurance company). Those questions, and questions about revealing personal information about such a missing participant to a different claimant, are more properly resolved by the entity (for example, insurer or custodian) holding the benefit.

A concept common to both DB and DC plans in the final regulation, as in the proposed, is that of ''qualified survivors,'' who would be entitled to benefits with respect to a missing participant in situations involving—for example—deceased missing participants without spouses.

The difference between the proposed and final rules is that for both DB and DC plans, PBGC in the final rule would look to beneficiary designations provided by the plan in its filing with PBGC as part of determining who would be entitled to benefits with respect a deceased missing participant. The proposed rule only included this provision for DC plans. While it may be uncommon that a DB plan would have a valid beneficiary designation on file before a benefit election is made, it is not unheard-of. To recognize these cases, PBGC included in the definition of ''qualified survivor'' for DB plans reference to beneficiary designations provided by the plan in its filing with PBGC.

The final rule, therefore, provides that PBGC will identify qualified survivors for both DB and DC plan missing distributees by looking first to provisions of any applicable QDRO; then, PBGC will look to the plan's filing with PBGC for identification of persons potentially entitled to benefits with respect to the decedent under plan provisions (including beneficiary designations consistent with plan provisions); finally, if the plan's filing did not identify a person entitled to benefits with respect to a decedent, PBGC will refer to a list of relatives that echoes § 4022.93 of PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans, but includes just four categories: [28] Spouses, children, parents, and siblings.[29]

When PBGC finds a participant, depending on whether the amount is de minimis, the participant has a choice of distribution options and methods. Several commenters queried whether PBGC could distribute lump sum retirement savings to found participants in a direct rollover to a qualified plan or IRA. PBGC does offer participants the option of tax-free rollovers directly into a qualified retirement plan or IRA. PBGC also allows for partial rollovers, rollovers to Roth IRAs, and taxable direct deposit into a savings or checking account (and participants may choose to be paid out by check). In addition, PBGC believes the missing participants program complies with all applicable tax withholding and reporting rules with respect to retirement plan money held in the program and rolled over or otherwise distributed to found participants.

The final regulation, like the proposed, does not provide pay-out rules for situations involving DB participants whose benefits went into pay status under the plan before they became missing. Nor does it provide pay-out rules for situations—under either DB or DC plans—involving missing beneficiaries (such as situations involving missing alternate payees or situations where a plan knows a participant is dead and has a beneficiary, but the beneficiary is missing). PBGC considers such circumstances sufficiently uncommon that the new regulation need not address them. PBGC had invited public comment about whether the regulation should address such circumstances and if so, how. One commenter acknowledged PBGC's conclusion, but suggested that PBGC might find those circumstances more common under the new program. While PBGC did not make a change in the final regulation, it intends to review whether pay-out rules may be necessary in such circumstances as it gains experience with the new missing participants program.

For both DB and DC plans, the final regulation does not deal (as the existing regulation does) with details such as election of annuity starting dates, which are left to policies and procedures reflected in PBGC's missing participants forms and instructions.

DC Plan Pay-Out Rules

The DC plan pay-out rules in the final regulation, like the proposed, are relatively simple. The rules specify that PBGC will pay lump sums to found participants whose benefit transfer amounts are de minimis (defined under section 411(a)(11) of the Code and section 203(e) of ERISA as $5,000 or less). A found distributee whose benefit transfer amount is non-de minimis will be paid an annuity (a 50 percent joint and survivor annuity if married), unless the distributee elects (with spousal consent if married) a lump sum (or another type of annuity) instead. PBGC will make available the same annuity forms that it does for participants in trusteed plans under § 4022.8.

One commenter pointed out that most DC plans don't include annuity options and are designed to satisfy the statutory exception under the Code and ERISA (section 401(a)(11)(B)(iii) of the Code and section 205(b)(1)(C) of ERISA) from the qualified joint and survivor annuity rules. The commenter questioned why PBGC would propose a pay-out rule for participants with non-de minimis benefits contrary to the distribution options these DC plan participants might be expecting. Another commenter stated its support for having annuity options as the default pay-out for non-de minimis accounts.

As stated above, found participants with de minimis benefit transfer amounts will receive their distribution in a lump sum, as will the survivors of a deceased participant with no living spouse. This makes sense where benefits are small or spouses don't exist. PBGC believes found participants (and

[28] The final rule does not include on this list the two other categories of § 4022.93 which are: Estates, if open, and next of kin in accordance with applicable state law.

[29] In PBGC's view, this terminology includes adoptive relationships (but not ''step'' relationships); thus the terminology is used without qualifying adjectives (such as ''natural or adopted'').

their spouses) with larger benefits should have a choice of distribution options, which include various annuity forms and lump sums. Participants are not prevented from choosing a lump sum, and PBGC makes valuable lifetime income options available to them regardless of whether the plan did so. PBGC has retained this choice for DC plan participants and adopted the proposed pay-out rules in the final regulation without change.

Additionally, as in the proposed regulation, lump sum distributions will include interest at the Federal mid-term rate. Conversions to annuities will be made using assumptions under section 205(g)(3) of ERISA and section 417(e)(3) of the Code. For elections before the participant's age 55, PBGC will provide information on all available payment options for the individual's consideration, including annuity benefits, which are only available at 55 or later.

DB Plan Pay-Out Rules

As discussed above (under *DB Plans—Final; Reported Amounts*), PBGC in the final regulation recognizes that some DB plans require that benefits begin no later than the normal retirement date. Thus, wherever the proposed regulation specified the required beginning date, the final regulation specifies the normal retirement date (or accrual cessation date if later), to maintain a simplified approach consistent with the rules for valuing benefit transfer amounts.

The pay-out rules that PBGC proposed for DB plan participants were generally standardized, rather than reflecting each participant's plan provisions. To collect, retain (perhaps for decades), interpret, and apply plan provisions for hundreds of plans, some of which might apply to only one missing distributee, seemed (and still seems) a daunting administrative challenge—a challenge out of proportion to the ideal of paying the benefits of found distributees as their plans would have paid them. Instead, PBGC focused on two pay-out features that loomed largest as having the most value to participants—eligibility for lump sums and early retirement subsidies—and proposed to preserve those, while in other respects treating all distributees according to common rules.

Two commenters recommended that PBGC preserve more of the features of each participant's plan—such as the early retirement date—or even that PBGC follow all pay-out provisions of each distributee's plan. PBGC understands the allure of reproducing the features of every distributee's plan, but believes it has drawn the line at a reasonable place. Accordingly, the pay-out rules are personalized in the final regulation only as much as in the proposed.

Flowing from the principle of preserving certain material rights under plans, PBGC will no longer compute annuity benefits for a participant as the actuarial equivalent of the benefit transfer amount (as under the existing regulation). Rather, PBGC will provide annuity benefits based on what the plan would have provided, including any early retirement subsidies to which participants would have been entitled had they not been missing. This is possible because plans must report the straight life annuity payable to the participant commencing at each integral age from age 55 to normal retirement date (or accrual cessation date if later).

Another commenter recommended that lump-sum pay-outs by PBGC for non-de minimis benefits be based on the value of distributees' benefits determined using plan assumptions. The benefit transfer amount is the larger of the amount determined using plan assumptions or the amount determined using PBGC missing participant assumptions. Thus, accepting this recommendation would appear to require additional reporting by plans and record-keeping by PBGC and to result in somewhat lower benefits for some distributees. PBGC has concluded on balance that the recommendation would introduce unnecessary administrative complexity without providing a clearly commensurate advantage. Accordingly, PBGC has not adopted this suggestion.

In the proposed rule, PBGC provided pay-out rules for deceased missing participants in DB plans that were the same whether the benefit was de minimis or non-de minimis. PBGC has rethought this approach in light of the fact that its benefit payment policy for trusteed plans treats the two categories of benefits differently. Lump sums are routinely paid to participants with de minimis benefits and become available for distribution to participants' heirs. In contrast, non-de minimis benefits are routinely paid as annuities. PBGC anticipates less opportunity for confusion in processing payments to located participants if its approach to deceased missing participants with de minimis benefits follows more closely its approach to deceased participants with de minimis benefits in trusteed plans. Accordingly, PBGC has revised the proposed DB pay-out rules for deceased participants to make those rules applicable to non-de minimis benefits only, and has added a new provision for payment of a deceased missing participant's de minimis benefit to the participant's qualified survivors as a lump sum.

The main elements of the DB pay-out rules are:

- Mandatory lump sums paid if the amount transferred to PBGC is $5,000 or less.
- Elective lump sums available if available under the plan and the amount transferred to PBGC is over $5,000 (subject to spousal consent if married).
- A variety of annuity payment forms available if the amount transferred to PBGC is over $5,000.
- Annuities available as early as age 55 if the amount transferred to PBGC is over $5,000.
- Amount of a straight life annuity starting at an integral age equal to the amount the plan would have paid at that age (as reported by the plan) (with linear interpolation between integral ages [30]); amounts of other annuity forms determined using PBGC conversion methodology.
- Annuity payments starting after normal retirement date calculated as if the annuity began at normal retirement date (or accrual cessation date if later), with missed payments paid as a lump sum with interest.
- Pre-retirement death benefits available if a married missing participant dies before the normal retirement date; but not if the participant is unmarried.
- Post-retirement death benefits available if a missing participant dies after normal retirement date whether married or not.

If the annuity PBGC would pay a participant is not a straight life annuity, the payments would be set to make the benefit actuarially equivalent to the straight life annuity that would have been payable starting at the same time. PBGC will use the actuarial assumptions under its regulation dealing with optional forms of benefit in trusteed plans (29 CFR 4022.8(c)(7)) to make the conversion. If, on the other hand, PBGC pays a lump sum, it would be equal to the amount transferred to PBGC plus interest at the Federal mid-term rate.

Lump sums—where available—are payable at any age (while annuities are not paid before a participant's age 55). Spousal consent is required if a participant wants to receive a non-de minimis benefit in any form other than a joint and 50-percent survivor annuity. In situations requiring spousal consent to payment of a lump sum before age 55,

[30] For example, a monthly benefit starting at age 55¾ would be 75 percent of the age 56 amount plus 25 percent of the age 55 amount.

PBGC will provide the participant with information about the availability of payment options.

If an annuity begins later than the participant's normal retirement date (or accrual cessation date if later), missed payments with interest (make-up amount) will be paid in a lump sum. If the participant dies before normal retirement age, the survivor annuity will be deemed to begin on the later of the participant's 55th birthday or date of death. If the participant dies on or after the normal retirement date, the survivor annuity will be deemed to begin at the normal retirement date (or accrual cessation date if later). For missing participants under contributory plans, PBGC will pay benefits (including pre-retirement death benefits) at least equal to the accumulated mandatory employee contributions.

PBGC Discretion

It is impossible to anticipate and appropriately provide for every state of events in an undertaking like the missing participants program. To preserve as much flexibility as possible while treating like cases in like manner, the final regulation, like the proposed, incorporates in each subpart a section authorizing PBCG to grant waivers, extend deadlines, and in general adapt to unforeseen circumstances, with the proviso that similar treatment be given to similar situations. This provision takes the place of § 4050.12(g). No comments were received on the proposed provision and it is adopted without change in the final regulation.

Repeal of Unnecessary Provisions

Most of the special provisions in §§ 4050.11 and 4050.12 of the existing regulation are repealed as unnecessary or inappropriate:

- References to the maximum benefit under Code section 415 (if any) (§ 4050.5(a) of the existing regulation) and the minimum benefit under a contributory plan (§ 4050.12(c)(1)). Those limitations apply to the provisions and administration of plans generally and are not specific to the missing participants program.
- The exclusive benefit provision in § 4050.11(a) and the limitation on benefits to the amount transferred to PBGC by a plan for a missing participant (§ 4050.11(a) and (b)). The first of these seems unnecessary and the second would no longer be true.
- Relationship of benefits paid to the guaranteed benefit (§ 4050.11(c)), benefits payable in a sufficient distress termination (§ 4050.12(e)), and benefits payable on audit or other events (§ 4050.12(f)).
- Limitations on the annuity starting date (§ 4050.11(d)). PBGC plans to deal with such matters in its policies for administering the expanded missing participants program.
- Disposition of voluntary contributions (§ 4050.12(c)(2)) and residual assets (§ 4050.12(d)). PBGC specifically solicited comment on repeal of the treatment of residual assets (assets not needed to satisfy plan benefits), but received none.
- Provisions regarding missing participants located quickly by PBGC (§ 4050.12(a)). This provision has not been used, and PBGC believes that enforcement measures where a plan misrepresents its compliance with diligent search requirements will be more effective than this provision.
- QDROs (§ 4050.12(b)). PBGC provides in the pay-out rules that allowance be made for QDROs.
- Payments beginning after the required beginning date (§ 4050.12(h)). This subject is dealt with in the benefit pay-out provisions.

Related Regulatory Amendments

In General

PBGC is making conforming amendments to its regulations on Filing, Issuance, Computation of Time, and Record Retention (29 CFR part 4000), Terminology (29 CFR part 4001), Termination of Single-Employer Plans (29 CFR part 4041), and Termination of Multiemployer Plans (29 CFR part 4041A).

Administrative Review

PBGC's regulation on Rules for Administrative Review of Agency Decisions (29 CFR part 4003) sets forth the determinations, listed in § 4003.1(b), for which aggrieved persons are required to seek administrative review, (*i.e.,* in the form of administrative appeals or reconsiderations) before they may seek judicial review. Section 4003.1(b)(11) applies to the missing participants program. Subparagraph (i) of § 4003.1(b)(11) relates to a determination about the benefits payable by PBGC based on the amount paid to PBGC under the program (assuming the amount paid to PBGC was correct). Subparagraph (ii) of § 4003.1(b)(11) relates to a determination as to the correctness of an amount paid to PBGC under the program (to the extent that the benefit to be paid does not exceed the guaranteed benefit).

PBGC proposed changes to the administrative review regulation and received no comment on the proposed changes. The changes, which are adopted in the final regulation, are as follows. PBGC is changing § 4003.1(b)(11) by revising the content of paragraph (b)(11)(i) and eliminating paragraph (b)(11)(ii). Therefore section 4003.1(b)(11) will no longer have two subparagraphs. Section 4003.1(b)(11) does not refer to benefits based on an amount paid to PBGC, because in some cases benefits paid by PBGC under the new program will be monthly annuities based on information, such as calculations, reported by the plan, not on amounts paid to PBGC. Thus, an appeal right based on a determination pursuant to revised § 4003.1(b)(11) relates simply to a determination of the benefit payable under section 4050 of ERISA and the missing participants regulation.

An appeal based on a determination made under existing regulation § 4003.1(b)(11)(ii)—that the right amount was paid to PBGC—is no longer permitted. PBGC does not make determinations about the amounts to be transferred to PBGC by plans under the missing participants program; rather, it is plans themselves that determine how much to transfer. Thus, there is no PBGC action for a person to be aggrieved by or for PBGC to revoke or change. Recourse must be against the plan or, if the plan no longer exists, the plan sponsor. If a claimant's benefit is guaranteed by PBGC, and the claimant is unable to collect from the plan or sponsor, the claimant may have a right to payment of the guaranteed benefit by PBGC, and a dispute about PBGC's determination of the amount of that benefit is subject to the requirement to pursue administrative review under § 4003.1(b)(8).

Cost-Benefit Analysis

In General

This rulemaking is not subject to the requirements of Executive Order 13771 because it results in no more than de minimis net costs. The rule has been determined to be ''significant'' under Executive Order 12866. The Office of Management and Budget has reviewed this final rule under E.O. 12866.

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, and public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes retrospective review of regulations, harmonizing rules, and promoting flexibility. E.O. 13771 directs agencies

to offset new incremental costs imposed by new regulations by the elimination of existing costs associated with two prior regulations; where there are no new incremental costs, as here, this requirement does not apply.

Executive Orders 12866 and 13563 require that a comprehensive regulatory impact analysis be performed for any economically significant regulatory action, defined as an action that would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts. It has been determined that this final rule is not economically significant. Thus a comprehensive regulatory impact analysis is not required. PBGC has nonetheless examined the economic and policy implications of this rule and has concluded that the net effect of the action is to reduce costs in relation to benefits.

This final rule repeals part 4050 of PBGC's regulations and substitutes an expanded but simpler and more cost-effective part.

This final rule is the cornerstone of a freshly designed program that expects to improve the process of reconnecting American workers with lost retirement benefits, at a relatively tiny cost. Here's how the program will work.

- PBGC will accept the retirement benefits and record information of missing participants from terminating retirement plans.
- PBGC will maintain a pension search directory where missing participants can find their lost retirement benefits.
- PBGC will actively search for missing participants.
- The benefits held by PBGC will earn interest and be protected against investment losses.
- When missing participants are found, PBGC will pay their benefits in annuity or lump sum form.

This program will save retirement plans time and money in dealing with the benefits of missing participants. More participants will receive their retirement benefits because the centralized pension search directory will make finding lost benefits much easier and PBGC will search for missing participants.

PBGC has been successfully operating a small-scale version of this program for years, limited to single-employer DB plans covered by title IV of ERISA. Allowing the far greater number of DC plans into the program will permit economies of scale. PBGC estimates that the transfer impacts of this final rule will be close to $19 million, as shown in the table below.

Annual transfer amounts	Before final rule	After final rule	Net transfer
Benefits recovered	$7 million	$26 million	$19 million.
Annual cost amounts	**Before final rule**	**After final rule**	**Net cost**
Filling out forms	$456,590	$645,750	$189,160.
Valuing benefits (DB)	No change.		
Searching (DB)	$19,100	$32,500	$13,400.
Total	$0.5 million	$0.7 million	$0.2 million.

The ''before'' column of the table shows benefits and costs if the final rule did not become effective. The ''after'' column shows benefits and costs if the final rule becomes effective. The ''net'' column shows the effect of the final rule (the ''after'' column minus the ''before'' column). (The costs for DC plans are not imposed by the final rule, but arise from plans' voluntary election to participate in the program.)

Benefits Recovered

The missing participants program provides the promise of a ''one-stop shop'' for workers to find lost benefits from terminated retirement plans, augmented by active searches by PBGC to find those to whom benefits are owed. By expanding the number of those who benefit from the current program, both absolutely and in relation to associated costs, this final rule cuts costs in relation to benefits.

For fiscal years 2013–2015, PBGC restored about $2.27 million in lost benefits annually to those entitled to them, while taking in about 955 missing participants per year from about 200 DB plans. Extrapolating from data gleaned from the existing single-employer DB program and Form 5500 filings, PBGC is projecting that its intake under this final rule will expand by 10,000 missing participants per year from 3,100 DC plans. In the proposed rule, PBGC calculated the anticipated benefit recovery based on the increase in the number of plans (about a 16-fold increase). PBGC believes a better and more conservative approach is to calculate its anticipated payment of benefits based on the projected increase in the number of missing participants (about an 11-fold increase). Accordingly, PBGC is projecting that it will unite missing participants with an estimated $26 million worth of lost retirement benefits each year under this final rule ($2.27 million × 10,955/955).[31]

As noted above, PBGC's current benefit pay-out is about $2.27 million. But this is for DB plans only. Although DC plans have not been able to participate in the centralized missing participants program, PBGC assumes that some lost DC benefits are recovered. PBGC also assumes that the difference between the ease of finding benefits in a single centralized governmental data base versus many fragmented private-sector ones means that the benefit recovery ratio is far more favorable for the former. Accordingly, PBGC assumes that, among the DC plans that will choose to participate in the expanded missing participants program, the amount of benefits that would be recovered without the program is about 20 percent of the amount recoverable with the program, or about $4.75 million. Thus the total benefits that PBGC assumes would be reunited with those entitled to them in the absence of this final rule is about $7 million. The effect of the final rule will be to increase benefits by $19 million.

Filling Out Forms

As discussed in the proposal, the burden of using PBGC's existing forms (or comparable forms) for the expanded program would be about $861,000 (for 3,300 plans per year), assuming two hours per plan. In the absence of this final rule, the portion of this cost attributable to 200 DB plans (about $52,180) would still be incurred. In addition, the 3,100 DC plans that PBGC expects to participate in the expanded

[31] Benefits paid out each year are not limited to those of missing participants taken into the program that year. It may take years to find a missing participant. But the number of participants entering the program is an indication of the program's size.

program would, in the absence of this final rule, have to provide comparable information about their missing participants to whatever financial institutions were to hold the participants' benefits. PBGC thinks it likely that such institutions would require plans to spend at least an hour filling out forms or otherwise providing information about missing participants. Using the same assumptions for pricing paperwork burden, this represents a cost of about $404,410. Thus in the absence of this rule, the cost incurred for filling out forms would be about $456,590.

PBGC has redesigned its missing participants forms for use in the new program. The new forms contain only about 75 percent as many blanks to fill in as the current forms. Accordingly, PBGC is revising the assumed cost of filing under the final rule to 75 percent of the $861,000 previously assumed, or $645,750. For DB plans, this represents a decrease in costs. For DC plans, the costs will only be incurred by plans that decide to use the missing participants program. If, as PBGC assumes, 3,100 DC plans make that decision, the impact of the final rule is to increase costs by $189,160.

Valuing Benefits

Since DC plans simply send missing participants' account balances to PBGC, they incur no cost for benefit valuation. And although the final rule changes the valuation rules for DB plans, the changes tend to offset each other. As indicated in the proposed rule, therefore, PBGC believes that the final rule makes no significant change in costs or benefits associated with valuing benefits.

Searching

Since the final rule imposes no search requirement on DC plans beyond what is already required under title I of ERISA, DC search costs are the same with or without the final rule and thus can be ignored in considering the changes in benefits and costs attributable to adoption of the final rule.

In the proposed rule, PBGC discussed DB search costs on a plan-by-plan basis, consistent with the proposal that the same search rules (records searches plus a commercial locator service search) apply to all missing participants. The final rule generally requires a commercial locator service search, but permits plans to use a simple records search method for participants with normal retirement benefits of not more than $50 a month. Accordingly, the analysis must now be participant-by-participant.

PBGC believes its estimate that a search using a commercial locator service as defined in the final rule costs about $40 per participant is conservative. PBGC further believes that under the existing program (without a definition of ''commercial locator service''), many plans are incurring such costs, although many are not, and thus that it is reasonable to estimate that on average, search costs under the existing regulation are $20 per participant. On that basis, search costs under the existing program may be estimated at $19,100 ($20 each for 955 missing participants).

PBGC does not currently collect data on missing participants' normal retirement benefits because it simply pays annuities that are actuarially equivalent to the amounts plans deposit with PBGC. But the actuarial value of a $50 normal retirement benefit can be calculated for any age, and PBGC has statistics on the distribution of ages and benefit sizes among missing participants. Using this information, PBGC estimates that 80 percent of missing participants have normal retirement benefits of not more than $50. Out of 955 missing participants, therefore, PBGC expects 764 to be searched for by the commercial locator service method at a cost of $40 each (total $30,560).

Plans could choose to use commercial locator services for the 191 other missing participants, but since this group includes some very small benefits, PBGC assumes that simple records searches will be done for them. For smaller benefits, the ''affordability'' limitation in the final rule will keep costs low. For larger benefits, the cost of records searches will vary with the availability and format of records, but PBGC expects many record systems to be electronic, permitting nearly instantaneous searching. For purposes of this analysis, PBGC is putting a figure of $10 on the records search process. That makes the search cost for this group $1,910, and the total cost of searching under the final rule $32,470.

Fees

While actions establishing or changing fees for governmental services are not considered costs requiring offsets, as explained in OMB guidance on the requirements of E.O. 13771,[32] fees are taken into account for purposes of analyzing the transfers, costs and benefits of a rulemaking under E.O. 12866. Therefore, the missing participant program administrative fee is described here.

As noted above, PBGC's working hypothesis is that opening the missing participants program to DC plans will add 10,000 missing participants per year to the current figure of 955. The fee is only paid on benefits transferred that are greater than $250. Statistics on the current DB-only program indicate that about 86 percent of missing participants have benefits worth over $250. Extrapolating to the new combined program, PBGC expects $35 fees to be paid for about 9,420 missing participants, a total of about $330,000.

Under the current DB-only program, fees are paid in the form of a ''load'' of $300 built into the actuarial assumptions for valuing benefits over $5,000. About 210 (22 percent) of the 955 missing participants currently entering the program annually have benefits at least that high; thus annual fees are currently running at about $63,000. But fees are a factor in the placement of retirement benefits outside PBGC's program as well. One commenter described the exhaustion of a $100 account within months due to a combination of set-up and maintenance fees. Fees for account statements and for processing withdrawals are also common. Because it may be years before a missing participant finds and claims a benefit, maintenance or management fees can cumulate to very substantial levels. For the 10,000 missing participants that PBGC assumes DC plans would choose to bring into the PBGC missing participants program, the burden of fees in the absence of the program—in the absence of the final rule—can conservatively be considered equivalent to a single up-front charge of $100. For an assumed 10,000 missing participants, that amounts to $1 million a year. Thus, in the absence of this final rule, fees would be running about $1.06 million a year.

Accordingly, the effect of the final rule will be to reduce fees by about $730,000.

Regulatory Flexibility Act

The Regulatory Flexibility Act imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the Regulatory Flexibility Act requires

[32] M–17–21, Guidance Implementing Executive Order 13771, Titled ''Reducing Regulation and Controlling Regulatory Costs.,'' Q&A 13, April 5, 2017.

that the agency present a final regulatory flexibility analysis at the time of the publication of the final rule describing the impact of the rule on small entities and steps taken to minimize the impact. Small entities include small businesses, organizations and governmental jurisdictions.

Small Entities

For purposes of the Regulatory Flexibility Act requirements with respect to this final rule, PBGC considers a small entity to be a plan with fewer than 100 participants. This is consistent with certain requirements in title I of ERISA [33] and the Internal Revenue Code,[34] as well as the definition of a small entity that the Department of Labor (DOL) has used for purposes of the Regulatory Flexibility Act.[35]

Further, while some large employers may have small plans, in general most small plans are maintained by small employers. Thus, PBGC believes that assessing the impact of the final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act. PBGC therefore requested comments on the appropriateness of the size standard used in evaluating the impact of the proposed rule on small entities. PBGC received no comments on this point.

Certification

PBGC certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the amendments in this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, as provided in section 605 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), sections 603 and 604 do not apply. This certification is based on PBGC's estimate (discussed above) that the economic impact of the final rule on any entity would be insignificant. PBGC believes that the expanded missing participants program will be particularly helpful to small DC plans and that the improvements to the existing program will be helpful to small DB plans.

Paperwork Reduction Act

PBGC is submitting the information collection requirements under part 4050 to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act. The collection of information under part 4050 is currently approved under OMB control number 1212–0036 (expires November 30, 2017). That control number also covers PBGC's information collection on plan termination. PBGC is seeking paperwork approval of the new missing participants forms and instructions under a new control number. 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.

PBGC needs the information submitted by plans under part 4050 to identify the entities that are to provide benefits with respect to missing distributees whose benefits are not transferred to PBGC; and to attempt to find missing distributees whose benefits are transferred to PBGC and to pay their benefits.

PBGC estimates that the time for a plan to comply with the collection of information for the current program is 2 hours. But PBGC has significantly simplified its forms, reducing the number of items by a quarter. PBGC thus estimates that the burden of compliance will be 75 percent of the burden estimated in the proposed rule. As discussed in this final rulemaking, there would be about 3,300 respondents each year, and the total hours spent on the information collection would be 4,950. PBGC estimates that 20 percent of the work will be done in-house and 80 percent contracted out. Thus the hour burden for plans is estimated at about 990 hours (20 percent of 4,950 hours). The dollar burden of the 3,960 hours contracted out (80 percent of 4,950 hours) is estimated at about $621,750. The dollar equivalent of the 990 in-house hours is about $24,000. Total paperwork burden is estimated at $646,000.

List of Subjects

29 CFR Part 4000

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4001

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 4003

Administrative practice and procedure, Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 4041

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 4041A

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 4050

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, PBGC amends 29 CFR parts 4000, 4001, 4003, 4041, 4041A, and 4050 as follows:

PART 4000—FILING, ISSUANCE, COMPUTATION OF TIME, AND RECORD RETENTION

■ 1. The authority citation for part 4000 continues to read as follows:

Authority: 29 U.S.C. 1083(k), 1302(b)(3).

§ 4000.41 [Amended]

■ 2. In § 4000.41, remove ''(premium payments), § 4050.6(d)(3) of this chapter (payment of designated benefits for missing participants)'' and add in its place ''(premium payments)''.

PART 4001—TERMINOLOGY

■ 3. The authority citation for part 4001 continues to read as follows:

Authority: 29 U.S.C. 1301, 1302(b)(3).

■ 4. In § 4001.1:

■ a. The existing text is designated as paragraph (a) with the paragraph heading ''*In general.*'' added.

■ b. Paragraph (b) is added to read as follows:

§ 4001.1 Purpose and scope.

* * * * *

(b) *Title IV coverage.* Coverage by section 4050 of ERISA is not and does not result in or confer coverage by title IV of ERISA.

§ 4001.2 [Amended]

■ 5. In § 4001.2, the definition of ''Distribution date'' is amended as follows:

■ a. Paragraph (2) and paragraph (1) introductory text are removed.

■ b. Paragraphs (1)(i) and (ii) are redesignated as paragraphs (1) and (2), respectively.

[33] See, *e.g.,* ERISA section 104(a)(2), which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

[34] See, *e.g.,* Code section 430(g)(2)(B), which permits single-employer plans with 100 or fewer participants to use valuation dates other than the first day of the plan year.

[35] See, *e.g.,* DOL's final rule on Prohibited Transaction Exemption Procedures, 76 FR 66,637, 66,644 (Oct. 27, 2011).

PART 4003—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

■ 6. The authority citation for part 4003 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3).

■ 7. In § 4003.1, paragraph (b)(11) is revised to read as follows:

§ 4003.1 Purpose and scope.

* * * * *

(b) * * *

(11) Determinations with respect to benefits payable by PBGC under section 4050 of ERISA and part 4050 of this chapter.

* * * * *

PART 4041—TERMINATION OF SINGLE-EMPLOYER PLANS

■ 8. The authority citation for part 4041 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341, 1344, 1350.

■ 9. In § 4041.28:

■ a. Paragraph (a)(3) is added;

■ b. Paragraph (c)(5) is amended by removing ''part 4050'' and adding in its place ''subpart A of part 4050 of this chapter''.

The addition reads as follows:

§ 4041.28 Closeout of plan.

(a) * * *

(3) *Missing participants and beneficiaries.* The distribution deadline is considered met with respect to a missing distributee to whom subpart A of part 4050 of this chapter applies if the benefit transfer amount for the missing distributee is considered timely transferred to PBGC under subpart A of part 4050 of this chapter.

* * * * *

PART 4041A—TERMINATION OF MULTIEMPLOYER PLANS

■ 10. The authority citation for part 4041A continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341a, 1441.

■ 11. In § 4041A.42:

■ a. The existing text of § 4041A.42 is designated as paragraph (a) with the paragraph heading ''*In general.*'' added.

■ b. Paragraph (b) is added to read as follows:

§ 4041A.42 Method of distribution.

* * * * *

(b) *Missing participants and beneficiaries.* The plan sponsor must distribute plan benefits of missing distributees in accordance with subpart D of part 4050 of this chapter.

■ 12. Part 4050 is revised to read as follows:

PART 4050—MISSING PARTICIPANTS

Subpart A—Single-Employer Plans Covered by Title IV

Subpart B—Defined Contribution Plans

Subpart C—Certain Defined Benefit Plans Not Covered by Title IV

Subpart D—Multiemployer Plans Covered by Title IV

Authority: 29 U.S.C. 1302(b)(3), 1350.

Subpart A—Single-Employer Plans Covered by Title IV

§ 4050.101 Purpose and scope.

(a) *In general.* This subpart describes PBGC's missing participants program for single-employer defined benefit retirement plans covered by title IV of ERISA. The missing participants program is a program to hold retirement benefits for missing participants and beneficiaries in terminated retirement plans and to help them find and receive the benefits being held for them. For a plan to which this subpart applies, this subpart describes what the plan must do upon plan termination if it has missing participants or beneficiaries who are entitled to distributions. This subpart applies to a plan only if it is a single-employer defined benefit plan that—

(1) Is described in section 4021(a) of ERISA and not in any paragraph of section 4021(b) of ERISA and

(2) Terminates in a standard termination or in a distress termination described in section 4041(c)(3)(B)(i) or (ii) of ERISA (''sufficient distress termination'').

(b) *Plans that terminate but do not close out.* This subpart does not apply to a plan that terminates but does not close out, such as a plan that terminates in a distress termination described in section 4041(c)(3)(B)(iii) of ERISA (''insufficient distress termination'').

(c) *Individual account plans.* This subpart does not apply to an individual account plan under section 3(34) of ERISA, even if it is described in the same plan document as a plan to which this subpart applies. This subpart also does not apply to a plan to the extent that it is treated as an individual account plan under section 3(35)(B) of ERISA. For example, this subpart does not apply to employee contributions (or interest or earnings thereon) held as an individual account. (Subpart B deals with individual account plans.)

§ 4050.102 Definitions.

The following terms are defined in § 4001.2 of this chapter: Annuity, Code, ERISA, insurer, irrevocable commitment, PBGC, person, and plan administrator. In addition, for purposes of this subpart:

Accrual cessation date for a participant under a subpart A plan means the date the participant stopped accruing benefits under the terms of the plan.

Accumulated single sum means, with respect to a missing distributee, the distributee's benefit transfer amount accumulated at the missing participants interest rate from the benefit determination date to the date when PBGC makes or commences payment to or with respect to the distributee.

Benefit determination date with respect to a subpart A plan means the single date selected by the plan administrator for valuing benefits under § 4050.103(d); this date must be during the period beginning on the first day a distribution is made pursuant to close-out of the plan to a distributee who is not a missing distributee and ending on the last day such a distribution is made.

Benefit transfer amount for a missing distributee of a subpart A plan means the amount determined by the plan administrator under § 4050.103(d) in the close-out of the plan.

Close-out or *close out* with respect to a subpart A plan means the process of the final distribution or transfer of assets pursuant to the termination of the plan.

De minimis means, with respect to the value of a benefit (or other amount), that the value does not exceed the amount specified under section 203(e)(1) of ERISA and section 411(a)(11)(A) of the

Code (without regard to plan provisions).

Distributee means, with respect to a subpart A plan, a participant or beneficiary entitled to a distribution under the plan pursuant to the close-out of the plan.

Missing, with respect to a distributee under a subpart A plan, means that any one or more of the following three conditions exists upon close-out of the plan.

(1) The plan administrator does not know with reasonable certainty the location of the distributee.

(2) Under the terms of the plan, the distributee's benefit is to be paid in a lump sum without the distributee's consent, and the distributee has not responded to a notice about the distribution of the lump sum.

(3) Under the terms of the plan and any election made by the distributee, the distributee's benefit is to be paid in a lump sum, but the distributee does not accept the lump sum. For this purpose, a lump sum paid by check is not accepted if the check remains uncashed after—

(i) A ''cash-by'' date prescribed (on the check or in an accompanying notice) that is at least 45 days after the issuance of the check, or

(ii) If no such ''cash-by'' date is so prescribed, the check's stale date.

Missing participants forms and instructions means the forms and instructions provided by PBGC for use in connection with the missing participants program.

Missing participants interest rate means, for each month, the applicable federal mid-term rate (as determined by the Secretary of the Treasury pursuant to section 1274(d)(1)(C)(ii) of the Code) for that month, compounded monthly.

Normal retirement date for a participant under a subpart A plan means the normal retirement date of the participant under the terms of the plan.

Pay-status or *pay status* means one of the following (according to context):

(1) With respect to a benefit, that payment of the benefit has actually started before the benefit determination date; or

(2) With respect to a distributee, that payment of the distributee's benefit has actually started before the benefit determination date.

PBGC missing participants assumptions means the actuarial assumptions prescribed in §§ 4044.51 through 4044.57 of this chapter with the following modifications:

(1) The present value is determined as of the benefit determination date instead of the plan termination date.

(2) The mortality assumption is a fixed blend of 50 percent of the healthy male mortality rates in § 4044.53(c)(1) of this chapter and 50 percent of the healthy female mortality rates in § 4044.53(c)(2) of this chapter.

(3) No adjustment is made for loading expenses under § 4044.52(d) of this chapter.

(4) The interest assumption used is the assumption applicable to valuations occurring in January of the calendar year in which the benefit determination date occurs.

(5) The assumed payment form of a benefit not in pay status is a straight life annuity.

(6) Pre-retirement death benefits are disregarded.

(7) Notwithstanding the expected retirement age (XRA) assumptions in §§ 4044.55 through 4044.57 of this chapter,—

(i) In the case of a participant who is not in pay status and whose normal retirement date is on or after the benefit determination date, benefits are assumed to commence at the XRA, determined using the high retirement rate category under Table II–C of Appendix D to part 4044 of this chapter;

(ii) In the case of a participant who is not in pay status and whose normal retirement date is before the benefit determination date, benefits are assumed to commence on the participant's normal retirement date (or accrual cessation date if later);

(iii) In the case of a participant who is in pay status, benefits are assumed to commence on the date on which benefits actually commenced; and

(iv) In the case of a beneficiary, benefits are assumed to commence on the benefit determination date or, if later, the earliest date the beneficiary can begin to receive benefits.

Plan lump sum assumptions means, with respect to a subpart A plan, the following:

(1) If the plan specifies actuarial assumptions and methods to be used to calculate a lump sum distribution, such actuarial assumptions and methods, or

(2) Otherwise, the actuarial assumptions specified under section 205(g)(3) of ERISA and section 417(e)(3) of the Code, determined as of the benefit determination date, including use of the missing participants interest rate to calculate the present value as of the benefit determination date of a payment or payments missed in the past.

QDRO means a qualified domestic relations order as defined in section 206(d)(3) of ERISA and section 414(p) of the Code.

Qualified survivor of a participant or beneficiary under a subpart A plan means, for any benefit with respect to the participant or beneficiary,—

(1) A person who survives the participant or beneficiary and is entitled under applicable provisions of a QDRO to receive the benefit;

(2) A person that is identified by the plan in a submission to PBGC by the plan as being entitled under applicable plan provisions (including elections, designations, and waivers consistent with such provisions) to receive the benefit; or

(3) If no such person is so entitled, a survivor of the participant or beneficiary who is the participant's or beneficiary's living—

(i) Spouse, or if none,

(ii) Child, or if none,

(iii) Parent, or if none,

(iv) Sibling.

Subpart A plan or *plan* means a plan to which this subpart A applies, as described in § 4050.101.

§ 4050.103 Duties of plan administrator.

(a) *Providing for benefits.* For each distributee who is missing upon close-out of a subpart A plan, the plan administrator must provide for the distributee's plan benefits either—

(1) By purchasing an irrevocable commitment from an insurer, or

(2) By—

(i) Determining the distributee's benefit transfer amount under paragraph (d) of this section, and

(ii) Transferring to PBGC as described in this subpart A an amount equal to the distributee's benefit transfer amount.

(b) *Diligent search.* For each distributee whose location the plan administrator does not know with reasonable certainty upon close-out of a subpart A plan, the plan administrator must have conducted a diligent search as described in § 4050.104.

(c) *Filing with PBGC.* For each distributee who is missing upon close-out of a subpart A plan, the plan administrator must file with PBGC as described in § 4050.105.

(d) *Benefit transfer amount.* The benefit transfer amount for a missing distributee is the amount determined by the plan administrator as of the benefit determination date using whichever one of the following three methods applies:

(1) *De minimis.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is de minimis, then the missing distributee's benefit transfer amount is equal to that single sum.

(2) *Non-de minimis; single sum payment cannot be elected.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past)

determined using plan lump sum assumptions is not de minimis, and a single sum payment cannot be elected, then the missing distributee's benefit transfer amount is the present value of the distributee's accrued benefit determined using PBGC missing participants assumptions, plus

(i) For a missing distributee not in pay status whose normal retirement date (or accrual cessation date if later) precedes the benefit determination date, the aggregate value of payments of the straight life annuity that would have been payable beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the benefit determination date, assuming that the distributee survived to the benefit determination date, as determined by the plan administrator; or

(ii) For a missing distributee in pay status, the aggregate value of payments of the pay status annuity due but not made, accumulated at the missing participants interest rate from each payment due date to the benefit determination date, assuming that the distributee survived to the benefit determination date.

(3) *Non-de minimis; single sum payment can be elected.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is not de minimis, and a single sum payment can be elected, then the missing distributee's benefit transfer amount is the greater of the amounts determined using the methodology in paragraph (d)(1) or (d)(2) of this section.

§ 4050.104 Diligent search.

(a) *Search requirement.* The plan administrator of a subpart A plan must, within the time frame described in paragraph (d) of this section, have diligently searched for each distributee of the plan whose location the plan administrator does not know with reasonable certainty upon close-out, using one of the following two methods:

(1) For any distributee, regardless of the size of the distributee's benefit, the commercial locator service method described in paragraph (b) of this section; or

(2) For a distributee whose normal retirement benefit is not more than $50 per month, the records search method described in paragraph (c) of this section.

(b) *Commercial locator service method*—(1) *In general.* Using the commercial locator service method means paying a commercial locator service to search for information to locate a distributee.

(2) *Meaning of ''commercial locator service.''* For purposes of this section, a commercial locator service is a business that holds itself out as a finder of lost persons for compensation using information from a database maintained by a consumer reporting agency (as defined in 15 U.S.C. 1681a(f)).

(c) *Records search method*—(1) *In general.* Using the records search method means searching for information to locate a distributee by doing all of the following to the extent reasonably feasible and affordable:

(i) Searching the records of the plan for information to locate the distributee.

(ii) Searching the records of the plan's contributing sponsor that is the most recent employer of the distributee for information to locate the distributee.

(iii) Searching the records of each retirement or welfare plan of the plan's contributing sponsor in which the distributee was a participant for information to locate the distributee.

(iv) Contacting each beneficiary of the distributee identified from the records referred to in paragraphs (c)(1)(i), (ii), and (iii) of this section for information to locate the distributee.

(v) Using an internet search method for which no fee is charged, such as a search engine, a network database, a public record database (such as those for licenses, mortgages, and real estate taxes) or a ''social media'' website.

(2) *Limits on method.* For purposes of this section—

(i) Searching is not feasible to the extent that, as a practical matter, it is thwarted by legal or practical lack of access to records, and

(ii) Searching is not affordable to the extent that the cost of searching (including the value of labor) is more than a reasonable fraction of the benefit of the distributee being searched for. In no event would searching need to be pursued beyond the point where the cost equals the value of the benefit.

(d) *Time frame.* A search for a distributee under this section must have been made within nine months before a filing is made under § 4050.105 identifying the distributee as a missing distributee.

§ 4050.105 Filing with PBGC.

(a) *What to file.* The plan administrator of a subpart A plan must file with PBGC the information specified in the missing participants forms and instructions and, for a missing distributee referred to in § 4050.103(a)(2), payment of—

(1) The benefit transfer amount for the missing distributee;

(2) If the benefit transfer amount is paid more than 90 days after the benefit determination date, interest on the benefit transfer amount computed at the missing participants interest rate for the period beginning on the 90th day after the benefit determination date and ending on the date the benefit transfer amount is paid to PBGC; and

(3) Any fee provided for in the missing participants forms and instructions.

(b) *When to file.* The plan administrator must file the information and payments referred to in paragraph (a) of this section in accordance with the missing participants forms and instructions. Payment of a benefit transfer amount will, if considered timely made for purposes of this paragraph (b), be considered timely made for purposes of part 4041 of this chapter.

(c) *Place, method and date of filing; time periods.* (1) For rules about where to file, see § 4000.4 of this chapter.

(2) For rules about permissible methods of filing with PBGC under this subpart, see subpart A of part 4000 of this chapter.

(3) For rules about the date that a submission under this subpart was filed with PBGC, see subpart C of part 4000 of this chapter.

(4) For rules about any time period for filing under this subpart, see subpart D of part 4000 of this chapter.

(d) *Supplemental information.* Within 30 days after a written request by PBGC (or such other time as may be specified in the request), the plan administrator of a subpart A plan required to file under paragraph (a) of this section must file with PBGC supplemental information for any proper purpose under the missing participants program.

(e) *Reliance.* As administrator of the missing participants program, PBGC will rely on determinations made and information reported by plan administrators in connection with the program. This reliance does not affect PBGC's authority as administrator of the title IV insurance program to audit or make inquiries of subpart A plans, including about the amount to which a missing distributee may be entitled.

§ 4050.106 Missing participant benefits.

(a) *In general*—(1) *Benefit transfer amount not paid.* If a subpart A plan files with PBGC information about an irrevocable commitment provided by the subpart A plan for a missing distributee, PBGC will provide information about the irrevocable commitment to the distributee or another claimant that may be entitled to

payment pursuant to the irrevocable commitment.

(2) *Benefit transfer amount paid.* If a subpart A plan pays PBGC a benefit transfer amount for a missing distributee, PBGC will pay benefits with respect to the missing distributee in accordance with this section, subject to the provisions of a QDRO.

(b) *Benefits for missing distributees who are participants.* Paragraphs (c), (d), (e), and (k) of this section describe the benefits that PBGC will pay to a non-pay status missing participant of a subpart A plan who claims a benefit under the missing participants program.

(c) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (b) of this section is de minimis, PBGC will pay the participant a lump sum equal to the accumulated single sum.

(d) *Non-de minimis benefit of unmarried participant.* If the benefit transfer amount of an unmarried participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (d)(1) of this section, beginning not before age 55, and (if applicable) the make-up amount described in paragraph (d)(2) of this section; or, if the participant could have elected a lump sum under the subpart A plan, and the participant so elects under the missing participants program, the lump sum described in paragraph (d)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (d)(1) is either—

(i) *Straight life annuity.* A straight life annuity in the amount that the subpart A plan would have paid the participant, starting at the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), as reported to PBGC by the subpart A plan (including any early retirement subsidies), or through linear interpolation for participants who start payments between integral ages; or

(ii) *Other form of annuity.* At the participant's election, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent to the straight life annuity in paragraph (d)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter.

(2) *Make-up amount.* If PBGC begins to pay the annuity under paragraph (d)(1) of this section after the normal retirement date (or accrual cessation date if later), the make-up amount described in this paragraph (d)(2) is a lump sum equal to the aggregate value of payments of the annuity that would have been payable to the participant (in the elected form) beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC begins to pay the annuity.

(3) *Lump sum.* The lump sum described in this paragraph (d)(3) is equal to the participant's accumulated single sum.

(e) *Non-de minimis benefit of married participant.* If the benefit transfer amount of a married participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (e)(1) of this section, beginning not before age 55, and (if applicable) the make-up amount described in paragraph (e)(2) of this section; or, if the participant could have elected a lump sum under the subpart A plan, and the participant so elects under the missing participants program with the consent of the participant's spouse, the lump sum described in paragraph (e)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (e)(1) is either—

(i) *Joint and survivor annuity.* A joint and 50 percent survivor annuity in an amount that is actuarially equivalent to the straight life annuity under paragraph (d)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter; or

(ii) *Other form of annuity.* At the participant's election, with the consent of the participant's spouse, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent to the joint and 50 percent survivor annuity under paragraph (e)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter.

(2) *Make-up amount.* If PBGC begins to pay the annuity under paragraph (e)(1) of this section after the normal retirement date (or accrual cessation date if later), the make-up amount described in this paragraph (e)(2) is a lump sum equal to the aggregate value of payments of the annuity that would have been payable to the participant beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC begins to pay the annuity.

(3) *Lump sum.* The lump sum described in this paragraph (e)(3) is equal to the participant's accumulated single sum.

(f) *Benefits with respect to deceased missing distributees who were participants.* Paragraphs (g), (h), (i), (j), and (k) of this section describe the benefits that PBGC will pay with respect to a non-pay status missing participant of a subpart A plan who dies without receiving a benefit under the missing participants program.

(g) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (f) of this section is de minimis, PBGC will pay to the qualified survivor(s) of the participant a lump sum equal to the participant's accumulated single sum.

(h) *Non-de minimis benefit; unmarried participant.* In the case of an unmarried participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis,—

(1) *Death before normal retirement date.* If the participant dies before the normal retirement date (or accrual cessation date if later), PBGC will pay no benefits with respect to the participant; and

(2) *Death after normal retirement date.* If the participant dies on or after the normal retirement date (or accrual cessation date if later), PBGC will pay to the participant's qualified survivor(s) an amount equal to the aggregate value of payments of the straight life annuity described in paragraph (d)(1)(i) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the qualified survivor(s).

(i) *Non-de minimis benefit; married participant with living spouse.* In the case of a married participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis and whose spouse survives the participant and claims a benefit under the missing participants program, PBGC will pay the spouse, beginning not before the participant would have reached age 55, the annuity (if any) described in paragraph (i)(1) of this section and the make-up amounts (if applicable) described in paragraph (i)(2)

of this section, except that PBGC will pay the spouse, as a lump sum, the small benefit described in paragraph (i)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (i)(1) is the survivor portion of a joint and 50 percent survivor annuity that is actuarially equivalent as of the assumed starting date (determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter) to the straight life annuity in the amount that the subpart A plan would have paid the participant with an assumed starting date of—

(i) The date when the participant would have reached age 55, if the participant died before that date, or

(ii) The participant's date of death, if the participant died between age 55 and the normal retirement date (or accrual cessation date if later), or

(iii) The normal retirement date (or accrual cessation date if later), if the participant died after that date.

(2) *Make-up amounts.* The make-up amounts described in this paragraph (i)(2) are the amounts described in paragraphs (i)(2)(i) and (ii) of this section.

(i) *Payments from participant's death or 55th birthday to commencement of survivor annuity.* The make-up amount described in this paragraph (i)(2)(i) is a lump sum equal to the aggregate value of payments of the survivor portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the spouse beginning on the later of the participant's date of death or the date when the participant would have reached age 55, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse.

(ii) *Payments from normal retirement date to participant's death.* The make-up amount described in this paragraph (i)(2)(ii) is a lump sum equal to the aggregate value of payments (if any) of the joint portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death thereafter, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse.

(3) *Small benefit.* If the sum of the actuarial present value of the annuity described in paragraph (i)(1) of this section plus the make-up amounts described in paragraph (i)(2) of this section is de minimis, then the lump sum that PBGC will pay the spouse under this paragraph (i)(3) is an amount equal to that sum. For this purpose, the actuarial present value of the annuity is determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter as of the date when PBGC pays the spouse.

(j) *Non-de minimis benefit; married participant with deceased spouse.* In the case of a married participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis and whose spouse survives the participant but dies without receiving a benefit under the missing participants program, PBGC will pay to the qualified survivor(s) of the participant's spouse the make-up amount described in paragraph (j)(1) of this section and to the qualified survivor(s) of the participant the make-up amount described in paragraph (j)(2) of this section.

(1) *Payments from participant's death or 55th birthday to spouse's death.* The make-up amount described in this paragraph (j)(1) is a lump sum equal to the aggregate value of payments of the survivor portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the spouse from the later of the participant's date of death or the date when the participant would have reached age 55 to the spouse's date of death, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse's qualified survivor(s).

(2) *Payments from normal retirement date to participant's death.* The make-up amount described in this paragraph (j)(2) is a lump sum equal to the aggregate value of payments of the joint portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death thereafter, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the participant's qualified survivor(s).

(k) *Benefits under contributory plans.* If a subpart A plan reports to PBGC that a portion of a missing participant's benefit transfer amount represents accumulated contributions as described in section 204(c)(2)(C) of ERISA and section 411(c)(2)(C) of the Code, PBGC will pay with respect to the missing participant at least the amount of accumulated contributions as reported by the subpart A plan, accumulated at the missing participants interest rate from the benefit determination date to the date when PBGC makes payment.

(*l*) *Date for determining marital status.* For purposes of this section, whether a participant is married, and if so the identity of the spouse, is determined as of the earlier of—

(1) The date the participant receives or begins to receive a benefit, or

(2) The date the participant dies.

§ 4050.107 PBGC discretion.

PBGC may in appropriate circumstances extend deadlines, excuse noncompliance, and grant waivers with regard to any provision of this subpart to promote the purposes of the missing participants program and title IV of ERISA. Like circumstances will be treated in like manner under this section.

Subpart B—Defined Contribution Plans

§ 4050.201 Purpose and scope.

(a) *In general.* This subpart describes PBGC's missing participants program for single-employer and multiemployer defined contribution retirement plans. The missing participants program is a program to hold retirement benefits for missing participants and beneficiaries in terminated retirement plans and to help them find and receive the benefits being held for them. For a plan to which this subpart applies, this subpart describes what the plan must do upon plan termination if it elects to use the missing participants program for missing participants and beneficiaries who are entitled to distributions. This subpart applies to a plan only if it is a plan—

(1) That—

(i) Is a defined contribution (individual account) plan described in section 3(34) of ERISA; or

(ii) Is treated as a defined contribution (individual account) plan under section (3)(35) of ERISA (to the extent so treated);

(2) That is described in section 4021(a) of ERISA and not in any paragraph of section 4021(b) of ERISA other than paragraph (1), (5), (12), or (13), including a plan described in section 403(b) of the Code under which benefits are provided through custodial accounts described in section 403(b)(7) of the Code;

(3) That, if it is a transferring plan, pays all benefit transfer amounts to PBGC in money, consistent with plan provisions and applicable law; and

(4) That terminates and closes out.

(b) *Defined contribution plans that are part of defined benefit plans.* This subpart does not fail to apply to a plan

merely because the plan is described in the same plan document as a defined benefit plan (to which this subpart does not apply). For example, this subpart may apply to employee contributions (or interest or earnings thereon) held as an individual account under a defined benefit plan.

(c) *Defined contribution plans that are abandoned plans.* This subpart does not fail to apply to a plan merely because the plan is an abandoned plan, as defined in 29 CFR 2578.1.

§ 4050.202 Definitions.

The following terms are defined in § 4001.2 of this chapter: Annuity, Code, ERISA, PBGC, and person. In addition, for purposes of this subpart:

Accumulated single sum means, with respect to a missing distributee, the distributee's benefit transfer amount accumulated at the missing participants interest rate from the date when the subpart B plan pays PBGC the benefit transfer amount for the missing distributee to the date when PBGC makes or commences payment to or with respect to the distributee.

Benefit conversion assumptions means, with respect to an annuity, the applicable mortality table and applicable interest rate under section 205(g)(3) of ERISA and section 417(e)(3) of the Code for January of the calendar year in which PBGC begins paying the annuity.

Benefit transfer amount for a missing distributee in a transferring plan means the amount available for distribution to the distributee in connection with the close-out of the subpart B plan.

Close-out or *close out* with respect to a subpart B plan means the process of the final distribution or transfer of assets pursuant to the termination of the subpart B plan.

De minimis means, with respect to the value of a benefit (or other amount), that the value does not exceed the amount specified under section 203(e)(1) of ERISA and section 411(a)(11)(A) of the Code (without regard to plan provisions).

Distributee means, with respect to a subpart B plan, a participant or beneficiary entitled to a distribution under the plan pursuant to the close-out of the plan, except that a person is not a distributee if the subpart B plan transfers assets to another pension plan (within the meaning of section 3(2) of ERISA) to pay the person's benefits.

Missing, with respect to a distributee under a subpart B plan, means that any one or more of the following three conditions exists upon close-out of the plan.

(1) The plan does not know with reasonable certainty the location of the distributee.

(2) The distributee has not elected a form of distribution in response to a notice about the distribution.

(3) Under the terms of the plan and any election made by the distributee, the distributee's benefit is to be paid in a lump sum, but the distributee does not accept the lump sum. For this purpose, a lump sum paid by check is not accepted if the check remains uncashed after—

(i) A ''cash-by'' date prescribed (on the check or in an accompanying notice) that is at least 45 days after the issuance of the check, or

(ii) If no such ''cash-by'' date is so prescribed, the check's stale date.

Missing participants forms and instructions means the forms and instructions provided by PBGC for use in connection with the missing participants program.

Missing participants interest rate means, for each month, the applicable federal mid-term rate (as determined by the Secretary of the Treasury pursuant to section 1274(d)(1)(C)(ii) of the Code) for that month, compounded monthly.

Notifying plan means a subpart B plan that elects notifying plan status in accordance with § 4050.203.

QDRO means a qualified domestic relations order as defined in section 206(d)(3) of ERISA and section 414(p) of the Code.

Qualified survivor of a participant or beneficiary under a subpart B plan means, for any benefit with respect to the participant or beneficiary,—

(1) A person who survives the participant or beneficiary and is entitled under applicable provisions of a QDRO to receive the benefit;

(2) A person that is identified by the plan in a submission to PBGC by the plan as being entitled under applicable plan provisions (including elections, designations, and waivers consistent with such provisions) to receive the benefit; or

(3) If no such person is so entitled, a survivor of the participant or beneficiary who is the participant's or beneficiary's living—

(i) Spouse, or if none,

(ii) Child, or if none,

(iii) Parent, or if none,

(iv) Sibling.

Subpart B plan or *plan* means a plan to which this subpart B applies, as described in § 4050.201.

Transferring plan means a subpart B plan that elects transferring plan status in accordance with § 4050.203.

§ 4050.203 Options and duties of plan.

(a) *Options.* A subpart B plan that is closing out upon plan termination may (but need not) elect, by filing under § 4050.205, that the subpart B plan—

(1) Will be a ''transferring plan,'' that is, will pay a benefit transfer amount to PBGC for each distributee who is missing upon close-out of the plan and will be bound by the provisions of this subpart B to the extent that they apply to transferring plans, or

(2) Will be a ''notifying plan,'' that is, will notify PBGC of the disposition of the benefits of each distributee identified in the filing who is missing upon close-out of the plan and will, with respect to those distributees, be bound by the provisions of this subpart B to the extent that they apply to notifying plans.

(b) *Diligent search*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, for each distributee whose location the plan does not know with reasonable certainty upon close-out of a subpart B plan, the plan must have conducted a diligent search as described in § 4050.204.

(2) *Notifying plans.* For a notifying plan, the requirement of paragraph (b)(1) of this section applies only to distributees identified in the filing with PBGC.

(c) *Filing with PBGC*—(1) *In general.* Except as provided in paragraph (c)(2) of this section, for each distributee who is missing upon close-out of a subpart B plan, the plan must file with PBGC as described in § 4050.205.

(2) *Notifying plans.* For a notifying plan, the requirement of paragraph (c)(1) of this section applies only to distributees identified in the filing with PBGC.

§ 4050.204 Diligent search.

(a) *Search requirement*—(1) *In general.* Except as provided in paragraph (a)(2) of this section, a subpart B plan must, within the time frame described in paragraph (b) of this section, have diligently searched for each distributee of the plan whose location the plan does not know with reasonable certainty upon close-out in accordance with regulations and other applicable guidance issued by the Secretary of Labor under section 404 of ERISA.

(2) *Notifying plans.* For a notifying plan, the requirement of paragraph (a)(1) of this section applies only to distributees identified in the filing with PBGC.

(b) *Time frame.* A search for a missing distributee must be made within nine months before a filing is made under

§ 4050.205 identifying the distributee as a missing distributee.

§ 4050.205 Filing with PBGC.

(a) *What to file.* A subpart B plan must file with PBGC the information specified in the missing participants forms and instructions, and if the plan is a transferring plan, payment of—

(1) The benefit transfer amount for the missing distributee; and

(2) Any fee provided for in the missing participants forms and instructions.

(b) *When to file.* The plan must file the information and payments referred to in paragraph (a) of this section in accordance with the missing participants forms and instructions.

(c) *Place, method and date of filing; time periods.* (1) For rules about where to file, see § 4000.4 of this chapter.

(2) For rules about permissible methods of filing with PBGC under this subpart, see subpart A of part 4000 of this chapter.

(3) For rules about the date that a submission under this subpart was filed with PBGC, see subpart C of part 4000 of this chapter.

(4) For rules about any time period for filing under this subpart, see subpart D of part 4000 of this chapter.

(d) *Supplemental information.* Within 30 days after a written request by PBGC (or such other time as may be specified in the request), the plan administrator of a subpart B plan required to file under paragraph (a) of this section must file with PBGC supplemental information for any proper purpose under the missing participants program.

(e) *Reliance.* As administrator of the missing participants program, PBGC will rely on determinations made and information reported by plans in connection with the program.

§ 4050.206 Missing participant benefits.

(a) *In general*—(1) *Notifying plan.* If a notifying plan files with PBGC information about a disposition of benefits made by the subpart B plan for a missing distributee, PBGC will provide information about the disposition of benefits to the distributee or another claimant that may be entitled to the benefits.

(2) *Transferring plan.* If a transferring plan pays PBGC a benefit transfer amount for a missing distributee, PBGC will pay benefits with respect to the missing distributee in accordance with this section, subject to the provisions of a QDRO.

(b) *Benefits for missing distributees who are participants.* Paragraphs (c), (d), and (e) of this section describe the benefits that PBGC will pay to a missing participant of a subpart B plan who claims a benefit under the missing participants program.

(c) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (b) of this section is de minimis, PBGC will pay the participant a lump sum equal to the accumulated single sum.

(d) *Non-de minimis benefit of unmarried participant.* If the benefit transfer amount of an unmarried participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (d)(1) of this section, beginning not before age 55; or, if the participant so elects, the lump sum described in paragraph (d)(2) of this section.

(1) *Annuity.* The annuity described in this paragraph (d)(1) is, at the participant's election, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent, under the benefit conversion assumptions, to the participant's accumulated single sum.

(2) *Lump sum.* The lump sum described in this paragraph (d)(2) is the participant's accumulated single sum.

(e) *Non-de minimis benefit of married participant.* If the benefit transfer amount of a married participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (e)(1) of this section, beginning not before age 55; or, if the participant so elects with the consent of the participant's spouse, the lump sum described in paragraph (e)(2) of this section.

(1) *Annuity.* The annuity described in this paragraph (e)(1) is either—

(i) *Joint and survivor annuity.* A joint and 50 percent survivor annuity in an amount that is actuarially equivalent, under the benefit conversion assumptions, to the participant's accumulated single sum; or

(ii) *Other form of annuity.* At the participant's election, with the consent of the participant's spouse, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent, under the benefit conversion assumptions, to the participant's accumulated single sum.

(2) *Lump sum.* The lump sum described in this paragraph (e)(2) is the participant's accumulated single sum.

(f) *Benefits with respect to deceased missing distributees who were participants.* Paragraphs (g), (h), and (i) of this section describe the benefits that PBGC will pay with respect to a missing participant of a subpart B plan who dies without receiving a benefit under the missing participants program.

(g) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (f) of this section is de minimis, and the participant's qualified survivor claims a benefit under the missing participants program, PBGC will pay the claimant a lump sum equal to the participant's accumulated single sum.

(h) *Non-de minimis benefit; non-spousal qualified survivor.* If the benefit transfer amount of a married or unmarried participant described in paragraph (f) of this section is not de minimis, and the participant's qualified survivor is not the participant's surviving spouse and claims a benefit under the missing participants program, PBGC will pay the claimant a lump sum equal to the participant's accumulated single sum.

(i) *Non-de minimis benefit; surviving spouse is qualified survivor.* If the benefit transfer amount of a married participant described in paragraph (f) of this section is not de minimis, and the participant's qualified survivor is the participant's surviving spouse and claims a benefit under the missing participants program, PBGC will, at the spouse's election, either pay the spouse, beginning not before the participant would have reached age 55, the annuity described in paragraph (i)(1) of this section; or pay the spouse the lump sum described in paragraph (i)(2) of this section.

(1) *Annuity.* The annuity described in this paragraph (i)(1) is a straight life annuity for the life of the spouse in an amount that is actuarially equivalent, under the benefit conversion assumptions, to the participant's accumulated single sum.

(2) *Lump sum.* The lump sum described in this paragraph (i)(2) is a lump sum equal to the participant's accumulated single sum.

(j) *Date for determining marital status.* For purposes of this section, whether a participant is married, and if so the identity of the spouse, is determined as of the earlier of—

(1) The date the participant receives or begins to receive a benefit, or

(2) The date the participant dies.

§ 4050.207 PBGC discretion.

PBGC may in appropriate circumstances extend deadlines, excuse noncompliance, and grant waivers with regard to any provision of this subpart to promote the purposes of the missing participants program and title IV of ERISA. Like circumstances will be

treated in like manner under this section.

Subpart C—Certain Defined Benefit Plans Not Covered by Title IV

§ 4050.301 Purpose and scope.

(a) *In general.* This subpart describes PBGC's missing participants program for small professional service defined benefit retirement plans not covered by title IV of ERISA. The missing participants program is a program to hold retirement benefits for missing participants and beneficiaries in terminated retirement plans and to help them find and receive the benefits being held for them. For a plan to which this subpart applies, this subpart describes what the plan must do upon plan termination if it elects to use the missing participants program for missing participants and beneficiaries who are entitled to distributions. This subpart applies to a plan only if it is a single-employer defined benefit plan that—

(1) Is described in section 4021(a) of ERISA and not in any paragraph of section 4021(b) of ERISA other than paragraph (13), and

(2) Terminates and closes out with sufficient assets to satisfy all liabilities with respect to employees and their beneficiaries.

(b) *Individual account plans.* This subpart does not apply to an individual account plan under section 3(34) of ERISA, even if it is described in the same plan document as a plan to which this subpart applies. This subpart also does not apply to a plan to the extent that it is treated as an individual account plan under section 3(35)(B) of ERISA. For example, this subpart does not apply to employee contributions (or interest or earnings thereon) held as an individual account. (Subpart B deals with individual account plans.)

§ 4050.302 Definitions.

The following terms are defined in § 4001.2 of this chapter: Annuity, Code, ERISA, PBGC, person, and plan administrator. In addition, for purposes of this subpart:

Accrual cessation date for a participant under a subpart C plan means the date the participant stopped accruing benefits under the terms of the plan.

Accumulated single sum means, with respect to a missing distributee, the distributee's benefit transfer amount accumulated at the missing participants interest rate from the benefit determination date to the date when PBGC makes or commences payment to or with respect to the distributee.

Benefit determination date with respect to a subpart C plan means the single date selected by the plan administrator for valuing benefits under § 4050.303(d); this date must be during the period beginning on the first day a distribution is made pursuant to close-out of the plan to a distributee who is not a missing distributee and ending on the last day such a distribution is made.

Benefit transfer amount for a missing distributee in a transferring plan means the amount determined by the plan administrator under § 4050.303(d) in the close-out of the subpart C plan.

Close-out or *close out* with respect to a subpart C plan means the process of the final distribution or transfer of assets pursuant to the termination of the subpart C plan.

De minimis means, with respect to the value of a benefit (or other amount), that the value does not exceed the amount specified under section 203(e)(1) of ERISA and section 411(a)(11)(A) of the Code (without regard to plan provisions).

Distributee means, with respect to a subpart C plan, a participant or beneficiary entitled to a distribution under the subpart C plan pursuant to the close-out of the subpart C plan, except that a person is not a distributee if the subpart C plan transfers assets to another pension plan (within the meaning of section 3(2) of ERISA) to pay the person's benefits.

Missing, with respect to a distributee under a subpart C plan, means that any one or more of the following three conditions exists upon close-out of the plan.

(1) The plan administrator does not know with reasonable certainty the location of the distributee.

(2) Under the terms of the plan, the distributee's benefit is to be paid in a lump sum without the distributee's consent, and the distributee has not responded to a notice about the distribution of the lump sum.

(3) Under the terms of the plan and any election made by the distributee, the distributee's benefit is to be paid in a lump sum, but the distributee does not accept the lump sum. For this purpose, a lump sum paid by check is not accepted if the check remains uncashed after—

(i) A ''cash-by'' date prescribed (on the check or in an accompanying notice) that is at least 45 days after the issuance of the check, or

(ii) If no such ''cash-by'' date is so prescribed, the check's stale date.

Missing participants forms and instructions means the forms and instructions provided by PBGC for use in connection with the missing participants program.

Missing participants interest rate means, for each month, the applicable federal mid-term rate (as determined by the Secretary of the Treasury pursuant to section 1274(d)(1)(C)(ii) of the Code) for that month, compounded monthly.

Normal retirement date for a participant under a subpart C plan means the normal retirement date of the participant under the terms of the plan.

Notifying plan means a subpart C plan for which the plan administrator elects notifying plan status in accordance with § 4050.303.

Pay-status or *pay status* means one of the following (according to context):

(1) With respect to a benefit, that payment of the benefit has actually started before the benefit determination date; or

(2) With respect to a distributee, that payment of the distributee's benefit has actually started before the benefit determination date.

PBGC missing participants assumptions means the actuarial assumptions prescribed in §§ 4044.51 through 4044.57 of this chapter with the following modifications:

(1) The present value is determined as of the benefit determination date instead of the plan termination date.

(2) The mortality assumption is a fixed blend of 50 percent of the healthy male mortality rates in § 4044.53(c)(1) of this chapter and 50 percent of the healthy female mortality rates in § 4044.53(c)(2) of this chapter.

(3) No adjustment is made for loading expenses under § 4044.52(d) of this chapter.

(4) The interest assumption used is the assumption applicable to valuations occurring in January of the calendar year in which the benefit determination date occurs.

(5) The assumed payment form of a benefit not in pay status is a straight life annuity.

(6) Pre-retirement death benefits are disregarded.

(7) Notwithstanding the expected retirement age (XRA) assumptions in §§ 4044.55 through 4044.57 of this chapter,—

(i) In the case of a participant who is not in pay status and whose normal retirement date is on or after the benefit determination date, benefits are assumed to commence at the XRA, determined using the high retirement rate category under Table II–C of Appendix D to part 4044 of this chapter;

(ii) In the case of a participant who is not in pay status and whose normal retirement date is before the benefit determination date, benefits are

assumed to commence on the participant's normal retirement date (or accrual cessation date if later);

(iii) In the case of a participant who is in pay status, benefits are assumed to commence on the date on which benefits actually commenced; and

(iv) In the case of a beneficiary, benefits are assumed to commence on the benefit determination date or, if later, the earliest date the beneficiary can begin to receive benefits.

Plan lump sum assumptions means, with respect to a subpart C plan, the following:

(1) If the plan specifies actuarial assumptions and methods to be used to calculate a lump sum distribution, such actuarial assumptions and methods, or

(2) Otherwise, the actuarial assumptions specified under section 205(g)(3) of ERISA and section 417(e)(3) of the Code, determined as of the benefit determination date, including use of the missing participants interest rate to calculate the present value as of the benefit determination date of a payment or payments missed in the past.

QDRO means a qualified domestic relations order as defined in section 206(d)(3) of ERISA and section 414(p) of the Code.

Qualified survivor of a participant or beneficiary under a subpart C plan means, for any benefit with respect to the participant or beneficiary—

(1) A person who survives the participant or beneficiary and is entitled under applicable provisions of a QDRO to receive the benefit;

(2) A person that is identified by the plan in a submission to PBGC by the plan as being entitled under applicable plan provisions (including elections, designations, and waivers consistent with such provisions) to receive the benefit; or

(3) If no such person is so entitled, a survivor of the participant or beneficiary who is the participant's or beneficiary's living—

(i) Spouse, or if none,

(ii) Child, or if none,

(iii) Parent, or if none,

(iv) Sibling.

Subpart C plan or *plan* means a plan to which this subpart C applies, as described in § 4050.301.

Transferring plan means a subpart C plan for which the plan administrator elects transferring plan status in accordance with § 4050.303.

§ 4050.303 Options and duties of plan administrator.

(a) *Options.* The plan administrator of a subpart C plan that is closing out upon plan termination may (but need not), by filing under § 4050.305, elect that the subpart C plan—

(1) Will be a ''transferring plan,'' that is, will pay a benefit transfer amount to PBGC for each distributee who is missing upon close-out of the subpart C plan and will be bound by the provisions of this subpart C to the extent that they apply to transferring plans, or

(2) Will be a ''notifying plan,'' that is, will notify PBGC of the disposition of the benefits of each distributee identified in the filing who is missing upon close-out of the plan and will, with respect to those distributees, be bound by the provisions of this subpart C to the extent that they apply to notifying plans.

(b) *Diligent search*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, for each distributee whose location the plan administrator does not know with reasonable certainty upon close-out of a subpart C plan, the plan administrator must have conducted a diligent search as described in § 4050.304.

(2) *Notifying plans.* For a notifying plan, the requirement of paragraph (b)(1) of this section applies only to distributees identified in the filing with PBGC.

(c) *Filing with PBGC*—(1) *In general.* Except as provided in paragraph (c)(2) of this section, for each distributee who is missing upon close-out of a subpart C plan, the plan administrator must file with PBGC as described in § 4050.305.

(2) *Notifying plans.* For a notifying plan, the requirement of paragraph (c)(1) of this section applies only to distributees identified in the filing with PBGC.

(d) *Benefit transfer amount.* The benefit transfer amount for a missing distributee is the amount determined by the plan administrator as of the benefit determination date using whichever one of the following three methods applies:

(1) *De minimis.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is de minimis, then the missing distributee's benefit transfer amount is equal to that single sum.

(2) *Non-de minimis; single sum payment cannot be elected.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is not de minimis, and a single sum payment cannot be elected, then the missing distributee's benefit transfer amount is the present value of the distributee's accrued benefit determined using PBGC missing participants assumptions, plus

(i) For a missing distributee not in pay status whose normal retirement date (or accrual cessation date if later) precedes the benefit determination date, the aggregate value of payments of the straight life annuity that would have been payable beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the benefit determination date, assuming that the distributee survived to the benefit determination date, as determined by the plan administrator; or

(ii) For a missing distributee in pay status, the aggregate value of payments of the pay status annuity due but not made, accumulated at the missing participants interest rate from each payment due date to the benefit determination date, assuming that the distributee survived to the benefit determination date.

(3) *Non-de minimis; single sum payment can be elected.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is not de minimis, and a single sum payment can be elected, then the missing distributee's benefit transfer amount is the greater of the amounts determined using the methodology in paragraph (d)(1) or (d)(2) of this section.

§ 4050.304 Diligent search.

(a) *Search requirement.* For each distributee of a subpart C plan who is described in § 4050.303(b), the plan administrator must, within the time frame described in paragraph (d) of this section, have diligently searched for each distributee of the plan whose location the plan administrator does not know with reasonable certainty upon close out, using one of the following two methods:

(1) For any distributee, regardless of the size of the distributee's benefit, the commercial locator service method described in paragraph (b) of this section; or

(2) For a distributee whose normal retirement benefit is not more than $50 per month, the records search method described in paragraph (c) of this section.

(b) *Commercial locator service method*—(1) *In general.* Using the commercial locator service method means paying a commercial locator service to search for information to locate a distributee.

(2) *Meaning of* ''*commercial locator service.*'' For purposes of this section, a commercial locator service is a business

that holds itself out as a finder of lost persons for compensation using information from a database maintained by a consumer reporting agency (as defined in 15 U.S.C. 1681a(f)).

(c) *Records search method*—(1) *In general.* Using the records search method means searching for information to locate a distributee by doing all of the following to the extent reasonably feasible and affordable:

(i) Searching the records of the plan for information to locate the distributee.

(ii) Searching the records of the plan's contributing sponsor that is the most recent employer of the distributee for information to locate the distributee.

(iii) Searching the records of each retirement or welfare plan of the plan's contributing sponsor in which the distributee was a participant for information to locate the distributee.

(iv) Contacting each beneficiary of the distributee identified from the records referred to in paragraphs (c)(1)(i), (ii), and (iii) of this section for information to locate the distributee.

(v) Using an internet search method for which no fee is charged, such as a search engine, a network database, a public record database (such as those for licenses, mortgages, and real estate taxes) or a ''social media'' website.

(2) *Limits on method.* For purposes of this section—

(i) Searching is not feasible to the extent that, as a practical matter, it is thwarted by legal or practical lack of access to records, and

(ii) Searching is not affordable to the extent that the cost of searching (including the value of labor) is more than a reasonable fraction of the benefit of the distributee being searched for. In no event would searching need to be pursued beyond the point where the cost equals the value of the benefit.

(d) *Time frame.* A search for a distributee under this section must have been made within nine months before a filing is made under § 4050.305 identifying the distributee as a missing distributee.

§ 4050.305 Filing with PBGC.

(a) *What to file.* The plan administrator of a subpart C plan must file with PBGC the information specified in the missing participants forms and instructions, and if the plan is a transferring plan, payment of—

(1) The benefit transfer amount for the missing distributee;

(2) If the benefit transfer amount is paid more than 90 days after the benefit determination date, interest on the benefit transfer amount computed at the missing participants interest rate for the period beginning on the 90th day after the benefit determination date and ending on the date the benefit transfer amount is paid to PBGC; and

(3) Any fee provided for in the missing participants forms and instructions.

(b) *When to file.* The plan administrator must file the information and payments referred to in paragraph (a) of this section in accordance with the missing participants forms and instructions.

(c) *Place, method and date of filing; time periods.*

(1) For rules about where to file, see § 4000.4 of this chapter.

(2) For rules about permissible methods of filing with PBGC under this subpart, see subpart A of part 4000 of this chapter.

(3) For rules about the date that a submission under this subpart was filed with PBGC, see subpart C of part 4000 of this chapter.

(4) For rules about any time period for filing under this subpart, see subpart D of part 4000 of this chapter.

(d) *Supplemental information.* Within 30 days after a written request by PBGC (or such other time as may be specified in the request), the plan administrator of a subpart C plan required to file under paragraph (a) of this section must file with PBGC supplemental information for any proper purpose under the missing participants program.

(e) *Reliance.* As administrator of the missing participants program, PBGC will rely on determinations made and information reported by plan administrators in connection with the program.

§ 4050.306 Missing participant benefits.

(a) *In general*—(1) *Notifying plan.* If a notifying plan files with PBGC information about a disposition of benefits made by the subpart C plan for a missing distributee, PBGC will provide information about the disposition of benefits to the distributee or another claimant that may be entitled to the benefits.

(2) *Transferring plan.* If a transferring plan pays PBGC a benefit transfer amount for a missing distributee, PBGC will pay benefits with respect to the missing distributee in accordance with this section, subject to the provisions of a QDRO.

(b) *Benefits for missing distributees who are participants.* Paragraphs (c), (d), (e), and (k) of this section describe the benefits that PBGC will pay to a non-pay status missing participant of a subpart C plan who claims a benefit under the missing participants program.

(c) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (b) of this section is de minimis, PBGC will pay the participant a lump sum equal to the accumulated single sum.

(d) *Non-de minimis benefit of unmarried participant.* If the benefit transfer amount of an unmarried participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (d)(1) of this section, beginning not before age 55, and (if applicable) the make-up amount described in paragraph (d)(2) of this section; or, if the participant could have elected a lump sum under the subpart C plan, and the participant so elects under the missing participants program, the lump sum described in paragraph (d)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (d)(1) is either—

(i) *Straight life annuity.* A straight life annuity in the amount that the subpart C plan would have paid the participant, starting at the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), as reported to PBGC by the subpart C plan (including any early retirement subsidies), or through linear interpolation for participants who start payments between integral ages; or

(ii) *Other form of annuity.* At the participant's election, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent to the straight life annuity in paragraph (d)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter.

(2) *Make-up amount.* If PBGC begins to pay the annuity under paragraph (d)(1) of this section after the normal retirement date (or accrual cessation date if later), the make-up amount described in this paragraph (d)(2) is a lump sum equal to the aggregate value of payments of the annuity that would have been payable to the participant (in the elected form) beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC begins to pay the annuity.

(3) *Lump sum.* The lump sum described in this paragraph (d)(3) is equal to the participant's accumulated single sum.

(e) *Non-de minimis benefit of married participant.* If the benefit transfer

amount of a married participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (e)(1) of this section, beginning not before age 55, and (if applicable) the make-up amount described in paragraph (e)(2) of this section; or, if the participant could have elected a lump sum under the subpart C plan, and the participant so elects under the missing participants program with the consent of the participant's spouse, the lump sum described in paragraph (e)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (e)(1) is either—

(i) *Joint and survivor annuity.* A joint and 50 percent survivor annuity in an amount that is actuarially equivalent to the straight life annuity under paragraph (d)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter; or

(ii) *Other form of annuity.* At the participant's election, with the consent of the participant's spouse, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent to the joint and 50 percent survivor annuity under paragraph (e)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter.

(2) *Make-up amount.* If PBGC begins to pay the annuity under paragraph (e)(1) of this section after the normal retirement date (or accrual cessation date if later), the make-up amount described in this paragraph (e)(2) is a lump sum equal to the aggregate value of payments of the annuity that would have been payable to the participant beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC begins to pay the annuity.

(3) *Lump sum.* The lump sum described in this paragraph (e)(3) is equal to the participant's accumulated single sum.

(f) *Benefits with respect to deceased missing distributees who were participants.* Paragraphs (g), (h), (i), (j), and (k) of this section describe the benefits that PBGC will pay with respect to a non-pay status missing participant of a subpart C plan who dies without receiving a benefit under the missing participants program.

(g) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (f) of this section is de minimis, PBGC will pay to the qualified survivor(s) of the participant a lump sum equal to the participant's accumulated single sum.

(h) *Non-de minimis benefit; unmarried participant.* In the case of an unmarried participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis,—

(1) *Death before normal retirement date.* If the participant dies before the normal retirement date (or accrual cessation date if later), PBGC will pay no benefits with respect to the participant; and

(2) *Death after normal retirement date.* If the participant dies on or after the normal retirement date (or accrual cessation date if later), PBGC will pay to the participant's qualified survivor(s) an amount equal to the aggregate value of payments of the straight life annuity described in paragraph (d)(1)(i) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the qualified survivor(s).

(i) *Non-de minimis benefit; married participant with living spouse.* In the case of a married participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis and whose spouse survives the participant and claims a benefit under the missing participants program, PBGC will pay the spouse, beginning not before the participant would have reached age 55, the annuity (if any) described in paragraph (i)(1) of this section and the make-up amounts (if applicable) described in paragraph (i)(2) of this section, except that PBGC will pay the spouse, as a lump sum, the small benefit described in paragraph (i)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (i)(1) is the survivor portion of a joint and 50 percent survivor annuity that is actuarially equivalent as of the assumed starting date (determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter) to the straight life annuity in the amount that the subpart C plan would have paid the participant with an assumed starting date of—

(i) The date when the participant would have reached age 55, if the participant died before that date, or

(ii) The participant's date of death, if the participant died between age 55 and the normal retirement date (or accrual cessation date if later), or

(iii) The normal retirement date (or accrual cessation date if later), if the participant died after that date.

(2) *Make-up amounts.* The make-up amounts described in this paragraph (i)(2) are the amounts described in paragraphs (i)(2)(i) and (ii) of this section.

(i) *Payments from participant's death or 55th birthday to commencement of survivor annuity.* The make-up amount described in this paragraph (i)(2)(i) is a lump sum equal to the aggregate value of payments of the survivor portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the spouse beginning on the later of the participant's date of death or the date when the participant would have reached age 55, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse.

(ii) *Payments from normal retirement date to participant's death.* The make-up amount described in this paragraph (i)(2)(ii) is a lump sum equal to the aggregate value of payments (if any) of the joint portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death thereafter, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse.

(3) *Small benefit.* If the sum of the actuarial present value of the annuity described in paragraph (i)(1) of this section plus the make-up amounts described in paragraph (i)(2) of this section is de minimis, then the lump sum that PBGC will pay the spouse under this paragraph (i)(3) is an amount equal to that sum. For this purpose, the actuarial present value of the annuity is determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter as of the date when PBGC pays the spouse.

(j) *Non-de minimis benefit; married participant with deceased spouse.* In the case of a married participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis and whose spouse survives the participant but dies without receiving a

benefit under the missing participants program, PBGC will pay to the qualified survivor(s) of the participant's spouse the make-up amount described in paragraph (j)(1) of this section and to the qualified survivor(s) of the participant the make-up amount described in paragraph (j)(2) of this section.

(1) *Payments from participant's death or 55th birthday to spouse's death.* The make-up amount described in this paragraph (j)(1) is a lump sum equal to the aggregate value of payments of the survivor portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the spouse from the later of the participant's date of death or the date when the participant would have reached age 55 to the spouse's date of death, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse's qualified survivor(s).

(2) *Payments from normal retirement date to participant's death.* The make-up amount described in this paragraph (j)(2) is a lump sum equal to the aggregate value of payments of the joint portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death thereafter, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the participant's qualified survivor(s).

(k) *Benefits under contributory plans.* If a subpart C plan reports to PBGC that a portion of a missing participant's benefit transfer amount represents accumulated contributions as described in section 204(c)(2)(C) of ERISA and section 411(c)(2)(C) of the Code, PBGC will pay with respect to the missing participant, at least the amount of accumulated contributions as reported by the subpart C plan, accumulated at the missing participants interest rate from the benefit determination date to the date when PBGC makes payment.

(*l*) *Date for determining marital status.* For purposes of this section, whether a participant is married, and if so the identity of the spouse, is determined as of the earlier of—

(1) The date the participant receives or begins to receive a benefit, or

(2) The date the participant dies.

§ 4050.307 PBGC discretion.

PBGC may in appropriate circumstances extend deadlines, excuse noncompliance, and grant waivers with regard to any provision of this subpart to promote the purposes of the missing participants program and title IV of ERISA. Like circumstances will be treated in like manner under this section.

Subpart D—Multiemployer Plans Covered by Title IV

§ 4050.401 Purpose and scope.

(a) *In general.* This subpart describes PBGC's missing participants program for multiemployer defined benefit retirement plans covered by title IV of ERISA. The missing participants program is a program to hold retirement benefits for missing participants and beneficiaries in retirement plans that are closing out and to help them find and receive the benefits being held for them. For a plan to which this subpart applies, this subpart describes what the plan must do upon plan termination if it has missing participants or beneficiaries who are entitled to distributions. This subpart applies to a plan only if it is a multiemployer defined benefit plan that—

(1) Is described in section 4021(a) of ERISA and not in any paragraph of section 4021(b) of ERISA, and

(2) Completes the process of closing out under subpart D of PBGC's regulation on Termination of Multiemployer Plans (29 CFR part 4041A).

(b) *Plans that terminate but do not close out.* This subpart does not apply to plans that terminate but do not close out.

(c) *Individual account plans.* This subpart does not apply to an individual account plan under section 3(34) of ERISA, even if it is described in the same plan document as a plan to which this subpart applies. This subpart also does not apply to a plan to the extent that it is treated as an individual account plan under section 3(35)(B) of ERISA. For example, this subpart does not apply to employee contributions (or interest or earnings thereon) held as an individual account. (Subpart B deals with individual account plans.)

§ 4050.402 Definitions.

The following terms are defined in § 4001.2 of this chapter: Annuity, Code, ERISA, insurer, PBGC, person, and plan sponsor. In addition, for purposes of this subpart:

Accrual cessation date for a participant under a subpart D plan means the date the participant stopped accruing benefits under the terms of the plan.

Accumulated single sum means, with respect to a missing distributee, the distributee's benefit transfer amount accumulated at the missing participants interest rate from the benefit determination date to the date when PBGC makes or commences payment to or with respect to the distributee.

Benefit determination date with respect to a subpart D plan means the single date selected by the plan sponsor for valuing benefits under § 4050.103(d); this date must be during the period beginning on the first day a distribution is made pursuant to close-out of the plan to a distributee who is not a missing distributee and ending on the last day such a distribution is made.

Benefit transfer amount for a missing distributee of a subpart D plan means the amount determined by the plan sponsor under § 4050.403(d) in the close-out of the plan.

Close-out or *close out* with respect to a subpart D plan means the process of the final distribution or transfer of assets in satisfaction of plan benefits.

De minimis means, with respect to the value of a benefit (or other amount), that the value does not exceed the amount specified under section 203(e)(1) of ERISA and section 411(a)(11)(A) of the Code (without regard to plan provisions).

Distributee means, with respect to a subpart D plan, a participant or beneficiary entitled to a distribution under the subpart D plan pursuant to the close-out of the subpart D plan.

Missing, with respect to a distributee under a subpart D plan, means that any one or more of the following three conditions exists upon close-out of the plan.

(1) The plan sponsor does not know with reasonable certainty the location of the distributee.

(2) Under the terms of the plan, the distributee's benefit is to be paid in a lump sum without the distributee's consent, and the distributee has not responded to a notice about the distribution of the lump sum.

(3) Under the terms of the plan and any election made by the distributee, the distributee's benefit is to be paid in a lump sum, but the distributee does not accept the lump sum. For this purpose, a lump sum paid by check is not accepted if the check remains uncashed after—

(i) A ''cash-by'' date prescribed (on the check or in an accompanying notice) that is at least 45 days after the issuance of the check, or

(ii) If no such ''cash-by'' date is so prescribed, the check's stale date.

Missing participants forms and instructions means the forms and instructions provided by PBGC for use

in connection with the missing participants program.

Missing participants interest rate means, for each month, the applicable federal mid-term rate (as determined by the Secretary of the Treasury pursuant to section 1274(d)(1)(C)(ii) of the Code) for that month, compounded monthly.

Normal retirement date for a participant under a subpart D plan means the normal retirement date of the participant under the terms of the plan.

Pay-status or *pay status* means one of the following (according to context):

(1) With respect to a benefit, that payment of the benefit has actually started before the benefit determination date; or

(2) With respect to a distributee, that payment of the distributee's benefit has actually started before the benefit determination date.

PBGC missing participants assumptions means the actuarial assumptions prescribed in §§ 4044.51 through 4044.57 of this chapter with the following modifications:

(1) The present value is determined as of the benefit determination date instead of the plan termination date.

(2) The mortality assumption is a fixed blend of 50 percent of the healthy male mortality rates in § 4044.53(c)(1) of this chapter and 50 percent of the healthy female mortality rates in § 4044.53(c)(2) of this chapter.

(3) No adjustment is made for loading expenses under § 4044.52(d) of this chapter.

(4) The interest assumption used is the assumption applicable to valuations occurring in January of the calendar year in which the benefit determination date occurs.

(5) The assumed payment form of a benefit not in pay status is a straight life annuity.

(6) Pre-retirement death benefits are disregarded.

(7) Notwithstanding the expected retirement age (XRA) assumptions in §§ 4044.55 through 4044.57 of this chapter,—

(i) In the case of a participant who is not in pay status and whose normal retirement date is on or after the benefit determination date, benefits are assumed to commence at the XRA, determined using the high retirement rate category under Table II–C of Appendix D to part 4044 of this chapter;

(ii) In the case of a participant who is not in pay status and whose normal retirement date is before the benefit determination date, benefits are assumed to commence on the participant's normal retirement date (or accrual cessation date if later);

(iii) In the case of a participant who is in pay status, benefits are assumed to commence on the date on which benefits actually commenced; and

(iv) In the case of a beneficiary, benefits are assumed to commence on the benefit determination date or, if later, the earliest date the beneficiary can begin to receive benefits.

Plan lump sum assumptions means, with respect to a subpart D plan, the following:

(1) If the plan specifies actuarial assumptions and methods to be used to calculate a lump sum distribution, such actuarial assumptions and methods, or

(2) Otherwise, the actuarial assumptions specified under section 205(g)(3) of ERISA and section 417(e)(3) of the Code, determined as of the benefit determination date, including use of the missing participants interest rate to calculate the present value as of the benefit determination date of a payment or payments missed in the past.

QDRO means a qualified domestic relations order as defined in section 206(d)(3) of ERISA and section 414(p) of the Code.

Qualified survivor of a participant or beneficiary under a subpart D plan means, for any benefit with respect to the participant or beneficiary,—

(1) A person who survives the participant or beneficiary and is entitled under applicable provisions of a QDRO to receive the benefit;

(2) A person that is identified by the plan in a submission to PBGC by the plan as being entitled under applicable plan provisions (including elections, designations, and waivers consistent with such provisions) to receive the benefit; or

(3) If no such person is so entitled, a survivor of the participant or beneficiary who is the participant's or beneficiary's living—

(i) Spouse, or if none,

(ii) Child, or if none,

(iii) Parent, or if none,

(iv) Sibling.

Subpart D plan or *plan* means a plan to which this subpart D applies, as described in § 4050.401.

§ 4050.403 Duties of plan sponsor.

(a) *Providing for benefits.* For each distributee who is missing upon close-out of a subpart D plan, the plan sponsor must provide for the distributee's plan benefits either—

(1) By purchase of an annuity contract from an insurer; or

(2) By—

(i) Determining the distributee's benefit transfer amount under paragraph (e) of this section, and

(ii) Transferring to PBGC as described in this subpart D an amount equal to the distributee's benefit transfer amount.

(b) *Diligent search.* For each distributee whose location the plan sponsor does not know with reasonable certainty upon close-out of a subpart D plan, the plan sponsor must have conducted a diligent search as described in § 4050.404.

(c) *Filing with PBGC.* For each distributee who is missing upon close-out of a subpart D plan, the plan sponsor must file with PBGC as described in § 4050.405.

(d) *Benefit transfer amount.* The benefit transfer amount for a missing distributee is the amount determined by the plan sponsor as of the benefit determination date using whichever one of the following three methods applies:

(1) *De minimis.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is de minimis, then the missing distributee's benefit transfer amount is equal to that single sum.

(2) *Non-de minimis; single sum payment cannot be elected.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum assumptions is not de minimis, and a single sum payment cannot be elected, then the missing distributee's benefit transfer amount is the present value of the distributee's accrued benefit determined using PBGC missing participants assumptions, plus

(i) For a missing distributee not in pay status whose normal retirement date (or accrual cessation date if later) precedes the benefit determination date, the aggregate value of payments of the straight life annuity that would have been payable beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the benefit determination date, assuming that the distributee survived to the benefit determination date, as determined by the plan sponsor; or

(ii) For a missing distributee in pay status, the aggregate value of payments of the pay status annuity due but not made, accumulated at the missing participants interest rate from each payment due date to the benefit determination date, assuming that the distributee survived to the benefit determination date.

(3) *Non-de minimis; single sum payment can be elected.* If the single sum actuarial equivalent of the distributee's benefits (including any payments missed in the past) determined using plan lump sum

assumptions is not de minimis, and a single sum payment can be elected, then the missing distributee's benefit transfer amount is the greater of the amounts determined using the methodology in paragraph (d)(1) or (d)(2) of this section.

§ 4050.404 Diligent search.

(a) *Search requirement.* The plan sponsor of a subpart D plan must, within the time frame described in paragraph (d) of this section, have diligently searched for each distributee of the plan whose location the plan sponsor does not know with reasonable certainty upon close-out, using one of the following two methods:

(1) For any distributee, regardless of the size of the distributee's benefit, the commercial locator service method described in paragraph (b) of this section; or

(2) For a distributee whose normal retirement benefit is not more than $50 per month, the records search method described in paragraph (c) of this section.

(b) *Commercial locator service method*—(1) *In general.* Using the commercial locator service method means paying a commercial locator service to search for information to locate a distributee.

(2) *Meaning of ''commercial locator service.''* For purposes of this section, a commercial locator service is a business that holds itself out as a finder of lost persons for compensation using information from a database maintained by a consumer reporting agency (as defined in 15 U.S.C. 1681a(f)).

(c) *Records search method*—(1) *In general.* Using the records search method means searching for information to locate a distributee by doing all of the following to the extent reasonably feasible and affordable:

(i) Searching the records of the plan for information to locate the distributee.

(ii) Searching the records of the contributing sponsor that is the most recent employer of the distributee for information to locate the distributee.

(iii) Searching the records of each retirement or welfare plan of the contributing sponsor in which the distributee was a participant for information to locate the distributee.

(iv) Contacting each beneficiary of the distributee identified from the records referred to in paragraphs (c)(1)(i), (ii), and (iii) of this section for information to locate the distributee.

(v) Using an internet search method for which no fee is charged, such as a search engine, a network database, a public record database (such as those for licenses, mortgages, and real estate taxes) or a ''social media'' website.

(2) *Limits on method.* For purposes of this section,—

(i) Searching is not feasible to the extent that, as a practical matter, it is thwarted by legal or practical lack of access to records, and

(ii) Searching is not affordable to the extent that the cost of searching (including the value of labor) is more than a reasonable fraction of the benefit of the distributee being searched for. In no event would searching need to be pursued beyond the point where the cost equals the value of the benefit.

(d) *Time frame.* A search for a distributee under this section must have been made within nine months before a filing is made under § 4050.405 identifying the distributee as a missing distributee.

§ 4050.405 Filing with PBGC.

(a) *What to file.* The plan sponsor of a subpart D plan must file with PBGC the information specified in the missing participants forms and instructions and, for a missing distributee referred to in § 4050.403(a)(2), payment of—

(1) The benefit transfer amount for the missing distributee;

(2) If the benefit transfer amount is paid more than 90 days after the benefit determination date, interest on the benefit transfer amount computed at the missing participants interest rate for the period beginning on the 90th day after the benefit determination date and ending on the date the benefit transfer amount is paid to PBGC; and

(3) Any fee provided for in the missing participants forms and instructions.

(b) *When to file.* The plan sponsor must file the information and payments referred to in paragraph (a) of this section in accordance with the missing participants forms and instructions. Payment of a benefit transfer amount will, if considered timely made for purposes of this paragraph (b), be considered timely made for purposes of part 4041A of this chapter.

(c) *Place, method and date of filing; time periods.* (1) For rules about where to file, see § 4000.4 of this chapter.

(2) For rules about permissible methods of filing with PBGC under this subpart, see subpart A of part 4000 of this chapter.

(3) For rules about the date that a submission under this subpart was filed with PBGC, see subpart C of part 4000 of this chapter.

(4) For rules about any time period for filing under this subpart, see subpart D of part 4000 of this chapter.

(d) *Supplemental information.* Within 30 days after a written request by PBGC (or such other time as may be specified in the request), the plan sponsor of a subpart D plan required to file under paragraph (a) of this section must file with PBGC supplemental information for any proper purpose under the missing participants program.

(e) *Reliance.* As administrator of the missing participants program, PBGC will rely on determinations made and information reported by plan sponsors in connection with the program. This reliance does not affect PBGC's authority as administrator of the title IV insurance program to audit or make inquiries of subpart D plans, including about the amount to which a missing distributee may be entitled.

§ 4050.406 Missing participant benefits.

(a) *In general*—(1) *Benefit transfer amount not paid.* If a subpart D plan files with PBGC information about an annuity contract purchased by the subpart D plan from an insurer for a missing distributee, PBGC will provide information about the annuity contract to the distributee or another claimant that may be entitled to payment pursuant to the contract.

(2) *Benefit transfer amount paid.* If a subpart D plan pays PBGC a benefit transfer amount for a missing distributee, PBGC will pay benefits with respect to the missing distributee in accordance with this section, subject to the provisions of a QDRO.

(b) *Benefits for missing distributees who are participants.* Paragraphs (c), (d), (e), and (k) of this section describe the benefits that PBGC will pay to a non-pay status missing participant of a subpart D plan who claims a benefit under the missing participants program.

(c) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (b) of this section is de minimis, PBGC will pay the participant a lump sum equal to the accumulated single sum.

(d) *Non-de minimis benefit of unmarried participant.* If the benefit transfer amount of an unmarried participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (d)(1) of this section, beginning not before age 55, and (if applicable) the make-up amount described in paragraph (d)(2) of this section; or, if the participant could have elected a lump sum under the subpart D plan, and the participant so elects under the missing participants program, the lump sum described in paragraph (d)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (d)(1) is either—

(i) *Straight life annuity.* A straight life annuity in the amount that the subpart

D plan would have paid the participant, starting at the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), as reported to PBGC by the subpart D plan (including any early retirement subsidies), or through linear interpolation for participants who start payments between integral ages; or

(ii) *Other form of annuity.* At the participant's election, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent to the straight life annuity in paragraph (d)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter.

(2) *Make-up amount.* If PBGC begins to pay the annuity under paragraph (d)(1) of this section after the normal retirement date (or accrual cessation date if later), the make-up amount described in this paragraph (d)(2) is a lump sum equal to the aggregate value of payments of the annuity that would have been payable to the participant (in the elected form) beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC begins to pay the annuity.

(3) *Lump sum.* The lump sum described in this paragraph (d)(3) is equal to the participant's accumulated single sum.

(e) *Non-de minimis benefit of married participant.* If the benefit transfer amount of a married participant described in paragraph (b) of this section is not de minimis, PBGC will pay the participant either the annuity described in paragraph (e)(1) of this section, beginning not before age 55, and (if applicable) the make-up amount described in paragraph (e)(2) of this section; or, if the participant could have elected a lump sum under the subpart D plan, and the participant so elects under the missing participants program with the consent of the participant's spouse, the lump sum described in paragraph (e)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (e)(1) is either—

(i) *Joint and survivor annuity.* A joint and 50 percent survivor annuity in an amount that is actuarially equivalent to the straight life annuity under paragraph (d)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter; or

(ii) *Other form of annuity.* At the participant's election, with the consent of the participant's spouse, any form of annuity available to the participant under § 4022.8 of this chapter, in an amount that is actuarially equivalent to the joint and 50 percent survivor annuity under paragraph (e)(1)(i) of this section as of the date that PBGC payments start (or, if earlier, the later of the participant's normal retirement date or accrual cessation date), determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter.

(2) *Make-up amount.* If PBGC begins to pay the annuity under paragraph (e)(1) of this section after the normal retirement date (or accrual cessation date if later), the make-up amount described in this paragraph (e)(2) is a lump sum equal to the aggregate value of payments of the annuity that would have been payable to the participant beginning on the normal retirement date (or accrual cessation date if later), accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC begins to pay the annuity.

(3) *Lump sum.* The lump sum described in this paragraph (e)(3) is equal to the participant's accumulated single sum.

(f) *Benefits with respect to deceased missing distributees who were participants.* Paragraphs (g), (h), (i), (j), and (k) of this section describe the benefits that PBGC will pay with respect to a non-pay status missing participant of a subpart D plan who dies without receiving a benefit under the missing participants program.

(g) *De minimis benefit.* If the benefit transfer amount of a participant described in paragraph (f) of this section is de minimis, PBGC will pay to the qualified survivor(s) of the participant a lump sum equal to the participant's accumulated single sum.

(h) *Non-de minimis benefit; unmarried participant.* In the case of an unmarried participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis—

(1) *Death before normal retirement date.* If the participant dies before the normal retirement date (or accrual cessation date if later), PBGC will pay no benefits with respect to the participant; and

(2) *Death after normal retirement date.* If the participant dies on or after the normal retirement date (or accrual cessation date if later), PBGC will pay to the participant's qualified survivor(s) an amount equal to the aggregate value of payments of the straight life annuity described in paragraph (d)(1)(i) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the qualified survivor(s).

(i) *Non-de minimis benefit; married participant with living spouse.* In the case of a married participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis and whose spouse survives the participant and claims a benefit under the missing participants program, PBGC will pay the spouse, beginning not before the participant would have reached age 55, the annuity (if any) described in paragraph (i)(1) of this section and the make-up amounts (if applicable) described in paragraph (i)(2) of this section, except that PBGC will pay the spouse, as a lump sum, the small benefit described in paragraph (i)(3) of this section.

(1) *Annuity.* The annuity described in this paragraph (i)(1) is the survivor portion of a joint and 50 percent survivor annuity that is actuarially equivalent as of the assumed starting date (determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter) to the straight life annuity in the amount that the subpart D plan would have paid the participant with an assumed starting date of—

(i) The date when the participant would have reached age 55, if the participant died before that date, or

(ii) The participant's date of death, if the participant died between age 55 and the normal retirement date (or accrual cessation date if later), or

(iii) The normal retirement date (or accrual cessation date if later), if the participant died after that date.

(2) *Make-up amounts.* The make-up amounts described in this paragraph (i)(2) are the amounts described in paragraphs (i)(2)(i) and (ii) of this section.

(i) *Payments from participant's death or 55th birthday to commencement of survivor annuity.* The make-up amount described in this paragraph (i)(2)(i) is a lump sum equal to the aggregate value of payments of the survivor portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the spouse beginning on the later of the participant's date of death or the date when the participant would

have reached age 55, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse.

(ii) *Payments from normal retirement date to participant's death.* The make-up amount described in this paragraph (i)(2)(ii) is a lump sum equal to the aggregate value of payments (if any) of the joint portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death thereafter, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse.

(3) *Small benefit.* If the sum of the actuarial present value of the annuity described in paragraph (i)(1) of this section plus the make-up amounts described in paragraph (i)(2) of this section is de minimis, then the lump sum that PBGC will pay the spouse under this paragraph (i)(3) is an amount equal to that sum. For this purpose, the actuarial present value of the annuity is determined using the actuarial assumptions in § 4022.8(c)(7) of this chapter as of the date when PBGC pays the spouse.

(j) *Non-de minimis benefit; married participant with deceased spouse.* In the case of a married participant described in paragraph (f) of this section whose benefit transfer amount is not de minimis and whose spouse survives the participant but dies without receiving a benefit under the missing participants program, PBGC will pay to the qualified survivor(s) of the participant's spouse the make-up amount described in paragraph (j)(1) of this section and to the qualified survivor(s) of the participant the make-up amount described in paragraph (j)(2) of this section.

(1) *Payments from participant's death or 55th birthday to spouse's death.* The make-up amount described in this paragraph (j)(1) is a lump sum equal to the aggregate value of payments of the survivor portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the spouse from the later of the participant's date of death or the date when the participant would have reached age 55 to the spouse's date of death, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the spouse's qualified survivor(s).

(2) *Payments from normal retirement date to participant's death.* The make-up amount described in this paragraph (j)(2) is a lump sum equal to the aggregate value of payments of the joint portion of the joint and 50 percent survivor annuity described in paragraph (i)(1) of this section that would have been payable to the participant from the normal retirement date (or accrual cessation date if later) to the participant's date of death thereafter, accumulated at the missing participants interest rate from the date each payment would have been made to the date when PBGC pays the participant's qualified survivor(s).

(k) *Benefits under contributory plans.* If a subpart D plan reports to PBGC that a portion of a missing participant's benefit transfer amount represents accumulated contributions as described in section 204(c)(2)(C) of ERISA and section 411(c)(2)(C) of the Code, PBGC will pay with respect to the missing participant, at least the amount of accumulated contributions as reported by the subpart D plan, accumulated at the missing participants interest rate from the benefit determination date to the date when PBGC makes payment.

(*l*) *Date for determining marital status.* For purposes of this section, whether a participant is married, and if so the identity of the spouse, is determined as of the earlier of—

(1) The date the participant receives or begins to receive a benefit, or

(2) The date the participant dies.

§ 4050.407 PBGC discretion.

PBGC may in appropriate circumstances extend deadlines, excuse noncompliance, and grant waivers with regard to any provision of this subpart to promote the purposes of the missing participants program and title IV of ERISA. Like circumstances will be treated in like manner under this section.

Issued in Washington, DC.

W. Thomas Reeder,

Director, Pension Benefit Guaranty Corporation.

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