



# FEDERAL REGISTER

---

Vol. 83                      Thursday,  
No. 105                     May 31, 2018

Pages 24905–25326

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.ofr.gov](http://www.ofr.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at [www.fdsys.gov](http://www.fdsys.gov), a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, [gpocusthelp.com](mailto:gpocusthelp.com).

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 83 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Assistance with Federal agency subscriptions:

Email [FRSubscriptions@nara.gov](mailto:FRSubscriptions@nara.gov)  
Phone 202-741-6000



# Contents

Federal Register

Vol. 83, No. 105

Thursday, May 31, 2018

## Agency for Healthcare Research and Quality

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25005–25007

## Agricultural Research Service

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24966–24968

## Agriculture Department

See Agricultural Research Service

See Farm Service Agency

See Food Safety and Inspection Service

See National Agricultural Library

See National Institute of Food and Agriculture

## Centers for Disease Control and Prevention

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25007–25009

Proposed Assisted Reproductive Technology Success Rates Reporting and Data Validation Procedures, 25009–25012

## Centers for Medicare & Medicaid Services

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25012–25013

## Civil Rights Commission

### NOTICES

Meetings:

Mississippi Advisory Committee, 24970–24971

Virginia Advisory Committee, 24970

West Virginia Advisory Committee, 24969–24970

## Coast Guard

### RULES

Drawbridge Operations:

Columbia River, Portland, OR and Vancouver, WA, 24936–24937

Neponset River, Boston, MA, 24937

Safety Zones:

Chesapeake Bay, Virginia Beach, VA, 24937

US 68/KY 80 Lake Barkley Bridge, Cumberland River, Canton, KY, 24938–24939

### PROPOSED RULES

Safety Zones:

Appomattox River, Hopewell, VA, 24950–24952

## Commerce Department

See Economic Development Administration

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

## Commodity Futures Trading Commission

### NOTICES

Meetings; Sunshine Act, 24979

## Corporation for National and Community Service

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Application Package for Learning Management System Pre- and Post-Test Assessment Questions, 24979–24980

## Defense Department

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24980–24981

## Economic Development Administration

### NOTICES

Trade Adjustment Assistance; Petitions, 24971

## Education Department

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Expanding Opportunity Through Quality Charter Schools Program: Technical Assistance To Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices, 24981–24982

## Employment and Training Administration

### RULES

Exercise of Time-Limited Authority To Increase the Fiscal Year 2018 Numerical Limitation for the H–2B Temporary Nonagricultural Worker Program, 24905–24919

### NOTICES

Trade Adjustment Assistance; Determinations, 25049–25055  
Worker Adjustment Assistance; Investigations, 25047–25049

## Energy Department

See Federal Energy Regulatory Commission

### NOTICES

Meetings:

Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project, 24982

Environmental Management Site-Specific Advisory Board, Paducah, 24982–24983

Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act, 24983

## Environmental Protection Agency

### RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Maryland; Continuous Opacity Monitoring Requirements for Municipal Waste Combustors, 24940–24941

Approval and Promulgation of Implementation Plans; CFR Correction, 24940

Tolerance Requirement Exemptions:

Defensin Proteins Derived From Spinach in Citrus Plants, 24942–24944

**PROPOSED RULES**

- Air Quality State Implementation Plans; Approvals and Promulgations:
- Nevada; Rescission of Regional Haze Federal Implementation Plan for the Reid Gardner Generating Station, 24952–24954
  - Washington; Regional Haze Progress Report, 24954–24960
  - Tennessee Plan for Control of Emissions From Commercial and Industrial Solid Waste Incineration Units, 24960–24962

**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24992–24995
- Pesticide Emergency Exemptions, 24988–24990
- Product Cancellation Orders:
- Certain Pesticide Registrations and Amendments To Terminate Uses, 24995–25000
- Public Water System Supervision Program Revision for Kentucky, 25000
- Public Water System Supervision Program:
- Supplemental Primary Enforcement Responsibility Approval for the Navajo Nation, 24990–24992

**Farm Service Agency****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals:
- Direct Loan Servicing-Special Programs, 24966–24967

**Federal Aviation Administration****NOTICES**

- Charter Establishments:
- Drone Advisory Committee, 25102
  - NextGen Advisory Committee, 25102

**Federal Communications Commission****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25000–25001
- Meetings:
- Consumer Advisory Committee, 25002
  - Disability Advisory Committee, 25001–25002

**Federal Energy Regulatory Commission****RULES**

- Withdrawal of Pleadings; Correction, 24920

**NOTICES**

- Applications:
- Texas Eastern Transmission, LP; Transcontinental Gas Pipe Line Company, LLC, 24985
  - Texas Eastern Transmission, LP; Transcontinental Gas Pipe Line Company, LLC; Northern Natural Gas Company, 24983–24984
- Combined Filings, 24986–24988
- Complaints:
- GlidePath Power Solutions LLC v. PJM Interconnection, L.L.C., 24988
  - New England Power Generators Association v. ISO New England Inc., 24986
- Environmental Assessments; Availability, etc.:
- Transcontinental Gas Pipe Line Company, L.L.C., 24984–24985

**Federal Highway Administration****RULES**

- National Performance Management Measures:
- Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program, 24920–24936

**Federal Maritime Commission****NOTICES**

- Agreements Filed, 25002

**Federal Motor Carrier Safety Administration****NOTICES**

- Meetings; Sunshine Act, 25102–25103

**Federal Reserve System****NOTICES**

- Changes in Bank Control:
- Acquisitions of Shares of a Bank or Bank Holding Company, 25003
- Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 25002–25003

**Federal Transit Administration****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25103
- Allocation of Public Transportation Emergency Relief Funds in Response to Hurricanes Harvey, Irma, and Maria, 25104–25108

**Fish and Wildlife Service****NOTICES**

- Endangered and Threatened Species Permit Applications, 25032–25034
- Endangered and Threatened Species:
- Initiation of 5-Year Status Reviews of 38 Species in the Southwest Region (Arizona, New Mexico, Oklahoma, and Texas), 25034–25038
- Endangered Species; Receipt of Recovery Permit Applications, 25030–25032
- Meetings:
- Aquatic Nuisance Species Task Force Meeting, 25030
  - North American Wetlands Conservation Council, 25029–25030

**Food and Drug Administration****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals:
- Guidance for Clinical Trial Sponsors: Establishment and Operation of Clinical Trial Data Monitoring Committees, 25015–25018
- Guidance:
- Assessment of Pressor Effects of Drugs, 25013–25014
  - Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management; International Council for Harmonisation, 25018–25020
  - Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions, 25014–25015

**Food Safety and Inspection Service****RULES**

- Elimination of Trichinae Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations, 25302–25325

**Foreign Assets Control Office****NOTICES**

Blocking or Unblocking of Persons and Properties, 25113–25114

**General Services Administration****NOTICES**

## Meetings:

Office of Federal High-Performance Buildings Green Building Advisory Committee, 25003  
Procurement Through Commercial e-Commerce Portals, 25004–25005

**Geological Survey****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
National Land Remote Sensing Education, Outreach and Research Activity, 25038–25039

**Health and Human Services Department**

*See* Agency for Healthcare Research and Quality

*See* Centers for Disease Control and Prevention

*See* Centers for Medicare & Medicaid Services

*See* Food and Drug Administration

*See* National Institutes of Health

**NOTICES**

Human Papillomavirus Vaccination Implementation Work Group Draft Report, 25020–25021

## Meetings:

Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030, 25021

**Homeland Security Department**

*See* Coast Guard

*See* U.S. Citizenship and Immigration Services

*See* U.S. Customs and Border Protection

**RULES**

Exercise of Time-Limited Authority To Increase the Fiscal Year 2018 Numerical Limitation for the H–2B Temporary Nonagricultural Worker Program, 24905–24919

**Indian Affairs Bureau****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Law and Order on Indian Reservations—Marriage and Dissolution Applications, 25039–25040

**Industry and Security Bureau****NOTICES**

## Meetings:

Regulations and Procedures Technical Advisory Committee, 24971–24972

**Interior Department**

*See* Fish and Wildlife Service

*See* Geological Survey

*See* Indian Affairs Bureau

*See* National Park Service

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
American Customer Satisfaction Index Government Customer Satisfaction Surveys, 25040–25041  
E-Government Website Customer Satisfaction Surveys, 25041–25042

**Internal Revenue Service****PROPOSED RULES**

Filing Requirements for Information Returns Required on Magnetic Media (Electronically), 24948–24950

**International Trade Administration****NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Steel Wire Garment Hangers From Taiwan and Vietnam, 24972–24973

Determinations of Sales at Less Than Fair Value:

Large Power Transformers From the Republic of Korea, 24973–24974

**International Trade Commission****NOTICES**

## Complaints:

Certain Earpiece Devices and Components Thereof, 25046–25047

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Modular LED Display Panels and Components Thereof, 25044–25046

Certain Semiconductor Devices and Consumer Audiovisual Products Containing the Same, 25043–25044

**Labor Department**

*See* Employment and Training Administration

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Cascades Job Corps College and Career Academy Pilot Evaluation, 25055–25056

**Maritime Administration****NOTICES**

Requests for Comment:

Centers of Excellence for Domestic Maritime Workforce Training and Education, 25109–25111

**National Agricultural Library****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24967–24968

**National Credit Union Administration****NOTICES**

Funding Availability:

Community Development Revolving Loan Fund, 25056–25060

**National Highway Traffic Safety Administration****PROPOSED RULES**

Federal Motor Vehicle Safety Standards:

Plain Language and Small Business Impacts of Motor Vehicle Safety, 24962–24965

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25112

**National Institute of Food and Agriculture****NOTICES**

Solicitation of Commodity Board Topics and Contribution of Funding Under the Agriculture and Food Research Initiative Competitive Grants Program, 24968–24969

**National Institutes of Health****NOTICES**

## Meetings:

- Center for Scientific Review, 25021–25025
- National Institute of Dental and Craniofacial Research, 25023

**National Oceanic and Atmospheric Administration****RULES**

- Fisheries of the Northeastern United States:
  - Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2018, 24945–24947
- Snapper-Grouper Fishery of the South Atlantic:
  - South Atlantic Yellowtail Snapper; Commercial Accountability Measure and Closure, 24944–24945

**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 24977–24978
- Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  - Satellite Ground Station Customer Questionnaire, 24975–24976

## Meetings:

- NOAA Satellite Observing System Architecture Study Draft Report, 24975

## Permit Applications:

- Marine Mammals; File No. 21856, 24978–24979
- Takes of Marine Mammals Incidental to Specified Activities:
  - Casitas Pier Fender Pile Replacement, 24977–24978
  - Marine Geophysical Survey in the Northwest Atlantic Ocean, 25268–25300

- Taking and Importing of Marine Mammals, 24974–24977

**National Park Service****NOTICES**

## Meetings:

- Cape Cod National Seashore Advisory Commission, 25043
- Mary McLeod Bethune Council House National Historic Site Advisory Commission, 25042–25043

**Postal Regulatory Commission****NOTICES**

- New Postal Products, 25060–25061

**Postal Service****NOTICES**

## Product Changes:

- Priority Mail Negotiated Service Agreement, 25061

**Securities and Exchange Commission****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25061–25062, 25066–25068
- Applications for Deregistrations, 25086–25087
- Applications:
  - Pioneer ILS Interval Fund and Amundi Pioneer Asset Management, Inc., 25071–25074
- Self-Regulatory Organizations; Proposed Rule Changes:
  - BOX Options Exchange LLC, 25074–25076, 25079–25081
  - Financial Industry Regulatory Authority, Inc., 25062–25066
  - Nasdaq ISE, LLC, 25068–25071
  - Nasdaq PHLX LLC, 25095–25097
  - NYSE Arca, Inc., 25076–25079, 25093–25095, 25097–25100

- The Options Clearing Corporation, 25081–25093

**Small Business Administration****RULES**

- Class Waiver of the Nonmanufacturer Rule, 24919

**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25101
- Disaster Declarations:
  - Kentucky, 25100–25101
  - Mississippi, 25100
- Surrender of Small Business Investment Company Licenses, 25100–25101

**State Department****NOTICES**

## Charter Renewals:

- Defense Trade Advisory Group, 25102
- Delegations of Authority, 25101–25102

**Transportation Department**

- See* Federal Aviation Administration
- See* Federal Highway Administration
- See* Federal Motor Carrier Safety Administration
- See* Federal Transit Administration
- See* Maritime Administration
- See* National Highway Traffic Safety Administration

**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25112–25113

**Treasury Department**

- See* Foreign Assets Control Office
- See* Internal Revenue Service

**U.S. Citizenship and Immigration Services****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  - Alien Change of Address Card, 25028–25029
  - Application by Refugee for Waiver of Inadmissibility Grounds, 25026–25027
  - Consideration of Deferred Action for Childhood Arrivals, 25025–25026
  - Medical Certification for Disability Exception, 25027–25028

**U.S. Customs and Border Protection****NOTICES**

- Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers, 25116–25266

**Separate Parts In This Issue****Part II**

- Homeland Security Department, U.S. Customs and Border Protection, 25116–25266

**Part III**

- Commerce Department, National Oceanic and Atmospheric Administration, 25268–25300

**Part IV**

- Agriculture Department, Food Safety and Inspection Service, 25302–25325

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**8 CFR**

214 .....24905

**9 CFR**

301 .....25302

303 .....25302

318 .....25302

319 .....25302

320 .....25302

325 .....25302

331 .....25302

381 .....25302

417 .....25302

424 .....25302

431 .....25302

548 .....25302

**13 CFR**

121 .....24919

**18 CFR**

385 .....24920

**20 CFR**

655 .....24905

**23 CFR**

490 .....24920

**26 CFR****Proposed Rules:**

301 .....24948

**33 CFR**

117 (2 documents) .....24936,

24937

165 (2 documents) .....24937,

24938

**Proposed Rules:**

165 .....24950

**40 CFR**

52 .....24940

62 .....24940

174 .....24942

**Proposed Rules:**

52 (2 documents) .....24952,

24954

62 .....24960

**49 CFR****Proposed Rules:**

571 .....24962

580 .....24962

581 .....24962

582 .....24962

583 .....24962

585 .....24962

587 .....24962

588 .....24962

591 .....24962

592 .....24962

593 .....24962

594 .....24962

595 .....24962

**50 CFR**

622 .....24944

648 .....24945



# Rules and Regulations

Federal Register

Vol. 83, No. 105

Thursday, May 31, 2018

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

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

## DEPARTMENT OF HOMELAND SECURITY

### 8 CFR Part 214

[CIS No. 2621–18; DHS Docket No. USCIS–2018–0004]

RIN 1615–AC21

## DEPARTMENT OF LABOR

### Employment and Training Administration

### 20 CFR Part 655

[DOL Docket No. 2017–0003]

RIN 1205–AB88

### Exercise of Time-Limited Authority To Increase the Fiscal Year 2018 Numerical Limitation for the H–2B Temporary Nonagricultural Worker Program

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security and Employment and Training Administration and Wage and Hour Division, Department of Labor.

**ACTION:** Temporary rule.

**SUMMARY:** The Secretary of Homeland Security, in consultation with the Secretary of Labor, has decided to increase the numerical limitation on H–2B nonimmigrant visas to authorize the issuance of up to an additional 15,000 through the end of Fiscal Year (FY) 2018. This increase is based on a time-limited statutory authority and does not affect the H–2B program in future fiscal years. The Departments are promulgating regulations to implement this determination.

**DATES:** This final rule is effective from May 31, 2018 through September 30, 2018, except for 20 CFR 655.66, which is effective from May 31, 2018 through September 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Regarding 8 CFR part 214: Kevin J.

Cummings, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Ave. NW, Suite 1100, Washington, DC 20529–2120, telephone (202) 272–8377 (not a toll-free call). Regarding 20 CFR part 655: William W. Thompson, II, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, Box #12–200, 200 Constitution Ave. NW, Washington, DC 20210, telephone (202) 513–7350 (this is not a toll-free number).

Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Background
  - A. Legal Framework
  - B. H–2B Numerical Limitations Under the INA
  - C. FY 2018 Omnibus
  - D. Joint Issuance of the Final Rule
- II. Discussion
  - A. Statutory Determination
  - B. Numerical Increase of up to 15,000
  - C. Business Need Standard—Irreparable Harm
  - D. DHS Petition Procedures
  - E. DOL Procedures
- III. Statutory and Regulatory Requirements
  - A. Administrative Procedure Act
  - B. Regulatory Flexibility Act
  - C. Unfunded Mandates Reform Act of 1995
  - D. Small Business Regulatory Enforcement Fairness Act of 1996
  - E. Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)
  - F. Executive Order 13132 (Federalism)
  - G. Executive Order 12988 (Civil Justice Reform)
  - H. National Environmental Policy Act
  - I. Paperwork Reduction Act

#### I. Background

##### A. Legal Framework

The Immigration and Nationality Act (INA) establishes the H–2B nonimmigrant classification for a nonagricultural temporary worker “having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform . . .

temporary [non-agricultural] service or labor if unemployed persons capable of performing such service or labor cannot be found in this country.” INA section 101(a)(15)(H)(ii)(b), 8 U.S.C. 1101(a)(15)(H)(ii)(b). Employers must petition DHS for classification of prospective temporary workers as H–2B nonimmigrants. INA section 214(c)(1), 8 U.S.C. 1184(c)(1). DHS must approve this petition before the beneficiary can be considered eligible for an H–2B visa. Finally, the INA requires that “[t]he question of importing any alien as [an H–2B] nonimmigrant . . . in any specific case or specific cases shall be determined by [DHS],<sup>1</sup> after consultation with appropriate agencies of the Government.” INA section 214(c)(1), 8 U.S.C. 1184(c)(1).

DHS regulations provide that an H–2B petition for temporary employment in the United States must be accompanied by an approved temporary labor certification (TLC) from the Department of Labor (DOL) issued pursuant to regulations established at 20 CFR part 655. 8 CFR 214.2(h)(6)(iii)(A), (C)–(E), (iv)(A); *see also* INA section 103(a)(6), 8 U.S.C. 1103(a)(6). The TLC serves as DHS’s consultation with DOL with respect to whether a qualified U.S. worker is available to fill the petitioning H–2B employer’s job opportunity and whether a foreign worker’s employment in the job opportunity will adversely affect the wages or working conditions of similarly employed U.S. workers. *See* INA section 214(c)(1), 8 U.S.C. 1184(c)(1); 8 CFR 214.2(h)(6)(iii)(A) and (D).

In order to determine whether to issue a labor certification, the Departments have established regulatory procedures under which DOL certifies whether a qualified U.S. worker is available to fill the job opportunity described in the employer’s petition for a temporary nonagricultural worker, and whether a foreign worker’s employment in the job opportunity will adversely affect the wages or working conditions of

<sup>1</sup> As of March 1, 2003, in accordance with section 1517 of Title XV of the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the Immigration and Nationality Act describing functions which were transferred from the Attorney General or other Department of Justice official to the Department of Homeland Security by the HSA “shall be deemed to refer to the Secretary” of Homeland Security. *See* 6 U.S.C. 557 (2003) (codifying HSA, Title XV, § 1517); 6 U.S.C. 542 note; 8 U.S.C. 1551 note.

similarly employed U.S. workers. *See* 20 CFR part 655, subpart A. The regulations establish the process by which employers obtain a TLC, and the rights and obligations of workers and employers.

The INA also authorizes DHS to impose appropriate remedies against an employer for a substantial failure to meet the terms and conditions of employing an H-2B nonimmigrant worker, or for a willful misrepresentation of a material fact in a petition for an H-2B nonimmigrant worker. INA section 214(c)(14)(A), 8 U.S.C. 1184(c)(14)(A). The INA expressly authorizes DHS to delegate certain enforcement authority to DOL. INA section 214(c)(14)(B), 8 U.S.C. 1184(c)(14)(B); *see also* INA section 103(a)(6), 8 U.S.C. 1103(a)(6). DHS has delegated its authority under INA section 214(c)(14)(A)(i), 8 U.S.C. 1184(c)(14)(A)(i) to DOL. *See* DHS, Delegation of Authority to DOL under Section 214(c)(14)(A) of the Immigration and Nationality Act (Jan. 16, 2009); *see also* 8 CFR 214.2(h)(6)(ix) (stating that DOL may investigate employers to enforce compliance with the conditions of, among other things, an H-2B petition and a DOL-approved TLC). This enforcement authority has been delegated within DOL to the Wage and Hour Division (WHD), and is governed by regulations at 29 CFR part 503.

#### B. H-2B Numerical Limitations Under the INA

The INA sets the annual number of aliens who may be issued H-2B visas or otherwise provided H-2B nonimmigrant status to perform temporary nonagricultural work at 66,000, to be distributed semi-annually beginning in October and in April. *See* INA sections 214(g)(1)(B) and 214(g)(10), 8 U.S.C. 1184(g)(1)(B) and 8 U.S.C. 1184(g)(10). Up to 33,000 aliens may be issued H-2B visas or provided H-2B nonimmigrant status in the first half of a fiscal year, and the remaining annual allocation will be available for employers seeking to hire H-2B workers during the second half of the fiscal year.<sup>2</sup> If insufficient petitions are approved to use all H-2B numbers in a given fiscal year, the unused numbers cannot be carried over for petition approvals in the next fiscal year.

Because of the intense demand for H-2B visas in recent years, the semi-annual visa allocation, and the regulatory requirement that employers

apply for labor certification 75 to 90 days before the start date of work,<sup>3</sup> employers who wish to obtain visas for their workers under the semi-annual allotment must act early to receive a TLC and file a petition with USCIS. As a result, DOL typically sees a significant spike in TLC applications from employers seeking to hire H-2B temporary or seasonal workers during the United States' warm weather months. For example, in FY 2018, based on *Applications for Temporary Labor Certification* filed on January 1, 2018, DOL's Office of Foreign Labor Certification (OFLC) certified more than 75,500 worker positions for start dates of work on April 1, a number nearly two and one-half times greater than the entire semi-annual visa allocation. USCIS received sufficient H-2B petitions to meet the second half of the fiscal year regular cap by February 27, 2018.<sup>4</sup> This was the earliest date that the cap was reached in a respective fiscal year since FY 2009 and reflects an ongoing trend of high H-2B program demand. This is further represented by Congress authorizing additional H-2B workers through the FY 2016 reauthorization of the returning worker cap exemption; the supplemental cap authorized by section 543 of Division F of the Consolidated Appropriations Act, 2017, Public Law 115-31 (FY 2017 Omnibus); and section 205 of Division M of the Consolidated Appropriations Act, 2018, Public Law 115-141 (FY 2018 Omnibus), which is discussed below.

#### C. FY 2018 Omnibus

On March 23, 2018, the President signed the FY 2018 Omnibus which contains a provision (section 205 of Division M, hereinafter "section 205") permitting the Secretary of Homeland Security, under certain circumstances and after consultation with the Secretary of Labor, to increase the number of H-2B visas available to U.S. employers, notwithstanding the otherwise established statutory numerical limitation. Specifically, section 205 provides that "the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of

American businesses cannot be satisfied in [FY] 2018 with U.S. workers who are willing, qualified, and able to perform temporary nonagricultural labor," may increase the total number of aliens who may receive an H-2B visa in FY 2018 by not more than the highest number of H-2B nonimmigrants who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from the H-2B numerical limitation.<sup>5</sup> This rule implements the authority contained in section 205.

In FY 2017, Congress enacted section 543 of Division F of the Consolidated Appropriations Act, 2017, Public Law 115-31, which was a statutory provision materially identical to section 205 of the FY 2018 Omnibus pertaining to the FY 2017 H-2B visa allocation. Following consultation with the Secretary of Labor, the Secretary of Homeland Security determined that the needs of some American businesses could not be satisfied in FY 2017 with U.S. workers who were willing, qualified, and able to perform temporary nonagricultural labor. Based on this determination, on July 19, 2017, DHS and DOL jointly published a temporary final rule allowing an increase of up to 15,000 additional H-2B visas for those businesses that attested to a level of need such that, if they did not receive all of the workers requested on the Petition for a Nonimmigrant Worker (Form I-129), they were likely to suffer irreparable harm, *i.e.*, suffer a permanent and severe financial loss.<sup>6</sup> A total of 12,294 H-2B workers were approved for H-2B classification under petitions filed pursuant to the FY 2017 supplemental cap increase. The vast majority of the H-2B petitions received under the FY 2017 supplemental cap increase requested premium processing and were adjudicated within 15 calendar days.

#### D. Joint Issuance of This Final Rule

As they did in implementing the FY 2017 Omnibus H-2B supplemental cap<sup>7</sup>, the Departments have determined that it is appropriate to issue this final temporary rule jointly. This

<sup>5</sup> The highest number of returning workers in any such fiscal year was 64,716, which represents the number of beneficiaries covered by H-2B returning worker petitions that were approved for FY 2007. DHS also considered using an alternative approach, under which DHS measured the number of H-2B returning workers admitted at the ports of entry (66,792 for FY 2007).

<sup>6</sup> Temporary Rule, *Exercise of Time-Limited Authority To Increase the Fiscal Year 2017 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program*, 82 FR 32987, 32998 (Jul. 19, 2017).

<sup>7</sup> 82 FR 32987 (Jul. 19, 2017).

<sup>3</sup> 20 CFR 655.15(b).

<sup>4</sup> On March 1, 2018, USCIS announced that it had received a sufficient number of petitions to reach the congressionally mandated H-2B cap for FY 2018. USCIS began receiving petitions for the second half of the fiscal year on February 21 and received requests for more workers than the number of H-2B visas available in the first five business days beginning on that date. As a result, USCIS, in accordance with applicable regulations, conducted a lottery on February 28 to randomly select enough petitions to meet the cap. 8 CFR 214.2(h)(8)(ii)(B).

<sup>2</sup> The Federal Government's fiscal year runs from October 1 of the budget's prior year through September 30 of the year being described. For example, fiscal year 2018 is from October 1, 2017 through September 30, 2018.

determination is related to ongoing litigation following conflicting court decisions concerning DOL's authority to independently issue legislative rules to carry out its consultative and delegated functions pertaining to the H-2B program under the INA.<sup>8</sup> Although DHS and DOL each have authority to independently issue rules implementing their respective duties under the H-2B program, the Departments are implementing section 205 in this manner to ensure there can be no question about the authority underlying the administration and enforcement of the temporary cap increase. This approach is consistent with rules implementing DOL's general consultative role under section 214(c)(1) of the INA, 8 U.S.C. 1184(c)(1), and delegated functions under sections 103(a)(6) and 214(c)(14)(B), 8 U.S.C. 1103(a)(6), 1184(c)(14)(B).<sup>9</sup> See 8 CFR 214.2(h)(6)(iii)(A) & (C), (iv)(A).

## II. Discussion

### A. Statutory Determination

Following consultation with the Secretary of Labor, the Secretary of Homeland Security has determined that the needs of some American businesses cannot be satisfied in FY 2018 with U.S. workers who are willing, qualified, and able to perform temporary nonagricultural labor. In accordance with section 205 of the FY 2018 Omnibus, the Secretary of Homeland Security has determined that it is appropriate, for the reasons stated below, to raise the numerical limitation on H-2B nonimmigrant visas by up to an additional 15,000 for the remainder of the fiscal year. Consistent with such authority, the Secretary of Homeland Security has decided to increase the H-2B cap for FY 2018 by up to 15,000 additional visas for those American businesses that attest to a level of need such that, if they do not receive all of the workers under the cap increase, they are likely to suffer irreparable harm, *i.e.*, suffer a permanent and severe financial loss. These businesses must attest that they will likely suffer irreparable harm and must retain documentation, as attested below, supporting this attestation.

The Secretary of Homeland Security's determination to increase the numerical limitation is based on the conclusion that some businesses risk closing their doors in the absence of a cap increase. Some stakeholders have reported that

access to additional H-2B visas is essential to the continued viability of some small businesses that play an important role in sustaining the economy in their states, while others have stated that an increase is unnecessary and raises the possibility of abuse, by, among other things, creating an incentive for employers who, unable to hire workers under the normal 66,000 annual cap, would misrepresent their actual need in order to hire H-2B workers from amongst the limited number of newly available visa numbers under the Omnibus.<sup>10</sup> The Secretary of Homeland Security has deemed it appropriate, notwithstanding such risk of abuse, to take immediate action to avoid irreparable harm to businesses; such harm would in turn result in wage and job losses by their U.S. workers, and other adverse downstream economic effects.<sup>11</sup>

The decision to direct the benefits of this cap increase to businesses that need workers to avoid irreparable harm, rather than directing the cap increase to any and all businesses seeking temporary workers, is consistent with the Secretary of Homeland Security's broad discretion under section 205. Section 205 provides that the Secretary of Homeland Security, upon satisfaction of the statutory business need standard, may increase the numerical limitation to meet such need.<sup>12</sup> The scope of the assessment called for by the statute is

<sup>10</sup> Other stakeholders have reported abuses of the H-2B program. For example, the Government Accountability Office, has recommended increased worker protections in the H-2B program based on certain abuses of the program by unscrupulous employers and recruiters. See U.S. Government Accountability Office, *H-2A and H-2B Visa Programs: Increased Protections Needed for Foreign Workers*, GAO-15-154 (Washington, DC, revised 2017), <http://www.gao.gov/assets/690/684985.pdf>; U.S. Government Accountability Office, *H-2B Visa Program: Closed Civil Criminal Cases Illustrate Instances of H-2B Workers Being Targets of Fraud and Abuse*, GAO-10-1053 (Washington, DC, 2010), <http://www.gao.gov/assets/320/310640.pdf>; see also Testimony of Stephen G. Bronars, *The Impact of the H-2B Program on the U.S. Labor Market, before the Senate Subcommittee on Immigration and the National Interest* (June 8, 2016), [https://www.judiciary.senate.gov/imo/media/doc/06-08-16B\\_BronarsTestimony.pdf](https://www.judiciary.senate.gov/imo/media/doc/06-08-16B_BronarsTestimony.pdf). Preliminary Analysis of the Economic Impact of the H-2B Worker Program on Virginia's Economy, Thomas J. Murray (Sep. 2011), <http://web.vims.edu/GreyLit/VIMS/mrr11-12.pdf>.

<sup>11</sup> See Randel K. Johnson & Tamar Jacoby, U.S. Chamber of Commerce & ImmigrationWorks USA, *The Economic Impact of H-2B Workers* (Oct. 28, 2010), available at [https://www.uschamber.com/sites/default/files/documents/files/16102\\_LABR%2520H2BReport\\_LR.pdf](https://www.uschamber.com/sites/default/files/documents/files/16102_LABR%2520H2BReport_LR.pdf). (last visited Apr. 27, 2018).

<sup>12</sup> DHS believes it is reasonable to infer that Congress intended, in enacting the FY 2018 Omnibus, to authorize the Secretary to allocate any new H-2B visas authorized under section 205 to the entities with the "business need" that serves as the basis for the increase.

quite broad, and accordingly delegates the Secretary of Homeland Security broad discretion to identify the business needs she finds most relevant. Within that context, DHS has determined to focus on the businesses with the most permanent, severe potential losses, for the below reasons.

First, DHS interprets section 205's reference to "the needs of American businesses" as describing a need different than the need required of employers in petitioning for an H-2B worker.<sup>13</sup> If the term "needs" in section 205 referred to the same business need under the existing H-2B program, it would not have been necessary for Congress to reference such need, because Congress could have relied on existing statute and regulations. Alternatively, Congress could have made explicit reference to such statute and regulations. In addition, Congress authorized the 205 provision with materially identical language to that enacted in the FY 2017 Omnibus, which suggests that Congress does not object to the FY 2017 joint temporary rule's approach to implementing "need." See, *e.g.*, *Public Citizen v. FAA*, 988 F.2d 186, 194 (D.C. Cir. 1993) ("Congress is presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change.") (citation and quotation marks omitted). Accordingly, DHS interprets this authority as authorizing DHS to address a heightened business need, beyond the existing requirements of the H-2B program. DOL concurs with this interpretation.

Second, this approach limits the increase in a way that is consistent with the implementation of the FY 2017 supplemental cap, and provides protections against adverse effects on U.S. workers that may result from a broader cap increase. Although there is not enough time remaining in FY 2018 to conduct more formal analysis of such effects and the calendar does not lend itself to such additional efforts, the Secretary of Homeland Security has determined that in the particular circumstances presented here, it is appropriate to tailor the availability of this temporary cap increase to those businesses likely to suffer irreparable harm, *i.e.*, those facing permanent and severe financial loss.

Under this rule, employers must also meet, among other requirements, the

<sup>13</sup> A petitioning employer must demonstrate that it has a temporary need for the services or labor for which it seeks to hire H-2B workers. See 8 CFR 214.2(h)(6)(ii); 20 CFR 655.6.

<sup>8</sup> See *Temporary Non-Agricultural Employment of H-2B Aliens in the United States*, 80 FR 24042 (Apr. 29, 2015) (codified at 8 CFR part 214, 20 CFR part 655, and 29 CFR part 503).

<sup>9</sup> See, *e.g.*, *id.*

generally applicable requirements that insufficient qualified U.S. workers are available to fill the petitioning H-2B employer's job opportunity and that the foreign worker's employment in the job opportunity will not adversely affect the wages or working conditions of similarly employed U.S. workers. INA section 214(c)(1), 8 U.S.C. 1184(c)(1); 8 CFR 214.2(h)(6)(iii)(A) and (D); 20 CFR 655.1. To meet this standard, in order to be eligible for additional visas under this rule, employers must have a valid TLC in accordance with 8 CFR 214.2(h)(6)(iv)(A) and (D), and 20 CFR 655 subpart A. Under DOL's H-2B regulations, TLCs expire on the last day of authorized employment. 20 CFR 655.55(a). Therefore, in order to have an unexpired TLC, the date on the employer's visa petition must not be later than the last day of authorized employment on the TLC. This rule also requires an additional recruitment for certain petitioners, as discussed below.

Accordingly, this rule increases the FY 2018 numerical limitation by up to 15,000 to ensure a sufficient number of visas to meet the level of demand in past years, but also restricts the availability of such visas by prioritizing only the most significant business needs. These provisions are each described in turn below.

#### *B. Numerical Increase of up to 15,000*

DHS expects the increase of up to 15,000 visas<sup>14</sup> to be sufficient to meet at least the same amount of need as the H-2B returning worker provision met in FY 2016 and the supplemental cap met in FY 2017. Section 205 of the FY 2018 Omnibus sets as the maximum limit for any increase in the H-2B numerical limitation for FY 2018, the highest

<sup>14</sup> In contrast with section 214(g)(1) of the INA, 8 U.S.C. 1184(g)(1), which establishes a cap on the number of individuals who may be issued visas or otherwise provided H-2B status, and section 214(g)(10) of the INA, 8 U.S.C. 1184(g)(10), which imposes a first half of the fiscal year cap on H-2B issuance with respect to the number of individuals who may be issued visas or are accorded [H-2B] status" (emphasis added), section 205 only authorizes DHS to increase the number of available H-2B visas. Accordingly, DHS will not permit individuals authorized for H-2B status pursuant to an H-2B petition approved under section 205 to change to H-2B status from another nonimmigrant status. See INA section 248, 8 U.S.C. 1258; see also 8 CFR pt. 248. If a petitioner files a petition seeking H-2B workers in accordance with this rule and requests a change of status on behalf of someone in the United States, the change of status request will be denied, but the petition will be adjudicated in accordance with applicable DHS regulations. Any alien authorized for H-2B status under the approved petition would need to obtain the necessary H-2B visa at a consular post abroad and then seek admission to the United States in H-2B status at a port of entry.

number of H-2B returning workers<sup>15</sup> who were exempt from the cap in previous years. Consistent with the statute's reference to H-2B returning workers, in determining the appropriate number by which to increase the H-2B numerical limitation, the Secretary of Homeland Security focused on the number of visas allocated to returning workers in years in which Congress enacted "returning worker" exemptions from the H-2B numerical limitation. During each of the years the returning worker provision was in force, U.S. employers' standard business needs for H-2B workers exceeded the normal 66,000 cap.

Under the most recent returning worker statute in FY 2016, 18,090 returning workers were approved for H-2B petitions, despite Congress having reauthorized the returning worker program with more than three-quarters of the fiscal year remaining. Of those 18,090 workers authorized for admission, 13,382 were admitted into the United States or otherwise acquired H-2B status. While section 205 does not limit the issuance of additional H-2B visas to returning workers, the Secretary of Homeland Security, in consideration of the statute's reference to returning workers, determined that it would be appropriate to use these recent figures as a basis for the maximum numerical limitation under section 205.

The Secretary of Homeland Security also considered the number of H-2B workers who were approved under the FY 2017 supplemental H-2B cap.<sup>16</sup> Out of a maximum of 15,000 supplemental H-2B visas for FY 2017, a total of 12,294 beneficiaries were approved for H-2B classification. Although fewer beneficiaries were approved for H-2B classification than the available number of visas in FY 2017, the Secretary has determined that it is appropriate to authorize 15,000 additional visas again, as employers will have a longer period in which to submit their petitions due to the earlier publication date of this rule, thereby allowing for the possibility of more petitions being filed this fiscal year than in FY 2017.

<sup>15</sup> During fiscal years 2005 to 2007, and 2016, Congress enacted "returning worker" exemptions to the H-2B visa cap, allowing workers who were counted against the H-2B cap in one of the three preceding fiscal years not to be counted against the upcoming fiscal year cap. Save Our Small and Seasonal Businesses Act of 2005, Public Law 109-13, Sec. 402 (May 11, 2005); John Warner National Defense Authorization Act, Public Law 109-364, Sec. 1074, (Oct. 17, 2006); Consolidated Appropriations Act of 2016, Public Law 114-113, Sec. 565 (Dec. 18, 2015).

<sup>16</sup> See section 543 of Div. F of the Consolidated Appropriations Act, 2017, Public Law 115-31.

#### *C. Business Need Standard—Irreparable Harm*

To file an H-2B petition during the remainder of FY 2018, petitioners must meet all existing H-2B eligibility requirements, including having an approved, valid and unexpired TLC per 8 CFR 214.2(h)(6) and 20 CFR part 655 subpart A. In addition, the petitioner must submit an attestation in which the petitioner affirms, under penalty of perjury, that it meets the business need standard set forth above. Under that standard, the petitioner must be able to establish that if it does not receive all of the workers under the cap increase, it is likely to suffer irreparable harm, that is, permanent and severe financial loss. Although the TLC process focuses on establishing whether a petitioner has a need for workers, the TLC does not directly address the harm a petitioner may face in the absence of such workers; the attestation addresses this question. The attestation must be submitted directly to USCIS, together with Form I-129, the valid TLC, and any other necessary documentation. As in the rule implementing the FY 2017 temporary cap increase, the new attestation form is included in this rulemaking as Appendix A.

The attestation serves as prima facie initial evidence to DHS that the petitioner's business is likely to suffer irreparable harm.<sup>17</sup> Any petition received lacking the requisite attestation may be denied in accordance with 8 CFR 103.2(b)(8)(ii). Although this regulation does not require submission of evidence at the time of filing of the petition, other than an attestation, the employer must have such evidence on hand and ready to present to DHS or DOL at any time starting with the date of filing, through the prescribed document retention period discussed below.

In addition to the statement regarding the irreparable harm standard, the attestation will also state that the employer: Meets all other eligibility criteria for the available visas; will comply with all assurances, obligations, and conditions of employment set forth in the Application for Temporary Employment Certification (Form ETA 9142B and Appendix B) certified by the DOL for the job opportunity (which serves as the TLC); will conduct additional recruitment of U.S. workers, in accordance with this rulemaking; and will document and retain evidence of such compliance. The process under this regulation is similar to the process

<sup>17</sup> An employer may request fewer workers on the H-2B petition than the number of workers listed on the TLC.

the Departments have employed with respect to the statutory provisions authorizing seafood employers to stagger the border crossings of H-2B workers. For seafood employers, a similar attestation, which provides that the employer has conducted additional recruitment, is provided to the consular officer at the time the H-2B worker applies for a visa and/or to the U.S. Customs and Border Protection officer at the time the worker seeks admission at a port of entry. *See* 20 CFR 655.15(f). Because the attestation will be submitted to USCIS as initial evidence with Form I-129, a denial of the petition based on or related to statements made in the attestation is appealable under existing USCIS procedures. Specifically, DHS considers the attestation to be evidence that is incorporated into and a part of the petition consistent with 8 CFR 103.2(b).

The requirement to provide a post-TLC attestation to USCIS is sufficiently protective of U.S. workers given that the employer, in completing the TLC process, has already made one unsuccessful attempt to recruit U.S. workers. In addition, the employer is required to retain documentation, which must be provided upon request, supporting the new attestations, including a recruitment report for any additional recruitment required under this rule. Accordingly, USCIS may issue a denial or a request for additional evidence in accordance with 8 CFR 103.2(b) or 8 CFR 214.2(h)(11) based on such documentation, and DOL's OFLC and WHD will be able to review this documentation and enforce the attestations during the course of an audit examination or investigation. Although the employer must have such documentation on hand at the time it files the petition, the Departments have determined that if employers were required to submit the attestations to DOL before seeking a petition from DHS or to complete all recruitment before submitting a petition, the attendant delays would render any visas unlikely to satisfy the needs of American businesses given processing timeframes and that there are only a few months remaining in this fiscal year.

In accordance with the attestation requirement, under which petitioners attest that they meet the irreparable harm standard, and the documentation retention requirements at 20 CFR 655.66, the petitioner must retain documents and records meeting their burden to demonstrate compliance with this rule, and must provide the documents and records upon the request of DHS or DOL, such as in the event of an audit or investigation.

Supporting evidence may include, but is not limited to, the following types of documentation:

(1) Evidence that the business is or would be unable to meet financial or contractual obligations without H-2B workers, including evidence of contracts, reservations, orders, or other business arrangements that have been or would be cancelled absent the requested H-2B workers, and evidence demonstrating an inability to pay debts/bills;

(2) Evidence that the business has suffered or will suffer permanent and severe financial loss during the period of need, as compared to the period of need in prior years, such as: Financial statements (including profit/loss statements) comparing present period of need as compared to prior years; bank statements, tax returns or other documents showing evidence of current and past financial condition; and relevant tax records, employment records, or other similar documents showing hours worked and payroll comparisons from prior years to current year;

(3) Evidence showing the number of workers needed in previous seasons to meet the employer's temporary need as compared to those currently employed, including the number of H-2B workers requested, the number of H-2B workers actually employed, the dates of their employment, and their hours worked (for example, payroll records), particularly in comparison to the weekly hours stated on the TLC. In addition, for employers that obtain authorization to employ H-2B workers under this rule, evidence showing the number of H-2B workers requested under this rule, the number of workers actually employed, including H-2B workers, the dates of their employment, and their hours worked (for example, payroll records), particularly in comparison to the weekly hours stated on the TLC; and/or

(4) Evidence that the business is dependent on H-2B workers, such as: number of H-2B workers compared to U.S. workers needed prospectively or in the past; business plan or reliable forecast showing that, due to the nature and size of the business, there is a need for a specific number of H-2B workers.

These examples of potential evidence, however, will not exclusively or necessarily establish that the business meets the irreparable harm standard, and petitioners may retain other types of evidence they believe will satisfy this standard. If an audit or investigation occurs, DHS or DOL will review all evidence available to it to confirm that the petitioner properly attested to DHS

that their business would likely suffer irreparable harm. If DHS subsequently finds that the evidence does not support the employer's attestation, DHS may deny or revoke the petition consistent with existing regulatory authorities and/or notify DOL. In addition, DOL may independently take enforcement action, including, among other things, to debar the petitioner from using the H-2B program generally for not less than one year or more than 5 years from the date of the final agency decision and may disqualify the debarred party from filing any labor certification applications or labor condition applications with DOL for the same period set forth in the final debarment decision. *See, e.g.,* 20 CFR 655.73; 29 CFR 503.20, 503.24.<sup>18</sup>

To the extent that evidence reflects a preference for hiring H-2B workers over U.S. workers, an investigation by other agencies enforcing employment and labor laws, such as the Immigrant and Employee Rights Section (IER) of the Department of Justice's Civil Rights Division, may be warranted. *See* INA section 274B, 8 U.S.C. 1324b (prohibiting certain types of employment discrimination based on citizenship status or national origin). Moreover, DHS and WHD may refer potential discrimination to IER under the Memorandum of Understanding between IER and DHS. <https://www.justice.gov/crt/partnerships>. In addition, if members of the public have information that a participating employer may be abusing this program, DHS invites them to notify USCIS's Fraud Detection and National Security Directorate by contacting the general H-2B complaint address at [ReportH2BAbuse@uscis.dhs.gov](mailto:ReportH2BAbuse@uscis.dhs.gov).<sup>19</sup>

DHS, in exercising its statutory authority under INA section 101(a)(15)(H)(ii)(b), 8 U.S.C. 1101(a)(15)(H)(ii)(b), and section 205 of the FY 2018 Omnibus, is responsible for adjudicating eligibility for H-2B classification. As in all cases, the burden rests with the petitioner to establish eligibility by a preponderance of the evidence. INA section 291, 8 U.S.C. 1361. Accordingly, as noted above, where the petition lacks initial evidence, such as a properly completed

<sup>18</sup> Pursuant to the statutory provisions governing enforcement of the H-2B program, INA section 214(c)(14), 8 U.S.C. 1184(c)(14), a violation exists under the H-2B program where there has been a willful misrepresentation of a material fact in the petition or a substantial failure to meet any of the terms and conditions of the petition. A substantial failure is a willful failure to comply that constitutes a significant deviation from the terms and conditions. *See, e.g.,* 29 CFR 503.19.

<sup>19</sup> DHS may publicly disclose information regarding the H-2B program consistent with applicable law and regulations.

attestation, DHS may deny the petition in accordance with 8 CFR 103.2(b)(8)(ii). Further, where the initial evidence submitted with the petition contains inconsistencies or is inconsistent with other evidence in the petition and underlying TLC, DHS may issue a Request for Evidence, Notice of Intent to Deny, or Denial in accordance with 8 CFR 103.2(b)(8). In addition, where it is determined that an H-2B petition filed pursuant to the FY 2018 Omnibus was granted erroneously, the H-2B petition approval may be revoked, *see* 8 CFR 214.2(h)(11).

Because of the particular circumstances of this regulation, and because the attestation plays a vital role in achieving the purposes of this regulation, DHS and DOL intend that the attestation requirement be non-severable from the remainder of the regulation. Thus, in the event the attestation requirement is enjoined or held invalid, the remainder of the regulation, with the exception of the retention requirements, is also intended to cease operation in the relevant jurisdiction, without prejudice to workers already present in the United States under this regulation, as consistent with law.

#### D. DHS Petition Procedures

To petition for H-2B workers under this rule, the petitioner must file a Form-129 in accordance with applicable regulations and form instructions, an unexpired TLC, and the attestation described above. *See* new 8 CFR 214.2(h)(6)(x). The attestation must be filed on Form ETA-9142-B-CAA-2, Attestation for Employers Seeking to Employ H-2B Nonimmigrants Workers Under Section 205 of Division M of the Consolidated Appropriations Act, which is attached to this rulemaking as Appendix A. *See* 20 CFR 655.64. A petitioner is required to retain a copy of such attestation and all supporting evidence for 3 years from the date the associated TLC was approved, consistent with 20 CFR 655.56 and 29 CFR 503.17. *See* new 20 CFR 655.66. Petitions submitted pursuant to the FY 2018 Omnibus will be processed in the order in which they were received. Petitioners may also choose to request premium processing of their petition under 8 CFR 103.7 (e), which allows for expedited processing for an additional fee.

To encourage timely filing of any petition seeking a visa under the FY 2018 Omnibus, DHS is notifying the public that the petition may not be approved by USCIS on or after October 1, 2018. *See* new 8 CFR 214.2(h)(6)(x). Petitions pending with USCIS that are

not approved before October 1, 2018 will be denied and any fees will not be refunded. *See* new 8 CFR 214.2(h)(6)(x).

USCIS's current processing goals for H-2B petitions that can be adjudicated without the need for further evidence (*i.e.*, without a Request for Evidence or Notice of Intent to Deny) are 15 days for petitions requesting premium processing and 30 days for standard processing.<sup>20</sup> Given USCIS's processing goals for premium processing, DHS believes that 15 days from the end of the fiscal year is the minimum time needed for petitions to be adjudicated, although USCIS cannot guarantee the time period will be sufficient in all cases. Therefore, if the increase in the H-2B numerical limitation to 15,000 visas has not yet been reached, USCIS will stop accepting petitions received after September 14, 2018.<sup>21</sup> *See* new 8 CFR 214.2(h)(6)(x)(C). Such petitions will be rejected and the filing fees will be returned.

As with other Form I-129 filings, DHS encourages petitioners to provide a duplicate copy of Form I-129 and all supporting documentation at the time of filing if the beneficiary is seeking a nonimmigrant visa abroad. Failure to submit duplicate copies may cause a delay in the issuance of a visa to otherwise eligible applicants.<sup>22</sup>

#### E. DOL Procedures

All employers are required to have an approved and valid TLC from DOL in order to file a Form I-129 petition with DHS, in accordance with 8 CFR 214.2(h)(6)(iv)(A) and (D). Employers with an approved TLC will have already conducted recruitment, as set forth in 20 CFR 655.40-48, to determine whether U.S. workers are qualified and available to perform the work for which H-2B workers are sought. In addition to the recruitment already conducted, employers with current labor certifications containing a start date of work before April 15, 2018, must

conduct a fresh round of recruitment for U.S. workers. As noted in the 2015 H-2B comprehensive rule, U.S. workers seeking employment in these jobs typically do not search for work months in advance, and cannot make commitments about their availability for employment far in advance of the work. *See* 80 FR 24041, 24061, 24071. Given the 75-90 day labor certification process applicable in the H-2B program generally, employer recruitment typically occurs between 40 and 60 days before the start date of employment. Therefore, employers with TLCs containing a start date of work before April 15, 2018, likely began their recruitment around February 15, 2018, and likely ended it about March 5, 2018, more than two and one half months ago. In order to provide U.S. workers a realistic opportunity to pursue jobs for which employers will be seeking foreign workers under this rule, the Departments have determined that employers with start dates of work before April 15, 2018 have not conducted recent recruitment so that the Departments can reasonably conclude that there are *currently* an insufficient number of U.S. workers qualified and available to perform the work absent an additional, though abbreviated, recruitment attempt. Although the April 15 threshold for additional recruitment identified in this rule is earlier than the June 1 date for which additional recruitment was required in the FY 2017 rule, the April 15 threshold reflects a similar timeframe between the end of the employer's recruitment and publication of the regulation as that provided under the FY 2017 rule. In the FY 2017 rule, the Departments determined that an employer's initial recruitment efforts, which occurred approximately three months before publication, could no longer be considered current without a more recent recruitment attempt. This same analysis applies to this FY 2018 rule.

Therefore, employers with still valid TLCs with a start date of work before April 15, 2018, will be required to conduct additional recruitment, and attest that the recruitment will be conducted, as follows. The employer must place a new job order for the job opportunity with the State Workforce Agency (SWA), serving the area of intended employment. The job order must contain the job assurances and contents set forth in 20 CFR 655.18 for recruitment of U.S. workers at the place of employment, and remain posted for at least 5 days beginning not later than the next business day after submitting a petition for H-2B workers to USCIS.

<sup>20</sup> These processing goals are not binding on USCIS; depending on the evidence presented, actual processing times may vary from these 15- and 30-day periods.

<sup>21</sup> In FY 2017, USCIS used September 15th as the cutoff date for accepting petitions filed under the supplemental cap. The 15 days for processing was tied to the Premium Processing clock. However, in FY 2018, September 15, 2018 is a Saturday, when USCIS does not accept petitions. USCIS therefore revised the date to September 14th, 2018 to remain consistent with the expectation of adjudication within the premium processing clock and to avoid potential confusion and frustration from petitioners who might have otherwise expected their petitions to be received on the 15th but would instead face rejection.

<sup>22</sup> Petitioners should note that under section 205, the H-2B numerical increase relates to the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of the INA in this fiscal year.



The employer must also follow all applicable SWA instructions for posting job orders and receive applications in all forms allowed by the SWA, including online applications. In addition, eligible employers will also be required to place one newspaper advertisement, which may be published online or in print on any day of the week, meeting the advertising requirements of 20 CFR 655.41, during the period of time the SWA is actively circulating the job order for intrastate clearance. Employers must retain the additional recruitment documentation, including a recruitment report that meets the requirements for recruitment reports set forth in 20 CFR 655.48(a)(1)(2) & (7), together with a copy of the attestation and supporting documentation, as described above, for a period of 3 years from the date that the TLC was approved, consistent with the document retention requirements under 20 CFR 655.56. These requirements are similar to those that apply to certain seafood employers who stagger the entry of H-2B workers under 20 CFR 655.15(f).

The employer must hire any qualified U.S. worker who applies or is referred for the job opportunity until 2 business days after the last date on which the job order is posted. The 2 business day requirement permits a brief additional period of time to enable U.S. workers to contact the employer following the job order or newspaper advertisement. Consistent with 20 CFR 655.40(a), applicants can be rejected only for lawful job-related reasons.

DOL's WHD has the authority to investigate the employer's attestations, as the attestations are a required part of the H-2B petition process under this rule and the attestations rely on the employer's existing, approved TLC. Where a WHD investigation determines that there has been a willful misrepresentation of a material fact or a substantial failure to meet the required terms and conditions of the attestations, WHD may institute administrative proceedings to impose sanctions and remedies, including (but not limited to) assessment of civil money penalties, recovery of wages due, make whole relief for any U.S. worker who has been improperly rejected for employment, laid off or displaced, and/or debarment for 1 to 5 years. See 29 CFR 503.19, 503.20. This regulatory authority is consistent with WHD's existing enforcement authority and is not limited by the expiration date of this rule. Therefore, in accordance with the documentation retention requirements at new 20 CFR 655.66, the petitioner must retain documents and records

evidencing compliance with this rule, and must provide the documents and records upon request by DHS or DOL.

DHS has the authority to verify any information submitted to establish H-2B eligibility before or after the petition has been adjudicated by USCIS. See, e.g., INA section 103 204, and 214 (8 U.S.C. 1103, 1154, 1184) and 8 CFR part 103 and 214.2(h). DHS's verification methods may include, but are not limited to: Review of public records and information; contact via written correspondence or telephone; unannounced physical site inspections; and interviews. USCIS will use information obtained through verification to determine H-2B eligibility and assess compliance with the requirements of the H-2B program. Subject to the exceptions described in 8 CFR 103.2(b)(16), USCIS will provide petitioners with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on a petition or after the agency has initiated an adverse action that may result in revocation or termination of an approval.

DOL's OFLC has the existing authority to conduct audit examinations on adjudicated *Applications for Temporary Employment Certification*, and verify any information supporting the employer's attestations under 20 CFR 655.70. Where an audit examination determines that there has been fraud or willful misrepresentation of a material fact or a substantial failure to meet the required terms and conditions of the attestations or failure to comply with the audit examination process, OFLC may institute appropriate administrative proceedings to impose sanctions on the employer. These sanctions may result in revocation of an approved TLC, the requirement that the employer undergo assisted recruitment in future filings of an *Application for Temporary Employment Certification* for a period of up to 2 years, and/or debarment from the H-2B program and any other foreign labor certification program administered by the DOL for 1 to 5 years. See 29 CFR 655.71, 655.72, 655.73. Additionally, OFLC has the authority to provide any finding made or documents received during the course of conducting an audit examination to the DHS, WHD, IER, or other enforcement agencies. OFLC's existing audit authority is independently authorized, and is not limited by the expiration date of this rule. Therefore, in accordance with the documentation retention requirements at new 20 CFR 655.66, the petitioner

must retain documents and records proving compliance with this rule, and must provide the documents and records upon request by DHS or DOL.

Petitioners must also comply with any other applicable laws in their recruitment, such as avoiding unlawful discrimination against U.S. workers based on their citizenship status or national origin. Specifically, the failure to recruit and hire qualified and available U.S. workers on account of such individuals' national origin or citizenship status may violate INA section 274B, 8 U.S.C. 1324b.

### III. Statutory and Regulatory Requirements

#### A. Administrative Procedure Act

This rule is issued without prior notice and opportunity to comment and with an immediate effective date pursuant to the Administrative Procedure Act (APA). 5 U.S.C. 553(b) and (d).

#### 1. Good Cause To Forgo Notice and Comment Rulemaking

The APA, 5 U.S.C. 553(b)(B), authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." The good cause exception for forgoing notice and comment rulemaking "excuses notice and comment in emergency situations, or where delay could result in serious harm." *Jifry v. FAA*, 370 F.3d 1174, 1179 (D.C. Cir. 2004). Although the good cause exception is "narrowly construed and only reluctantly countenanced," *Tenn. Gas Pipeline Co. v. FERC*, 969 F.2d 1141, 1144 (D.C. Cir.1992) the Departments have appropriately invoked the exception in this case, for the reasons set forth below.

In this case, the Departments are bypassing advance notice and comment because of the exigency created by section 205 of Div. M of the Consolidated Appropriations Act, 2018 (FY 2018 Omnibus), which went into effect on March 23, 2018 and expires on September 30, 2018. USCIS received more than enough petitions to meet the H-2B visa statutory cap for the second half of the FY 2018 during the first five business days that those petitions could be filed. Therefore, USCIS conducted a lottery on February 28, 2018 to randomly select a sufficient number of petitions to meet the cap. USCIS rejected and returned the petitions and associated filing fees to petitioners that were not selected, as well as all cap-subject petitions received after February

27, 2018. Given high demand by American businesses for H-2B workers, and the short period of time remaining in the fiscal year for U.S. employers to avoid the economic harms described above, a decision to undertake notice and comment rulemaking would likely delay final action on this matter by weeks or months, and would therefore complicate and likely preclude the Departments from successfully exercising the authority in section 205.

Courts have found “good cause” under the APA when an agency is moving expeditiously to avoid significant economic harm to a program, program users, or an industry. Courts have held that an agency may use the good cause exception to address “a serious threat to the financial stability of [a government] benefit program,” *Nat’l Fed’n of Fed. Emps. v. Devine*, 671 F.2d 607, 611 (D.C. Cir. 1982), or to avoid “economic harm and disruption” to a given industry, which would likely result in higher consumer prices, *Am. Fed’n of Gov’t Emps. v. Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981).

Consistent with the above authorities, the Departments have bypassed notice and comment to prevent the “serious economic harm to the H-2B community,” including associated U.S. workers, that could result from ongoing uncertainty over the status of the numerical limitation, *i.e.*, the effective termination of the program through the remainder of FY 2018. See *Bayou Lawn & Landscape Servs. v. Johnson*, 173 F. Supp. 3d 1271, 1285 & n.12 (N.D. Fla. 2016). The Departments note that this action is temporary in nature, *see id.*,<sup>23</sup> and includes appropriate conditions to ensure that it affects only those businesses most in need.

## 2. Good Cause To Proceed With an Immediate Effective Date

The APA also authorizes agencies to make a rule effective immediately, upon a showing of good cause, instead of imposing a 30-day delay. 5 U.S.C. 553(d)(3). The good cause exception to the 30-day effective date requirement is easier to meet than the good cause exception for foregoing notice and comment rulemaking. *Riverbend Farms, Inc. v. Madigan*, 958 F.2d 1479, 1485 (9th Cir. 1992); *Am. Fed’n of Gov’t Emps., AFL-CIO v. Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981); *U.S. Steel Corp. v. EPA*, 605 F.2d 283, 289–90 (7th

Cir. 1979). An agency can show good cause for eliminating the 30-day delayed effective date when it demonstrates urgent conditions the rule seeks to correct or unavoidable time limitations. *U.S. Steel Corp.*, 605 F.2d at 290; *United States v. Gavrilovic*, 511 F.2d 1099, 1104 (8th Cir. 1977). For the same reasons set forth above, we also conclude that the Departments have good cause to dispense with the 30-day effective date requirement given that this rule is necessary to prevent U.S. businesses from suffering irreparable harm and therefore causing significant economic disruption.

## B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), imposes certain requirements on Federal agency rules that are subject to the notice and comment requirements of the APA. See 5 U.S.C. 603(a), 604(a). This final rule is exempt from notice and comment requirements for the reasons stated above. Therefore, the requirements of the RFA applicable to final rules, 5 U.S.C. 604, do not apply to this final rule. Accordingly, the Departments are not required to either certify that the final rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

## C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. The value equivalent of \$100 million in 1995 adjusted for inflation to 2017 levels by the Consumer Price Index for All Urban Consumer (CPI-U) is \$161 million.

This rule does not exceed the \$100 million expenditure in any 1 year when adjusted for inflation (\$161 million in 2017 dollars), and this rulemaking does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply, and the Departments have not prepared a statement under the Act.

## D. Small Business Regulatory Enforcement Fairness Act of 1996

This temporary rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996, Public Law 104–121, 804, 110 Stat. 847, 872 (1996), 5 U.S.C. 804(2). This rule has not been found to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

## E. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (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. Executive Order 13771 (“Reducing Regulation and Controlling Regulatory Costs”) directs agencies to reduce regulation and control regulatory costs.

The Office of Management and Budget (OMB) has determined that this rule is a “significant regulatory action” although not an economically significant regulatory action. Accordingly, OMB has reviewed this regulation. OMB considers this final rule to be an Executive Order 13771 deregulatory action.

## 1. Summary

With this final rule, DHS is authorizing up to an additional 15,000 visas for the remainder of FY 2018, pursuant to the FY 2018 Omnibus, to be available to certain U.S. businesses under the H-2B visa classification. By the authority given under the FY 2018 Omnibus, DHS is increasing the H-2B cap for the remainder of FY 2018 for those businesses that: (1) Show that there are an insufficient number of qualified U.S. workers to meet their needs in FY 2018; and (2) attest that their businesses are likely to suffer

<sup>23</sup> Because the Departments have issued this rule as a temporary final rule, this rule—with the sole exception of the document retention requirements—will be of no effect after September 30, 2018, even if Congress includes an authority similar to section 205 in a subsequent act of Congress.



irreparable harm without the ability to employ the H-2B workers that are the subject of their petition. This final rule aims to help prevent such harm by allowing them to hire additional H-2B

workers within FY 2018. DHS estimates that the total cost of this rule ranges from \$8,027,906 (rounded) to \$10,306,023 (rounded) depending on the combination of petitions filed by

each type of filer.<sup>24</sup> Table 1 (below) provides a brief summary of the provision and its impact.

TABLE 1—SUMMARY OF PROVISION AND IMPACT

Current provision	Changes resulting from the proposed provisions	Expected cost of the proposed provision	Expected benefit of the proposed provision
The current statutory cap limits H-2B visa allocations by 66,000 workers a year.	<p>The amended provisions would allow for up to 15,000 additional H-2B visas for the remainder of the fiscal year.</p> <p>Petitioners would also be required to fill out newly created Form ETA-9142-B-CAA-2, Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Div. M of the Consolidated Appropriations Act, 2018.</p>	<ul style="list-style-type: none"> <li>The total estimated cost to file Form I-129 would be \$2,024,162 (rounded) if human resource specialists file, \$2,989,687 (rounded) if in-house lawyers file, and \$4,111,474 (rounded) if outsourced lawyers file.</li> <li>If a Form I-907 is submitted as well, the total estimated cost to file for Form I-907 would be a maximum of \$3,839,617 if human resource specialists file, \$3,921,285 if in-house lawyers file, and \$4,030,421 if outsourced lawyers file.</li> <li>DHS may incur some additional adjudication costs as more applicants may file Form I-129. However, these additional costs are expected to be covered by the fees paid for filing the form.</li> <li>The total estimated cost to petitioners to complete and file Form ETA-9142-B-CAA-2 is \$2,164,127.</li> </ul>	<ul style="list-style-type: none"> <li>Eligible petitioners would be able to hire the temporary workers needed to prevent their businesses from suffering irreparable harm.</li> <li>U.S. employees of these businesses would avoid harm.</li> <li>Serves as initial evidence to DHS that the petitioner meets the irreparable harm standard.</li> </ul>

Source: USCIS and DOL analysis.

2. Background and Purpose of the Rule

The H-2B visa classification program was designed to serve U.S. businesses that are unable to find a sufficient number of qualified U.S. workers to perform nonagricultural work of a temporary or seasonal nature. For an H-2B nonimmigrant worker to be admitted into the United States under this visa classification, the hiring employer is required to: (1) Receive a TLC from DOL and (2) file a Form I-129 with DHS. The temporary nature of the services or labor described on the approved TLC is subject to DHS review during adjudication of Form I-129.<sup>25</sup> Up to 33,000 aliens may be issued H-2B visas or provided H-2B nonimmigrant status in the first half of a fiscal year, and the remaining annual allocation will be available for employers seeking to hire H-2B workers during the second half of

the fiscal year.<sup>26</sup> Any unused numbers from the first half of the fiscal year will be available for employers seeking to hire H-2B workers during the second half of the fiscal year. However, any unused H-2B numbers from one fiscal year do not carry over into the next and will therefore not be made available.<sup>27</sup>

The H-2B cap for the second half of FY 2018 was reached on February 27, 2018. Normally, once the H-2B cap has been reached, petitioners must wait until the next half of the fiscal year, or the beginning of the next fiscal year, for additional cap-subject visas to become available. However, on March 23, 2018, the President signed the FY 2018 Omnibus that contains a provision (Sec. 205 of Div. M) authorizing the Secretary of Homeland Security, under certain circumstances, to increase the number of H-2B visas available to U.S.

employers, notwithstanding the established statutory numerical limitation. After consulting with the Secretary of Labor, the Secretary of Homeland Security has determined it is appropriate to exercise her discretion and raise the H-2B cap by up to an additional 15,000 visas for the remainder of FY 2018 for those businesses who would qualify under certain circumstances.

3. Population

This temporary rule would impact those employers who file Form I-129 on behalf of the nonimmigrant worker they seek to hire under the H-2B visa program. More specifically, this rule would impact those employers who could establish that their business is likely to suffer irreparable harm because they cannot employ the H-2B workers

<sup>24</sup> Calculation: Petitioner costs to file (Form I-129: \$2,024,162 (rounded) to \$4,111,474 (rounded)) + (Form I-907 \$3,839,617 to \$4,030,421) + (Form ETA-9142-B-CAA-2 \$2,164,127) = \$8,027,906 (rounded) to \$10,306,022 (rounded).

<sup>25</sup> Revised effective 1/18/2009; 73 FR 78104.

<sup>26</sup> See INA section 214(g)(1)(B), 8 U.S.C. 1184(g)(1)(B), INA section 214(g)(10) and 8 U.S.C. 1184(g)(10).

<sup>27</sup> A TLC approved by the Department of Labor must accompany an H-2B petition. The employment start date stated on the petition generally must match the start date listed on the TLC. See 8 CFR 214.2(h)(6)(iv)(A) and (D).

requested on their petition in this fiscal year. Due to the temporary nature of this rule and the limited time left for these additional visas to be available, DHS believes it is more reasonable to assume that eligible petitioners for these additional 15,000 visas will be those employers that have already completed the steps to receive an approved TLC prior to the issuance of this rule.<sup>28</sup> According to DOL OFLC's certification data for FY 2018, there were about 4,978 H-2B certifications with expected work start dates between April 1 and September 30, 2018. However, many of these certifications have already been filled under the existing cap. Of the 4,978 certifications, we estimated that 1,902 certifications would have been filled with the second semi-annual statutory cap of 33,000 visas.<sup>29</sup> We believe that the remaining certifications of 3,076 (= 4,978 - 1,902) represents the pool of employers with approved certifications that may apply for additional H-2B workers under this rule, and therefore serves as a reasonable proxy for the number of petitions we may receive under this rule.

#### 4. Cost-Benefit Analysis

The costs for this form include filing costs and the opportunity costs of time to complete and file the form. The current filing fee for Form I-129 is \$460 and the estimated time needed to complete and file Form I-129 for H-2B classification is 4.26 hours.<sup>30</sup> The time burden of 4.26 hours for Form I-129 also includes the time to file and retain documents. The application must be filed by a U.S. employer, a U.S. agent, or a foreign employer filing through the U.S. agent. 8 CFR 214.2(h)(2). Due to the expedited nature of this rule, DHS was unable to obtain data on the number of Form I-129 H-2B applications filed directly by a petitioner and those that are filed by a lawyer on behalf of the petitioner. Therefore, DHS presents a range of estimated costs including if only human resource (HR) specialists

<sup>28</sup> Note that as in the standard H-2B visa issuance process, petitioning employers must still apply for a temporary labor certification and receive approval from DOL before submitting the Form I-129 petition with USCIS.

<sup>29</sup> Between October 1, 2017, and April 15, 2018, DOL approved a total of 4,978 certifications for 86,391 H-2B positions with work start date between April and September in 2018. Therefore, we estimated that the average number of H-2B positions per certification is 17.35 (=86,391/4,978) and the number of certifications that would have been filled with the second semi-annual statutory cap of 33,000 is 1,902 (=33,000/17.35).

<sup>30</sup> The public reporting burden for this form is 2.26 hours for Form I-129 and an additional 2 hours for H Classification Supplement. See Form I-129 instructions at <https://www.uscis.gov/i-129>.

file Form I-129 or if only lawyers file Form I-129.<sup>31</sup> Further, DHS presents cost estimates for lawyers filing on behalf of applicants based on whether all Form I-129 applications are filed by in-house lawyers or by outsourced lawyers.<sup>32</sup> DHS presents an estimated range of costs assuming that only HR specialists, in-house lawyers, or outsourced lawyers file these forms, though DHS recognizes that it is likely that filing will be conducted by a combination of these different types of filers.

To estimate the total opportunity cost of time to petitioners who complete and file Form I-129, DHS uses the mean hourly wage rate of HR specialists of \$31.84 as the base wage rate.<sup>33</sup> If applicants hire an in-house or outsourced lawyer to file Form I-129 on their behalf, DHS uses the mean hourly wage rate of \$68.22 as the base wage rate.<sup>34</sup> Using the most recent Bureau of Labor Statistics (BLS) data, DHS calculated a benefits-to-wage multiplier of 1.46 to estimate the full wages to include benefits such as paid leave, insurance, and retirement.<sup>35</sup> DHS multiplied the average hourly U.S. wage rate for HR specialists and for in-house lawyers by the benefits-to-wage multiplier of 1.46 to estimate the full cost of employee wages. The total per hour wage is \$46.49 for an HR specialist

<sup>31</sup> For the purposes of this analysis, DHS assumes a human resource specialist or some similar occupation completes and files these forms as the employer or petitioner who is requesting the H-2B worker. However, DHS understands that not all entities have human resources departments or occupations and, therefore, recognizes equivalent occupations may prepare these petitions.

<sup>32</sup> For the purposes of this analysis, DHS adopts the terms "in-house" and "outsourced" lawyers as they were used in the DHS, U.S. Immigration and Customs Enforcement (ICE) analysis, "Final Small Entity Impact Analysis: Safe-Harbor Procedures for Employers Who Receive a No-Match Letter" at G-4 (posted Aug. 5, 2008), available at <http://www.regulations.gov/#!documentDetail;D=ICEB-2006-0004-0922>. The DHS ICE analysis highlighted the variability of attorney wages and was based on information received in public comment to that rule. We believe the distinction between the varied wages among lawyers is appropriate for our analysis.

<sup>33</sup> U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics, May 2017, Human Resources Specialist: <https://www.bls.gov/oes/2017/may/oes131071.htm>.

<sup>34</sup> U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics May 2017, Lawyers: <https://www.bls.gov/oes/2017/may/oes231011.htm>.

<sup>35</sup> The benefits-to-wage multiplier is calculated as follows: (Total Employee Compensation per hour) / (Wages and Salaries per hour). See Economic News Release, U.S. Department of Labor, Bureau of Labor Statistics, Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group (December 2017), available at [https://www.bls.gov/news.release/archives/eecc\\_03202018.pdf](https://www.bls.gov/news.release/archives/eecc_03202018.pdf).

and \$99.60 for an in-house lawyer.<sup>36</sup> In addition, DHS recognizes that an entity may not have in-house lawyers and therefore, seek outside counsel to complete and file Form I-129 on behalf of the petitioner. Therefore, DHS presents a second wage rate for lawyers labeled as outsourced lawyers. DHS estimates the total per hour wage is \$170.55 for an outsourced lawyer.<sup>37</sup> <sup>38</sup> If a lawyer submits Form I-129 on behalf of the petitioner, Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative), must accompany the Form I-129 submission.<sup>39</sup> DHS estimates the time burden to complete and submit Form G-28 for a lawyer is 53 minutes (0.88 hour, rounded). For this analysis, DHS adds the time to complete Form G-28 to the opportunity cost of time to lawyers for filing Form I-129 on behalf of a petitioner. Therefore, the total opportunity cost of time for an HR specialist to complete and file Form I-129 is \$198.05, for an in-house lawyer to complete and file is \$511.94, and for an outsourced lawyer to complete and file is \$876.63.<sup>40</sup> The total cost, including filing fee and opportunity costs of time, per petitioner to file Form I-129 is \$658.05 if HR specialists file, \$971.94 if an in-house lawyer files, and \$1,336.63 if an outsourced lawyer files the form.<sup>41</sup>

#### (a) Cost to Petitioners

As mentioned in *Section 3*, the population impacted by this rule is the 3,076 petitioners who may apply for up

<sup>36</sup> Calculation for the total wage of an HR specialist: \$31.84 × 1.46 = \$46.49 (rounded). Calculation for the total wage of an in-house lawyer: \$68.22 × 1.46 = \$99.60 (rounded).

<sup>37</sup> Calculation: Average hourly wage rate of lawyers × Benefits-to-wage multiplier for outsourced lawyer = \$68.22 × 2.5 = \$170.55.

<sup>38</sup> The DHS ICE "Safe-Harbor Procedures for Employers Who Receive a No-Match Letter" used a multiplier of 2.5 to convert in-house attorney wages to the cost of outsourced attorney based on information received in public comment to that rule. We believe the explanation and methodology used in the Final Small Entity Impact Analysis remains sound for using 2.5 as a multiplier for outsourced labor wages in this rule, see page G-4 [Aug. 25, 2008] [<http://www.regulations.gov/#!documentDetail;D=ICEB-2006-0004-0922>].

<sup>39</sup> USCIS, *Filing Your Form G-28*, <https://www.uscis.gov/forms/filing-your-form-g-28>.

<sup>40</sup> Calculation if an HR specialist files: \$46.49 × (4.26 hours) = \$198.05 (rounded);

Calculation if an in-house lawyer files: \$99.60 × (4.26 hours to file Form I-129 H-2B + 0.88 hour to file Form G-28) = \$511.94 (rounded);

Calculation if an outsourced lawyer files: \$170.55 × (4.26 hours to file Form I-129 H-2B + 0.88 hour to file Form G-28) = \$876.63 (rounded).

<sup>41</sup> Calculation if an HR specialist files: \$198.05 + \$460 (filing fee) = \$658.05;

Calculation if an in-house lawyer files: \$511.94 + \$460 (filing fee) = \$971.94;

Calculation if outsourced lawyer files: \$876.63 + \$460 (filing fee) = \$1,336.63.

to 15,000 additional H-2B visas for the remainder of FY 2017. Based on the previously presented total filing costs per petitioner, DHS estimates the total cost to file Form I-129 is \$2,024,162 (rounded) if HR specialists file, \$2,989,687 (rounded) if in-house lawyers file, and \$4,111,474 (rounded) if outsourced lawyers file.<sup>42</sup> DHS recognizes that not all Form I-129 petitions are likely to be filed by only one type of filer and cannot predict how many petitions would be filed by each type of filer. Therefore, DHS estimates that the total cost to file Form I-129 could range from \$2,024,162 (rounded) to \$4,111,474 (rounded) depending on the combination of petitions filed by each type of filer.

(1) Form I-907

Employers may use Request for Premium Processing Service (Form I-907) to request faster processing of their Form I-129 petitions for H-2B visas. The filing fee for Form I-907 is \$1,225 and the time burden for completing the form is 0.5 hours. Using the wage rates established previously, the opportunity cost of time is \$23.25 for an HR specialist to file Form I-907, \$49.80 for an in-house lawyer to file, and \$85.28 for an outsourced lawyer to file.<sup>43</sup> Therefore, the total filing cost to complete and file Form I-907 per petitioner is \$1,248.25 if HR specialists file, \$1,274.80 if in-house lawyers file, and \$1,310.28 if outsourced lawyers file.<sup>44</sup> Due to the expedited nature of this rule, DHS was unable to obtain data on the average percentage of Form I-907

applications that were submitted with Form I-129 H-2B petitions. Table 2 (below) shows the range of percentages of the 3,076 petitioners who may also request their Form I-129 adjudications be premium processed as well as the estimated total cost of filing Form I-907. DHS anticipates that most, if not all, of the additional 3,076 Form I-129 petitions will be requesting premium processing due to the limited time between the publication of this rule and the end of the fiscal year. Further, as shown in table 2, the total estimated cost to complete and file a Form I-907 when submitted with Form I-129 on behalf of an H-2B worker is a maximum of \$3,839,617 if human resources specialists file, \$3,921,285 if in-house lawyers file, and \$4,030,421 if outsourced lawyers file.

TABLE 2—TOTAL COST OF FILING FORM I-907 UNDER THE H-2B VISA PROGRAM

Percent of filers requesting premium processing <sup>a</sup>	Number of filers requesting premium processing <sup>b</sup>	Total cost to filers <sup>c</sup>		
		Human resources specialist	In-house lawyer	Outsourced lawyer
25 .....	769	\$959,904	\$980,321	\$1,007,605
50 .....	1,538	1,919,809	1,960,642	2,015,211
75 .....	2,307	2,879,713	2,940,964	3,022,816
90 .....	2,768	3,455,655	3,529,156	3,627,379
95 .....	2,922	3,647,636	3,725,221	3,828,900
100 .....	3,076	3,839,617	3,921,285	4,030,421

Notes:

<sup>a</sup> Assumes that all 15,000 additional H-2B visas will be filled by 3,076 petitioners.

<sup>b</sup> Numbers and dollar amounts are rounded to the nearest whole number.

<sup>c</sup> Calculation:

(Total cost per filer of Form I-907) × Number of filers who request premium processing = Total cost to filer (rounded to the nearest dollar)

Source: USCIS analysis.

(2) Attestation Requirements

The attestation form includes recruiting requirements, the irreparable harm standard, and document retention obligations. DOL estimates the time burden for completing and signing the form is 0.25 hour, and 1 hour for retaining documents and records relating to recruitment. The petitioner must retain documents and records of a new job order for the job opportunity placed with the State Workforce Agency (SWA) and one newspaper advertisement. DOL estimates that it

would take up to one hour to file and retain documents and records relating to recruitment. Using the total per hour wage for an HR specialist (\$46.49), the opportunity cost of time for an HR specialist to complete the attestation form and to retain documents relating to recruitment is \$58.11.<sup>45</sup>

Additionally, the form requires that the petitioner assess and document supporting evidence for meeting the irreparable harm standard, and retain those documents and records, which we assume will require the resources of a financial analyst (or another equivalent

occupation). Using the same methodology previously described for wages, the total per hour wage for a financial analyst is \$69.79.<sup>46</sup> DOL estimates the time burden for these tasks is at least 4 hours, and 1 hour for gathering and retaining documents and records. Therefore, the total opportunity costs of time for a financial analyst to assess, document, and retain supporting evidence is \$348.95.<sup>47</sup>

As discussed previously, we believe that the estimated 3,076 remaining unfilled certifications for the latter half of FY 2018 would include all potential

<sup>42</sup> Calculation if HR specialist files: \$658.05 × 3,076 (population applying for H-2B visas) = \$2,024,161.80 = \$2,024,162 (rounded);

Calculation if an in-house lawyer files: \$971.94 × 3,076 (population applying for H-2B visas) = \$2,989,687.44 = \$2,989,687 (rounded);

Calculation if an outsourced lawyer files: \$1,336.63 × 3,076 (population applying for H-2B visas) = \$4,111,473.88 = \$4,111,474 (rounded).

<sup>43</sup> Calculation if an HR specialist files: \$46.49 × (0.5 hours) = \$23.25 (rounded);

Calculation if an in-house lawyer files: \$99.60 × (0.5 hours) = \$49.80 (rounded);

Calculation if an outsourced lawyer files: \$170.55 × (0.5 hours) = \$85.28 (rounded).

<sup>44</sup> Calculation if an HR specialist files: \$23.25 + \$1,225 = \$1,248.25;

Calculation if an in-house lawyer files: \$49.80 + \$1,225 = \$1,274.80;

Calculation if outsourced lawyer files: \$85.28 + \$1,225 = \$1,310.28.

<sup>45</sup> Calculation: \$46.49 (total per hour wage for an HR specialist) × 1.25 (time burden for the new attestation form and retaining recruitment documentation) = \$58.11.

<sup>46</sup> Calculation: \$47.80 (total per hour wage for a financial analyst, based on BLS wages) × 1.46 (benefits-to-wage multiplier) = \$69.79.

U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics *May 2017, Financial Analysts*: <https://www.bls.gov/oes/2017/may/oes132051.htm>.

<sup>47</sup> Calculation: \$69.79 (total per hour wage for a financial analyst) × 5 hours (time burden for assessing, documenting and retention of supporting evidence demonstrating the employer is likely to suffer irreparable harm) = \$348.95.

employers who might request to employ H-2B workers under this rule. This number of certifications is a reasonable proxy for the number of employers who may need to review and sign the attestation. Using this estimate for the total number of certifications, DOL estimates that the cost for HR specialists is \$178,754 and for financial analysts is \$1,073,370 (rounded).<sup>48</sup> The total cost is estimated to be \$1,252,124.<sup>49</sup>

Employers will place a new job order for the job opportunity with the SWA serving the area of intended employment for at least 5 days beginning no later than the next business day after submitting a petition for an H-2B worker and the attestation to USCIS. DOL estimates that an HR specialist (or another equivalent occupation) would spend 1 hour to prepare a new job order and submit it to the SWA.<sup>50</sup> DOL estimates the total cost of placing a new job order is \$143,003.<sup>51</sup>

Employers will also place one newspaper advertisement during the period of time the SWA is actively circulating the job order for intrastate clearance. DOL estimates that a standard job listing in an online edition of a newspaper is \$250.<sup>52</sup> The total cost if every employer placed at least one online newspaper job listing is \$769,000.<sup>53</sup>

Therefore, the total cost for the attestation form is estimated to be \$2,164,127.<sup>54</sup>

#### (b) Cost to the Federal Government

DHS anticipates some additional costs in adjudicating the additional petitions

##### <sup>48</sup> Calculations:

Cost for HR Specialists: \$46.49 (total per hour wage for an HR specialist) × 3,076 certifications × 1.25 hours = \$178,754.

Cost for Financial Analysts: \$69.79 (total per hour wage for a financial analyst) × 3,076 certifications × 5 hours = \$1,073,370.

<sup>49</sup> Calculation: \$178,754 (total cost for HR specialists) + \$1,073,370 (total cost for financial analysts) = \$1,252,124.

<sup>50</sup> The job order must address the content requirements at 20 CFR 655.18, consistent with new requirements contained in the 2016 Department of Labor Appropriations Act (Division H, Title I of Pub. L. 114-113) (2016 DOL Appropriations Act), which was enacted on December 18, 2015.

<sup>51</sup> Calculation: \$46.49 (total per hour wage for an HR specialist) × 3,076 certifications × 1 hour (time burden for placing a job order with the SWA) = \$143,003.

<sup>52</sup> Source: The Washington Post, Online Only Job Listings (35 days), page 4 available at: [https://www.washingtonpost.com/wp-stat/ad/public/static/media\\_kit/16-3729-01-jobs.pdf](https://www.washingtonpost.com/wp-stat/ad/public/static/media_kit/16-3729-01-jobs.pdf).

<sup>53</sup> Calculation: \$250 (cost of one online newspaper job listing) × 3,076 certifications = \$769,000.

<sup>54</sup> Calculation: \$1,252,124 (total cost for HR specialists and financial analysts) + \$143,003 (total cost to place job order with State Workforce Agency) + \$769,000 (total cost to place online newspaper job listings) = \$2,164,127.

submitted as a result of the increase in cap limitation for H-2B visas. However, DHS expects these costs to be covered by the fees associated with the forms.

#### (c) Benefits to Petitioners

The inability to access H-2B workers for these entities may cause their businesses to suffer irreparable harm. Temporarily increasing the number of available H-2B visas for this fiscal year may allow some businesses to hire the additional labor resources necessary to avoid such harm. Preventing such harm may ultimately rescue the jobs of any other employees (including U.S. employees) at that establishment.

#### F. Executive Order 13132 (Federalism)

This rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order No. 13132, 64 FR 43255 (Aug. 4, 1999), this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### G. Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order No. 12988, 61 FR 4729 (Feb. 5, 1996).

#### H. National Environmental Policy Act

DHS analyzes actions to determine whether the National Environmental Policy Act (NEPA) applies to them and if so what degree of analysis is required. DHS Directive (Dir) 023-01 Rev. 01 establishes the procedures that DHS and its components use to comply with NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500 through 1508. The CEQ regulations allow federal agencies to establish, with CEQ review and concurrence, categories of actions (“categorical exclusions”) which experience has shown do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require an Environmental Assessment (EA) or Environmental Impact Statement (EIS). 40 CFR 1507.3(b)(1)(iii), 1508.4. DHS Instruction 023-01 Rev. 01 establishes such Categorical Exclusions that DHS has found to have no such effect. Dir. 023-01 Rev. 01 Appendix A Table 1. For an action to be categorically

excluded, DHS Instruction 023-01 Rev. 01 requires the action to satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the Categorical Exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect. Inst. 023-01 Rev. 01 section V.B (1)-(3).

This rule temporarily amends the regulations implementing the H-2B nonimmigrant visa program to increase the numerical limitation on H-2B nonimmigrant visas for the remainder of FY 2018 based on the Secretary of Homeland Security’s determination, in consultation with the Secretary of Labor, consistent with the FY 2018 Omnibus. Generally, DHS believes that NEPA does not apply to a rule which changes the number of visas which can be issued because any attempt to analyze its impact would be largely, if not completely, speculative. The Departments cannot estimate with reasonable certainty which employers will successfully petition for employees in what locations and numbers. At most, it is reasonably foreseeable that an increase of up to 15,000 visas may be issued for temporary entry into the United States in diverse industries and locations. For purposes of the cost estimates contained in the economic analysis above, DHS bases its calculations on the assumption that all 15,000 will be issued. However, estimating the cost of document filings is qualitatively different from analyzing environmental impacts. Being able to estimate the costs per filing and number of filings at least allows a calculation. Even making that assumption, analyzing the environmental impacts of 15,000 visa recipients among a current U.S. population in excess of 323 million and across a U.S. land mass of 3.794 million square miles, would require a degree of speculation that causes DHS to conclude that NEPA does not apply to this action.

DHS has determined that even if NEPA were to apply to this action, this rule would fit within one categorical exclusion under Environmental Planning Program, DHS Instruction 023-01 Rev. 01, Appendix A, Table 1 and does not individually or cumulatively have a significant effect on the human environment. Specifically, the rule fits within Categorical Exclusion number A3(d) for rules that interpret or amend an existing regulation without changing its environmental effect.

This rule maintains the current human environment by helping to

prevent irreparable harm to certain U.S. businesses and to prevent a significant adverse effect on the human environment that would likely result from loss of jobs and income. With the exception of recordkeeping requirements, this rulemaking terminates after September 30, 2018; it is not part of a larger action and presents no extraordinary circumstances creating the potential for significant environmental effects. No further NEPA analysis is required.

#### *I. Paperwork Reduction Act*

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, provides that a Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. DOL has submitted the Information Collection Request (ICR) contained in this rule to OMB and obtained approval using emergency clearance procedures outlined at 5 CFR 1320.13. The Departments note that while DOL submitted the ICR, both DHS and DOL will use the information.

More specifically, this rule includes a new form, Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act, Form ETA-9142-B-CAA-2 that petitioners submit to DHS. Petitioners will use this form to make the irreparable harm attestation described above. The petitioner would file the attestation with DHS. In addition, the petitioner may need to advertise the positions. Finally, the petitioner will need to retain documents and records proving compliance with this implementing rule, and must provide the documents and records to DHS and DOL staff in the event of an audit or investigation. The information collection requirements associated with this rule are summarized as follows:

*Agency:* DOL-ETA.

*Type of Information Collection:* New Collection.

*Title of the Collection:* Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act.

*Agency Form Number:* Form ETA-9142-B-CAA-2.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 3,076.

*Average Responses per Year per Respondent:* 1.

*Total Estimated Number of Responses:* 3,076.

*Average Time per Response:* 6.25 hours per application.

*Total Estimated Annual Time Burden:* 19,225 hours.

*Total Estimated Other Costs Burden:* \$912,003.

#### **List of Subjects**

##### *8 CFR Part 214*

Administrative practice and procedure, Aliens, Cultural exchange programs, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

##### *20 CFR Part 655*

Administrative practice and procedure, Employment, Employment and training, Enforcement, Foreign workers, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

#### **Department of Homeland Security**

##### **8 CFR Chapter I**

For the reasons discussed in the joint preamble, part 214 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### **PART 214—NONIMMIGRANT CLASSES**

- 1. The authority citation for part 214 continues to read as follows:

**Authority:** 6 U.S.C. 202, 236; 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282, 1301–1305 and 1372; sec. 643, Pub. L. 104–208, 110 Stat. 3009–708; Pub. L. 106–386, 114 Stat. 1477–1480; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, 48 U.S.C. 1901 note and 1931 note, respectively; 48 U.S.C. 1806; 8 CFR part 2.

- 2. Effective May 31, 2018 through September 30, 2018, amend § 214.2 by adding paragraph (h)(6)(x) to read as follows:

#### **§ 214.2 Special requirements for admission, extension, and maintenance of status.**

\* \* \* \* \*

(h) \* \* \*

(6) \* \* \*

(x) *Special requirements for additional cap allocations under the Consolidated Appropriations Act, 2018, Public Law 115–141.* (A) *Public Law 115–141.* Notwithstanding the numerical limitations set forth in paragraph (h)(8)(i)(C) of this section, for fiscal year 2018 only, the Secretary has authorized up to an additional 15,000 aliens who may receive H-2B nonimmigrant visas pursuant to section 205 of Division M of the Consolidated Appropriations Act, 2018, Public Law 115–141. Notwithstanding section 248.2 of this part, an alien may not change status to H-2B nonimmigrant under this provision.

(B) *Eligibility.* In order to file a petition with USCIS under this paragraph (h)(6)(x), the petitioner must:

(1) Comply with all other statutory and regulatory requirements for H-2B classification, including but not limited to requirements in this section, under part 103 of this chapter, and under parts 655 of Title 20 and 503 of Title 29; and

(2) Submit to USCIS, at the time the employer files its petition, a U.S. Department of Labor attestation, in compliance with 20 CFR 655.64, evidencing that without the ability to employ all of the H-2B workers requested on the petition filed pursuant to this paragraph (h)(6)(x), its business is likely to suffer irreparable harm (that is, permanent and severe financial loss), and that the employer will provide documentary evidence of this fact to DHS or DOL upon request.

(C) *Processing.* USCIS will reject petitions filed pursuant to this paragraph (h)(6)(x) that are received after the numerical limitation has been reached or after September 14, 2018, whichever is sooner. USCIS will not approve a petition filed pursuant to this paragraph (h)(6)(x) on or after October 1, 2018.

(D) *Sunset.* This paragraph (h)(6)(x) expires on October 1, 2018.

(E) *Non-severability.* The requirement to file an attestation under paragraph (h)(6)(x)(B)(2) of this section is intended to be non-severable from the remainder of this paragraph (h)(6)(x); in the event that paragraph (h)(6)(x)(B)(2) of this section is enjoined or held to be invalid by any court of competent jurisdiction, this paragraph (h)(6)(x) is also intended to be enjoined or held to be invalid in such jurisdiction, without prejudice to workers already present in the United States under this regulation, as consistent with law.

\* \* \* \* \*

**Department of Labor****Employment and Training  
Administration****20 CFR Chapter V**

Accordingly, for the reasons stated in the joint preamble, 20 CFR part 655 is amended as follows:

**PART 655—TEMPORARY  
EMPLOYMENT OF FOREIGN  
WORKERS IN THE UNITED STATES**

■ 3. The authority citation for part 655 continues to read as follows:

**Authority:** Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; sec. 412(e), Pub. L. 105–277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107–296, 116 Stat. 2135, as amended; Pub. L. 109–423, 120 Stat. 2900; 8 CFR 214.2(h)(4)(i); and 8 CFR 214.2(h)(6)(iii).

Subpart A issued under 8 CFR 214.2(h).

Subpart B issued under 8 U.S.C.

1101(a)(15)(H)(ii)(a), 1184(c), and 1188; and 8 CFR 214.2(h).

Subparts F and G issued under 8 U.S.C. 1288(c) and (d); sec. 323(c), Public Law 103–206, 107 Stat. 2428; and 28 U.S.C. 2461 note, 114–74 at section 701.

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b) and (b)(1), 1182(n) and (t), and 1184(g) and (j); sec. 303(a)(8), Public Law 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 412(e), Public Law 105–277, 112 Stat. 2681; 8 CFR 214.2(h); and 28 U.S.C. 2461 note, Public Law 114–74 at section 701.

Subparts L and M issued under 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m); sec. 2(d), Public Law 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); Public Law 109–423, 120 Stat. 2900; and 8 CFR 214.2(h).

■ 4. Effective May 31, 2018 through September 30, 2018, add § 655.64 to read as follows:

**§ 655.64 Special eligibility provisions for Fiscal Year 2018 under the Consolidated Appropriations Act, 2018.**

An employer filing a petition with USCIS under 8 CFR 214.2(h)(6)(x) to employ H–2B workers from May 31, 2018 through September 14, 2018 must meet the following requirements:

(a) The employer must attest on Form ETA–9142–B–CAA–2 that without the ability to employ all of the H–2B workers requested on the petition filed pursuant to 8 CFR 214.2(h)(6)(x), its business is likely to suffer irreparable harm (that is, permanent and severe financial loss), and that the employer

will provide documentary evidence of this fact to DHS or DOL upon request.

(b) An employer with a start date of work before April 15, 2018 on its approved Temporary Labor Certification must conduct additional recruitment of U.S. workers as follows:

(1) The employer must place a new job order for the job opportunity with the State Workforce Agency, serving the area of intended employment. The employer must follow all applicable State Workforce Agency instructions for posting job orders and receive applications in all forms allowed by the State Workforce Agency, including online applications (sometimes known as “self-referrals”). The job order must contain the job assurances and contents set forth in 20 CFR 655.18 for recruitment of U.S. workers at the place of employment, and remain posted for at least 5 days beginning not later than the next business day after submitting a petition for H–2B worker(s); and

(2) The employer must place one newspaper advertisement using an online or print format on any day of the week meeting the advertising requirements of 20 CFR 655.41, during the period of time the State Workforce Agency is actively circulating the job order for intrastate clearance; and

(3) The employer must hire any qualified U.S. worker who applies or is referred for the job opportunity until 2 business days after the last date on which the job order is posted under paragraph (c)(1) of this section. Consistent with 20 CFR 655.40(a), applicants can be rejected only for lawful job-related reasons.

(c) This section expires on October 1, 2018.

(d) *Non-severability.* The requirement to file an attestation under paragraph (a) of this section is intended to be non-severable from the remainder of this section; in the event that paragraph (a) is enjoined or held to be invalid by any court of competent jurisdiction, the remainder of this section is also intended to be enjoined or held to be invalid in such jurisdiction, without prejudice to workers already present in the United States under this regulation, as consistent with law.

■ 5. Effective May 31, 2018 through September 30, 2021, add § 655.66 to read as follows:

**§ 655.66 Special document retention provisions for Fiscal Years 2018 through 2021 under the Consolidated Appropriations Act, 2018, Public Law 115–141.**

(a) An employer that files a petition with USCIS to employ H–2B workers in fiscal year 2018 under authority of the

temporary increase in the numerical limitation under section 205 of Division M, Public Law 115–141 must maintain for a period of 3 years from the date of certification, consistent with 20 CFR 655.56 and 29 CFR 503.17, the following:

(1) A copy of the attestation filed pursuant to regulations governing that temporary increase;

(2) Evidence establishing that employer’s business is likely to suffer irreparable harm (that is, permanent and severe financial loss), if it cannot employ H–2B nonimmigrant workers in fiscal year 2018; and

(3) If applicable, evidence of additional recruitment and a recruitment report that meets the requirements set forth in 20 CFR 655.48(a)(1), (2), and (7).

DOL or DHS may inspect these documents upon request.

(b) This section expires on October 1, 2021.

**Kirstjen M. Nielsen,**

*Secretary of Homeland Security.*

**R. Alexander Acosta,**

*Secretary of Labor.*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

**Appendix A—Attestation for Employers Seeking to Employ H–2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act, 2018 Public Law 115–141 (March 23, 2018)**

By virtue of my signature below, I *herby certify* that the following is true and correct:

(A) I am an employer with an approved labor certification from the Department of Labor seeking permission to employ H–2B nonimmigrant workers for temporary employment in the United States.

(B) I was granted temporary labor certification from the Department of Labor (DOL) for my business’s job opportunity, which required that the worker(s) *begin employment before October 1, 2018* and is currently valid.

(C) I attest that if my business cannot employ all the H–2B nonimmigrant workers requested on my Form I–129 petition before the end of this fiscal year (September 30, 2018) in the job opportunity certified by DOL, my business is likely to suffer irreparable harm (that is, permanent and severe financial loss).

(D) I attest that my business has a bona fide temporary need for all the H–2B nonimmigrant workers requested on the Form I–129 petition, consistent with 8 CFR 214.2(h)(6)(ii).

(E) If my current labor certification contains a start date of work before April 15, 2018, I will complete a new assessment of the United States labor market in advance of H–2B nonimmigrant workers coming to the United States to begin employment before October 1, 2018, as follows:

1. I will place a new job order for the job opportunity with the State Workforce Agency (SWA) serving the area of intended employment that contains the job assurances and contents set forth in 20 CFR 655.18 for recruitment of U.S. workers at the place of employment for at least 5 days beginning not later than the next business day after submitting a petition for an H-2B nonimmigrant worker(s) and this accompanying attestation to U.S. Citizenship and Immigration Services;

2. I will place one newspaper advertisement, which may be published online or in print, on any day of the week, meeting the advertising requirements of 20 CFR 655.41, during the period of time the

SWA is actively circulating the job order for intrastate clearance; and

3. I will offer the job to any qualified and available U.S. worker who or is referred for the job opportunity until 2 business days after the last date on which the job order is posted. I understand that consistent with 20 CFR 655.40(a), applicants can be rejected only for lawful job-related reasons.

(F) I agree to retain a copy of this signed attestation form, the additional recruitment documentation, including a recruitment report that meets the requirements for recruitment reports set forth in 20 CFR 655.48(a)(1), (2) & (7), together with evidence establishing that my business meets the standard described in paragraph (C) of this

attestation, for a period of 3 years from the date of certification, consistent with the document retention requirements under 20 CFR 655.66, 20 CFR 655.56, and 29 CFR 503.17. Further, I agree to provide this documentation to a DHS or DOL official upon request.

(G) I agree to comply with all assurances, obligations, and conditions of employment set forth in the *Application for Temporary Employment Certification* (Form ETA-9142B and Appendix B) certified by the DOL for my business's job opportunity.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. Name of hiring or designated official of the employer ( <i>Last Name, First Name</i> ) * .....	2. *DOL Case Number *
3. Signature * .....	4. Date signed *

[FR Doc. 2018-11732 Filed 5-25-18; 5:10 pm]

BILLING CODE P

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 121**

**Class Waiver of the Nonmanufacturer Rule**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notification of waiver of the Nonmanufacturer Rule for positive airway pressure devices.

**SUMMARY:** The U.S. Small Business Administration (SBA) is granting a class waiver of the Nonmanufacturer Rule (NMR) for Positive Airway Pressure Devices and Supplies Manufacturing. This U.S. industry comprises establishments primarily engaged in manufacturing Continuous Positive Airway Pressure (CPAP) devices, Bi-level Positive Airway Pressure (BiPAP) devices, and other products intended to treat sleep apnea by keeping a person's airways open during sleep.

**DATES:** This action is effective July 2, 2018.

**FOR FURTHER INFORMATION CONTACT:** Carol J. Hulme, Program Analyst, by telephone at 202-205-6347; or by email at [carol-ann.hulme@sba.gov](mailto:carol-ann.hulme@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657, and SBA's implementing regulations require that recipients of Federal supply contracts (except those valued between \$10,000 and \$250,000) set aside for small business, service-disabled veteran-owned small business (SDVOSB), women-owned small

business (WOSB), economically disadvantaged women-owned small business (EDWOSB), historically underutilized business zones (HUBZones) or participants in the SBA's 8(a) Business Development (BD) program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule (NMR). 13 CFR 121.406(b). Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the NMR for a "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or been awarded a contract to supply the class of products within the last 24 months. The SBA defines "class of products" based on a combination of (1) the six digit North American Industry Classification System (NAICS) code, (2) the four digit Product Service Code (PSC), and (3) a description of the class of products.

On February 27, 2017, SBA received a request to waive the NMR for Positive Airway Pressure Devices and Supplies under NAICS codes 339112 (surgical and medical instrument manufacturing) and 339113 (surgical appliance and supplies manufacturing), and PSC 6515 (medical and surgical instrument, equipment and supplies). According to that request, along with supporting documentation, there were no small

business manufacturers or processors of CPAP devices in the Federal market.

On September 18, 2017 (82 FR 43637), the U.S. Small Business Administration (SBA) issued a Notice of Intent to grant a class waiver for CPAP, BiPAP and other sleep apnea devices.

As revealed by the two comments submitted in response to the document, there are no small business manufacturers or processors of this product in the Federal market. The first comment, dated October 19, 2017, did not include domestic small business manufacturers capable of meeting the requirement. The second comment did not identify any manufacturers.

Therefore, in the absence of a small business manufacturer of these products, a class waiver is necessary to allow otherwise qualified regular dealers to supply the product of any manufacturer on a Federal contract set aside for small business, service-disabled veteran-owned small business (SDVOSB), women-owned small business (WOSB), economically disadvantaged women-owned small business (EDWOSB), historically underutilized business zones (HUBZones) or participants in the SBA's 8(a) Business Development (BD) program.

More information on the NMR and Class Waivers can be found at <https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers>.

**David Wm. Loines,**  
*Acting Director, Office of Government Contracting.*

[FR Doc. 2018-11658 Filed 5-30-18; 8:45 am]

BILLING CODE 8025-01-P



**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 385**

[Docket No. RM18–7–000; Order No. 846]

**Withdrawal of Pleadings****AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Final rule; errata notification.**SUMMARY:** This document contains corrections to the final rule (RM18–7–000) which published in the **Federal Register** of Wednesday, May 23, 2018.**DATES:** Effective June 22, 2018.**FOR FURTHER INFORMATION CONTACT:** Vince Mareino, 888 First Street NE, Washington, DC 20426, (202) 502–6167, [Vince.Mareino@ferc.gov](mailto:Vince.Mareino@ferc.gov).**SUPPLEMENTARY INFORMATION:**

1. On May 17, 2018, the Commission issued a Final Rule in the above captioned proceeding. *Withdrawal of Pleadings*, 163 FERC ¶ 61,118 (2018), see 83 FR 23807. This errata notification hereby corrects paragraph 11 of the Final Rule by deleting the second sentence that was inadvertently included. Accordingly, paragraph 11 is corrected to read as follows: “These regulations are effective June 22, 2018.”

Issued: May 24, 2018.

**Kimberly D. Bose**,  
Secretary.

[FR Doc. 2018–11639 Filed 5–30–18; 8:45 am]

**BILLING CODE 6717–01–P****DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****23 CFR Part 490**

[Docket No. FHWA–2017–0025]

RIN 2125–AF76

**National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program****AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).**ACTION:** Final rule.**SUMMARY:** This final rule repeals the performance management measure that assessed the percent change in tailpipe carbon dioxide (CO<sub>2</sub>) emissions, from the reference year 2017, on the National

Highway System (NHS) (also referred to as the Greenhouse Gas (GHG) measure). The GHG measure was one of several performance measures that FHWA required State departments of transportation (State DOTs) and metropolitan planning organizations (MPOs) to use to assess performance in a variety of areas. After considering the comments received in response to the notice of proposed rulemaking (NPRM) published on October 5, 2017, FHWA has decided to repeal the GHG measure.

**DATES:** This final rule is effective July 2, 2018.**FOR FURTHER INFORMATION CONTACT:** For technical information: Michael Culp, Office of Planning, Environment and Realty, (202) 366–9229; for legal information: Christopher Richardson, Office of Chief Counsel, (202) 366–1383, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.**SUPPLEMENTARY INFORMATION:****Electronic Access and Filing**

The notice of proposed rulemaking (NPRM) was published at 82 FR 46427 on October 5, 2017.<sup>1</sup> A copy of the NPRM, all comments received, and all background material may be viewed online at <http://www.regulations.gov>. Electronic retrieval help and guidelines are available on the website, which is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s website at <http://www.ofr.gov> and the Government Publishing Office’s website at <http://www.gpo.gov>.

**Table of Contents for Supplementary Information**

- I. Executive Summary
  - A. Purpose of the Deregulatory Action
  - B. Summary of the Deregulatory Action in Question
  - C. Costs and Benefits
- II. Acronyms and Abbreviations
- III. Regulatory History
- IV. Decision to Repeal the GHG Performance Measure
  - A. Summary of Decision
  - B. Reasons for the Repeal of the GHG Measure
  - C. Impact of Repeal on Effectiveness of Performance Management Program
- V. Response to Comments Received on the NPRM
  - A. Costs and Benefits of the GHG Measure
  - B. Utility and Burden of the GHG Measure

<sup>1</sup> 82 FR 46427 Pg. 46427–46433: <https://www.federalregister.gov/documents/2017/10/05/2017-21442/national-performance-management-measures-assessing-performance-of-the-national-highway-system>.

- C. Duplication of Efforts at Federal, State or Local Levels
- D. Appropriateness of the Measure Methodology
- E. Alternatives to Current GHG Performance Measure
- F. Other Comments
- VI. Rulemaking Analyses and Notices
  - A. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
  - B. Regulatory Flexibility Act
  - C. Unfunded Mandates Reform Act of 1995
  - D. Executive Order 13132 (Federalism Assessment)
  - E. Executive Order 12372 (Intergovernmental Review)
  - F. Paperwork Reduction Act
  - G. National Environmental Policy Act
  - H. Executive Order 12630 (Taking of Private Property)
  - I. Executive Order 12988 (Civil Justice Reform)
  - J. Executive Order 13045 (Protection of Children)
  - K. Executive Order 13175 (Tribal Consultation)
  - L. Regulation Identifier Number

**I. Executive Summary****A. Purpose of the Deregulatory Action**

The purpose of this deregulatory action is to repeal the requirement that State departments of transportation (State DOTs) and metropolitan planning organizations (MPOs) assess the performance of the National Highway System (NHS) under the National Highway Performance Program (NHPP) by measuring the percent change in tailpipe carbon dioxide (CO<sub>2</sub>) emissions on the NHS from calendar year 2017 (also referred to as the Greenhouse Gas (GHG) measure). This measure was calculated using data on fuel use and vehicle miles traveled (VMT). After further consideration and review of the comments received, as well as relevant statutory authorities, we have decided to repeal this measure. This repeal will alleviate a burden on State DOTs and MPOs that imposed costs with no predictable level of benefits. This final rule does not prohibit State DOTs and MPOs from choosing voluntarily to measure and assess CO<sub>2</sub> emissions.

**B. Summary of the Deregulatory Action in Question**

This final rule repeals the GHG measure. By repealing this measure, FHWA will no longer require State DOTs and MPOs to undertake administrative activities to establish targets, calculate their progress toward their selected targets, report to FHWA, and determine a plan of action to make progress toward their selected targets if



they failed to make significant progress during a performance period.<sup>2</sup>

**C. Costs and Benefits**

This final rule is a deregulatory action estimated to result in cost savings of

\$10.89 million, which rounds to \$10.9 million discounted at 7 percent over 9 years. This equates to annualized cost savings of \$1.67 million at a 7 percent discount rate, or \$1.64 million at a 3

percent discount rate. Table 1 displays the Office of Management and Budget (OMB) A-4 Accounting Statement as a summary of the cost savings associated with repealing the GHG measure.

**TABLE 1—OMB A-4 ACCOUNTING STATEMENT**

Category	Estimates			Units			Source/citation
	Primary	Low	High	Year dollar	Discount rate %	Period covered (years)	
<b>Benefits</b>							
Annualized Monetized (\$ millions/year).	None .....	None .....	None .....	NA	7	NA	Not Quantified.
Annualized Quantified .....	None .....	None .....	None .....	NA	3	NA	
	None .....	None .....	None .....	NA	7	NA	Not Quantified.
	None .....	None .....	None .....	NA	3	NA	
Qualitative .....	More informed decision-making on project, program, and policy choices.						Final RIA.
<b>Costs</b>							
Annualized Monetized (\$/year) .....	(\$1,671,758) .....	.....	.....	2014	7	9	Final RIA.
	(\$1,644,687) .....	.....	.....	2014	3	9	
Annualized Quantified .....	None .....	None .....	None .....	2014	7	9	Final RIA.
	None .....	None .....	None .....	2014	3	9	
Qualitative							
Transfers .....	None						
From/To .....	From:			To:			
<b>Effects</b>							
State, Local, and/or Tribal Government.	(\$1,671,758) .....	.....	.....	2014	7	9	Final RIA.
	(\$1,644,687) .....	.....	.....	2014	3	9	
Small Business .....	Not expected to have a significant impact on a substantial number of small entities.			NA	NA	NA	Final RIA.

**II. Acronyms and Abbreviations**

Acronym or abbreviation	Term
AASHTO .....	American Association of State Highway and Transportation Officials.
AGC .....	Associated General Contractors of America.
AMPO .....	Association of Metropolitan Planning Organizations.
APA .....	Administrative Procedure Act.
Caltrans .....	California Department of Transportation.
CARB .....	California Air Resources Board.
CFR .....	Code of Federal Regulations.
CMAQ .....	Chicago Metropolitan Agency for Planning.
CMAQ .....	Congestion Mitigation and Air Quality Improvement Program.
CO <sub>2</sub> .....	Carbon dioxide.
DOT .....	U.S. Department of Transportation.
EO .....	Executive Order.
EIA .....	Energy Information Agency, U.S. Department of Energy.
EIS .....	Environmental Impact Statement.
FAHP .....	Federal-aid Highway Program.
FAST Act .....	Fixing America's Surface Transportation Act.
FHWA .....	Federal Highway Administration.
FR .....	Federal Register.
GHG .....	Greenhouse gas.
HPMS .....	Highway Performance Monitoring System.
MAP-21 .....	Moving Ahead for Progress in the 21st Century Act.
MOVES .....	Motor Vehicle Emission Simulator.
MPO .....	Metropolitan Planning Organizations.
NEPA .....	National Environmental Policy Act.
NHPA .....	National Historic Preservation Act.
NHPP .....	National Highway Performance Program.
NHS .....	National Highway System.
NPRM .....	Notice of proposed rulemaking.

<sup>2</sup> See 23 CFR 490.105, 490.107, 490.109.

Acronym or abbreviation	Term
NRDC .....	Natural Resources Defense Council.
OMB .....	Office of Management and Budget.
PM3 .....	“Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program” The third performance measure rule.
PRA .....	Paperwork Reduction Act of 1995.
RIA .....	Regulatory Impact Analysis.
RIN .....	Regulatory Identification Number.
State DOTs .....	State departments of transportation.
U.S.C. ....	United States Code.
VMT .....	Vehicle miles traveled.

### III. Regulatory History

The Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112–141) transforms the Federal-aid Highway Program (FAHP) by establishing new requirements for performance management to ensure the most efficient investment of Federal transportation funds. The Fixing America’s Surface Transportation (FAST) Act (Pub. L. 114–94) continued these requirements. Performance management increases the accountability and transparency of the FAHP and provides a framework to support improved investment decisionmaking through a focus on performance outcomes for key national transportation goals.

As part of this mandate, FHWA issued a set of three related national performance management measure rules for State DOTs and MPOs to use to assess performance. In these rules, FHWA established performance measures in 12 areas generalized as follows: (1) Serious injuries per VMT; (2) fatalities per VMT; (3) number of serious injuries; (4) number of fatalities; (5) pavement condition on the Interstate System; (6) pavement condition on the non-Interstate National Highway System (NHS); (7) bridge condition on the NHS; (8) performance of the Interstate System; (9) performance of the non-Interstate NHS; (10) freight movement on the Interstate System; (11) traffic congestion; and (12) on-road mobile source emissions.

The third performance management measures NPRM (PM3 NPRM) was published on April 22, 2016 (81 FR 23806).<sup>3</sup> The PM3 NPRM proposed a set of national measures for State DOTs to use to assess the performance of the Interstate and non-Interstate NHS to carry out the NHPP; to assess freight movement on the Interstate System; and

<sup>3</sup> Third performance measure NPRM: “Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program” (RIN 2125–AF54); <https://www.gpo.gov/fdsys/pkg/FR-2016-04-22/pdf/2016-08014.pdf>.

to assess traffic congestion and on-road mobile source emissions for the purpose of carrying out the CMAQ Program. In the preamble to the PM3 NPRM, FHWA sought public comment on whether and how to establish a CO<sub>2</sub> emissions measure in the PM3 Final Rule.

The FHWA published the third performance measure final rule (PM3 Final Rule) on January 18, 2017, at 82 FR 5971.<sup>4</sup> As finalized, the rule measured total annual tons of CO<sub>2</sub> emissions from all on-road mobile sources. For a discussion of the comments received, FHWA’s response to those comments, and FHWA’s rationale for adopting the GHG measure, please see the PM3 Final Rule.

On October 5, 2017, FHWA published an NPRM proposing to repeal the GHG measure (82 FR 46427),<sup>5</sup> while seeking additional public comment on whether to retain or revise the GHG measure established in the PM3 Final Rule. The rulemaking sought additional information that may not have been available during the development of the PM3 Final Rule. The NPRM was published with a 30-day comment period set to close on November 6, 2017. The comment period was extended to November 15, 2017,<sup>6</sup> in response to requests submitted to the docket.

#### IV. Decision To Repeal the GHG Performance Measure

##### A. Summary of Decision

The FHWA initiated this rulemaking after reviewing existing and pending regulations pursuant to Executive Order 13771 and 13777. On January 30, 2017, the President issued Executive Order 13771, titled, “Reducing Regulation and Controlling Regulatory Costs,” which

<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>.

<sup>5</sup> 82 FR 46427, October 5, 2017 <https://www.federalregister.gov/documents/2017/10/05/2017-21442/national-performance-management-measures-assessing-performance-of-the-national-highway-system>.

<sup>6</sup> 82 FR 51786, November 8, 2017 <https://www.federalregister.gov/documents/2017/11/08/2017-24345/national-performance-management-measures-assessing-performance-of-the-national-highway-system>.

requires Federal agencies to take proactive measures to reduce the costs associated with complying with Federal regulations. In addition, on February 24, 2017, the President issued Executive Order 13777, titled, “Enforcing the Regulatory Reform Agenda,” which requires Federal agencies to designate a Regulatory Reform Officer and a Regulatory Reform Task Force to carry out the initiatives described in that Executive Order.

The objective of our review was to determine whether changes would be appropriate to eliminate duplicative regulations and streamline regulatory processes. Based upon this review, DOT identified the GHG measure of the PM3 Final Rule as being potentially duplicative of existing efforts in some States, and as potentially imposing unnecessary burdens on State DOTs and MPOs that were not contemplated by Congress. In addition, when the GHG measure was adopted, there were numerous comments regarding FHWA’s legal authority to adopt the measure. Due to those concerns and because the performance management statute (23 U.S.C. 150) does not require a GHG measure, FHWA decided to reconsider its legal interpretation of the statute under which the GHG measure was adopted. All of these concerns contributed to the decision to publish the NPRM proposing to repeal the GHG measure.<sup>7</sup>

The FHWA’s decision to repeal is based on the combined effects of three primary factors. These are: (1) Reconsideration of the legal authority under which the GHG measure was promulgated; (2) the cost of the GHG measure when considered in relation to the lack of demonstrated benefits; and (3) the potential duplication between information produced by the GHG measure and information produced by other initiatives related to measuring CO<sub>2</sub> emissions.

<sup>7</sup> 82 FR 46427, October 5, 2017 <https://www.federalregister.gov/documents/2017/10/05/2017-21442/national-performance-management-measures-assessing-performance-of-the-national-highway-system>.

FHWA adopted the GHG measure as a matter of discretion in interpreting 23 U.S.C. 150(c), as the statute does not explicitly address CO<sub>2</sub> emissions or require FHWA to include a GHG measure among the national performance measures. Repeal of the measure, for the reasons described in this final rule, is also a matter within FHWA's discretion, and repeal does not conflict with the statute. Further, repeal of the FHWA GHG measure does not preclude State DOTs and MPOs from tracking CO<sub>2</sub> levels related to their own transportation programs, or from independently establishing measures and targets outside the national performance management program.

The FHWA also considered alternatives to the repeal of the GHG measure. This consideration included whether FHWA should retain the measure as adopted in the PM3 Final Rule, or adopt a modified version of the GHG measure within the framework of the national performance management program. The FHWA did not identify an alternative that would address its concerns with the GHG measure. For more information about the alternatives considered, including comments received on this topic and FHWA's responses, please see Section V.E.

#### *B. Reasons for the Repeal of the GHG Measure*

As noted above, in addition to the comments received, FHWA's decision to repeal the GHG measure is based on three primary factors.

##### 1. Reconsideration of Legal Authority To Adopt GHG Measure

When FHWA adopted the GHG measure in January 2017, we noted that we had received comments from supporters and opponents addressing FHWA's legal authority to adopt such a measure.<sup>8</sup> In response to the NPRM issued for this rule, we received an equally divided set of comments regarding our legal authority to adopt the GHG measure. Questions about FHWA's legal authority arose from the express provisions of 23 U.S.C. 150.

In the PM3 Final Rule, FHWA concluded that it had the discretion to interpret the term "performance" as it relates to the Interstate and non-Interstate NHS, pursuant to the Secretary's authority set forth in 23 U.S.C. 150(c)(3)(A)(ii)(IV)–(V). FHWA's prior interpretation of the term "performance" included "environmental performance" and, consequently, FHWA determined that the adoption of the GHG measure was

thus not outside the scope of section 150.<sup>9</sup> Upon reconsideration, as explained below, we have determined that although the statute confers upon FHWA the discretion to determine the proper interpretation of the statute, FHWA's prior interpretation was based on a strained reading of the statutory language in section 150, and one that did not fully consider the limitations imposed by the statute itself and by other relevant considerations.

As outlined in the PM3 Final Rule, FHWA supported its discretion to broadly interpret the term "performance" with four arguments.<sup>10</sup> First, FHWA relied on other provisions in Title 23 that make the environment an integral part of the FAHP, such as the national goal of environmental sustainability in 23 U.S.C. 150(b)(6), to demonstrate support for its interpretation. Second, FHWA asserted that its interpretation of "performance" was supported by numerous other FHWA actions, including various reports and guidance related to CO<sub>2</sub> emissions, that treat the environment, including global sustainability and global climate change, as part of a State's highway system performance. Third, FHWA noted that section 150(c)(3) mandated the measures for the purpose of carrying out 23 U.S.C. 119, which establishes the National Highway Performance Program. The purposes of the NHPP, as set forth in 23 U.S.C. 119, included providing support for the condition and performance of the NHS. Specifically, section 119(e) calls for a performance-driven asset management plan that would support progress toward achievement of the national goals identified in section 150(b), which include environmental sustainability. Finally, FHWA identified other FHWA statutory provisions found in Title 23 as potentially supporting its authority to address CO<sub>2</sub> emissions through the PM3 rulemaking. FHWA argued that because these provisions identified interrelationships among the environment, energy conservation, infrastructure performance, and performance-based decisionmaking, when read together, they provided a basis for FHWA to conclude that assessing infrastructure performance under 23 U.S.C. 150(c)(3) may properly encompass environmental performance and, by extension, assessment of CO<sub>2</sub> emissions.<sup>11</sup>

What is notable about these four arguments, however, is that none of them points to any statutory provision

that specifically directs or requires FHWA to adopt a GHG measure. Instead they encourage State DOTs and MPOs to consider a variety of ways to incorporate environmental considerations under their existing authority. Further, even though FHWA has taken other actions, such as issuing reports and guidance regarding GHG emissions and climate change, those actions were not taken to fulfill the statutory mandate of section 150, and therefore, do not lead to the conclusion that FHWA is required to adopt a GHG measure. Since those actions were taken to fulfill other statutory obligations and policy goals, they do not lead to the conclusion that FHWA must adopt a comprehensive performance requirement, such as the GHG measure.

It is true that section 150 establishes seven national goals for the Federal-aid Highway program (FAHP), including "environmental sustainability."<sup>12</sup> However, subsection 150(c), in directing the Secretary to establish performance measures, imposes a specific limitation: the Secretary "shall . . . limit the performance measures only to those described in [subsection c]."<sup>13</sup> Subsection (c) specifically directs the Secretary to establish measures regarding the pavement and bridge conditions of the National Highway System (NHS), the performance of the Interstate System and the National Highway System (excluding the Interstate System), the Highway Safety Improvement Program, the Congestion Mitigation and Air Quality Program (CMAQ), and national freight movement.<sup>14</sup> Though environmental sustainability is one of the enumerated national goals in section 150, it is not one of the categories of performance measures specifically mentioned in subsection (c).

Furthermore, in exercising its discretion previously, FHWA failed to fully consider the provisions in the National Highway Performance Program (NHPP) statute, 23 U.S.C. 119, when it originally decided to rely on the section 150(b) national goal of environmental sustainability to establish the GHG measure. The FHWA did not evaluate whether the national goals language in section 119(d)(1)(A) imposed limitations on how FHWA would meet the national goals enumerated in section 150 when establishing NHPP performance measures under section 150(c)(3). Section 119(d)(1)(A) defines eligibility criteria for projects funded under NHPP. While the provision references

<sup>8</sup> 82 FR 5994–95.

<sup>10</sup> 82 FR 5993–96.

<sup>11</sup> *Id.*

<sup>12</sup> 23 U.S.C. 150(b)(6).

<sup>13</sup> Section 150(c)(2)(C).

<sup>14</sup> Section 150(c)(3)–(6).

<sup>8</sup> See 82 FR 5993 (Jan. 18, 2017).

achievement of national performance goals, the statute also delineates *which* national performance goals are relevant to the NHPP: “. . . national performance goals for improving infrastructure condition, safety, congestion reduction, system reliability, or freight movement on the [NHS].” While these goals are consistent with an interpretation of “performance” that focuses on the physical condition of the system and the efficiency of transportation operations across the system, they do not support FHWA’s prior, broader interpretation of “performance” under section 150(c)(3), which encompassed environmental performance. FHWA, in exercising its discretion to interpret the statute, now concludes that a narrower interpretation of the term “performance” is the better view of the statutory scheme and is more consistent with the text, structure, and purpose of the statute.

The structure of section 150 itself supports a narrower construction of the section 150 performance measures authorization than previously adopted by FHWA. Congress specifically directed the Secretary of Transportation to “limit performance measures only to those described in [section 150(c)]” in establishing the performance measures. One of those authorized performance measures, section 150(c)(5), directs the Secretary to establish measures for States to use in assessing on-road mobile source emissions. After reconsideration, FHWA believes that because Congress specifically designated a part of section 150(c) for on-road mobile source emissions measures, it is reasonable to conclude that Congress did not intend the other parts of section 150(c) to be used to address other similar or related performance measures, such as the GHG measure. At the same time, by placing the on-road mobile source emissions provision in section 150(c)(5), Congress limited the types of emissions that could be the subject of a performance measure to those listed in the CMAQ statute (23 U.S.C. 149(b)). CO<sub>2</sub> is not among those pollutants. Given the long history of congressional actions relating to on-road mobile source emissions and the CMAQ Program, FHWA must presume that Congress understood both the breadth of the term “on-road mobile source emissions,” and the narrowness of the criteria pollutants covered by the CMAQ Program. It is reasonable to conclude that Congress was well aware that, because CO<sub>2</sub> emissions are not a criteria pollutant covered by the CMAQ Program, section 150(c)(5) could not be used to create a performance measure

for CO<sub>2</sub>. Nothing in section 150 suggests that Congress wanted the Secretary to go beyond the express emissions provision in section 150(c)(5), to undertake an expansive program relating to on-road mobile source emissions. Had it wanted to do so, Congress could have crafted such an express provision, but it did not do so. Given this statutory analysis, the reasons we have explained above, and upon reconsideration of our prior interpretation, we believe that a narrower interpretation of “performance” as it relates to the “performance” of the Interstate System and the National Highway System is more consistent with the language of section 150. Accordingly, we have concluded that the term “performance” as it relates to the Interstate System and the National Highway System is better read not to encompass measures relating to CO<sub>2</sub>, as previously concluded by FHWA in adopting the GHG measure in January 2017.

Moreover, consistent with our reinterpretation of the statutory language of subsection 150(c), FHWA believes the better approach is to focus on implementing the CMAQ Program, as Congress directed, through FHWA’s establishment of performance measures for States to assess on-road mobile source emissions pursuant to 23 U.S.C. 150(c)(5). One reason is that the CMAQ statute reflects a more localized approach that is based on each State’s nonattainment and maintenance areas for the covered pollutants.<sup>15</sup> FHWA believes this tailored approach is more appropriate for the Federal-aid highway program than attempting to use a GHG measure to induce States to address global climate concerns. This view is supported by section 150(d)(2), which contemplates a localized approach by granting States the discretion to set different performance targets for urbanized and rural areas in developing and implementing the performance measures. Further, the CMAQ Program contains substantive requirements that are designed directly to ameliorate the localized effects of the covered pollutants.

Finally, although FHWA has decided to repeal the GHG measure, many sources of information exist regarding GHGs and their impact on the environment, on both regional and local levels, which State DOTs and MPOs can continue to draw upon in evaluating their transportation projects. In addition, there are other comprehensive statutory schemes, such as the Corporate Average Fuel Economy program, administered by the National Highway

Traffic Safety Administration, which exist to address issues such as the environment and energy conservation.

## 2. Costs and Burdens of the Measure

Reducing regulatory burdens is a FHWA priority. FHWA is giving particular attention to opportunities to reduce burdens imposed by existing regulations through consideration of their repeal, replacement, or modification. Our efforts are guided by a number of Executive Orders, including Section 5 of Executive Order 12688, Section 2 of Executive Order 13777, and Section 3 of Executive Order 13783, titled “Promoting Energy Independence and Economic Growth.”

After considering the comments received in this rulemaking and the revised regulatory impact assessment (RIA), FHWA has decided that the GHG measure imposes unnecessary regulatory burdens on State DOTs and MPOs with no predictable benefits. FHWA is concerned about the potential the GHG measure has to cause adverse impacts on overall State DOT and MPO efforts to implement the national performance management program. FHWA assigns a high priority to the successful implementation of the national performance management program. The removal of the GHG measure from the program reduces the number of measures the State DOTs and MPOs must address, and allows those entities to focus their resources on implementing the remaining measures. We heard from commenters that the GHG measure would impose additional resource requirements that would either adversely affect the ability of State DOTs and MPOs to implement the national performance management program, or take focus away from the core mission of FHWA.

These costs include the resources needed to obtain and review the required data, to calculate the measure, and to coordinate and select a CO<sub>2</sub> emissions target. The FHWA considered comments received about costs to set and report targets, and to calculate the metric. Also, if a State DOT does not achieve its selected target under the previous rule, it would incur additional costs to develop and report on actions the State DOT will take to make progress towards its target.<sup>16</sup>

Other types of costs are harder to predict with reasonable certainty, such as the GHG measure’s potentially adverse impact in rural States. While the GHG measure did not require States to reduce CO<sub>2</sub> emissions, a State could feel pressured to change its mix of

<sup>15</sup> 23 U.S.C. 149.

<sup>16</sup> 23 U.S.C. 119(e)(7) and 23 CFR 490.109.

projects to reduce CO<sub>2</sub> emissions. Rural States may face more challenges, and indirect costs, in adapting their programs to reduce CO<sub>2</sub> emissions. The challenges are rooted in the type of driving typically done in rural areas, and the predominantly system-preservation focus of rural States' highway programs. Commenters<sup>17</sup> indicated rural residents drive relatively long distances, often in heavy-duty vehicles. Such States may have limited ability to reduce VMT. In some rural States, such as Alaska, on-road vehicle CO<sub>2</sub> emissions represent a much smaller share of total CO<sub>2</sub> emissions than in other States or in the United States as a whole.<sup>18</sup> For rural States, this may mean shifting away from their typical system-preservation focus.<sup>19</sup> A reduction in system preservation investments could result in adverse cost impacts because the failure to take timely preservation measures can result in higher costs over the life of a facility and other unintended results.<sup>20</sup> According to one commenter,<sup>21</sup> failure to preserve highway pavements could increase CO<sub>2</sub> emissions as drivers reduce speeds due to rough surfaces.

While the RIA for this final rule estimated marginally lower total costs than the RIA in the NPRM, FHWA reaches the same conclusion regarding the costs and burdens of the GHG measure. That analysis, summarized in Section VI.A. of this document, found that the aggregate costs to State DOTs and MPOs to implement the GHG measure would be \$10.9 million over 9 years, discounted at 7 percent.<sup>22</sup> These costs represent a burden that would be imposed on State DOTs and MPOs with no discernable benefits.

While some commenters argued that the GHG measure would produce wide-ranging benefits, it is important to recognize that the measure itself did not require reductions in CO<sub>2</sub> emissions and would not have produced predictable climate change effects. The measure did not require State DOTs or MPOs to adopt targets that reflect declining emissions levels. As described in the PM3 Final Rule,<sup>23</sup> the benefits that may

possibly flow from the GHG measure came from its potential to influence State DOT and MPO investment decisions, and it is not possible to conclude with certainty the GHG measure would cause State DOTs and MPOs to make decisions that change CO<sub>2</sub> emissions levels. Similarly, it is not possible to conclude with certainty that repeal of the rule will cause State DOTs and MPOs to make decisions that result in increases in CO<sub>2</sub> emissions. The GHG measure had no legal power to force any change in CO<sub>2</sub> emissions levels, and the GHG measure had no predictable effect on those emissions. The GHG measure required very limited actions (though with some cost) from State DOTs and MPOs, and those actions were purely administrative in character.<sup>24</sup> FHWA concludes that it is not possible to predict, with any reasonable degree of certainty, the extent to which the influence effects of the GHG measure might result in actual changes in emissions levels. Thus, FHWA does not believe the speculative and uncertain benefits are a sufficient reason to retain the GHG measure, especially given the very definite costs associated with the measure.

### 3. Duplication of Other Efforts

FHWA also considered whether the GHG measure is duplicative, as raised by some commenters. In addition, the recent executive mandates to reduce regulatory costs and burdens mean FHWA must consider whether the information the measure would produce duplicates information produced by others.

FHWA considered that there are other existing methods for producing nearly the same information as would result from the implementation of the GHG measure, using publicly available data and methodologies, if that information is desired. FHWA also recognized that the repeal of the measure would not affect the ability of State DOTs and MPOs to create their own CO<sub>2</sub> emissions measures and targets independently outside the national performance management program. Indeed, several

State DOTs and MPOs said that they are already tracking CO<sub>2</sub> emissions, either voluntarily or to comply with State requirements.<sup>25</sup>

Other Federal agencies, such as the Environmental Protection Agency (EPA) and the Department of Energy (DOE), have undertaken regulatory and other efforts to address CO<sub>2</sub> emissions. Among those efforts is the annual DOE publication of State-by-State data on CO<sub>2</sub> emissions for the transportation sector.<sup>26</sup> That DOE transportation data includes CO<sub>2</sub> emissions from all mobile sources (*e.g.*, aviation, highway), not just motor vehicles (although the published table does not break the CO<sub>2</sub> emissions data into subcategories, such as CO<sub>2</sub> emissions on the NHS). Thus, the information published by EPA and DOE overlaps with, but is not precisely identical to, the information that would be produced by calculation of the GHG measure. However, that existing collection of data does provide States with trend information on CO<sub>2</sub> emissions from mobile sources in each State, and the highway component is based on the same fuel sales information used for the GHG measure.

In light of these circumstances, FHWA now concludes that the GHG measure in the performance management program is unnecessary. The information available through DOE informs State DOTs and MPOs whether transportation CO<sub>2</sub> emissions in their States are increasing, decreasing, or staying the same. Although this existing information is provided at the transportation sector level, rather than the systems level, the information addresses the same ultimate point as the GHG measure. FHWA acknowledges there may be instances when States or MPOs may want to have CO<sub>2</sub> emissions data for specific transportation systems or facilities, rather than data at the transportation sector level. State DOTs and MPOs are free to create such data, if they wish, by using publicly available data and existing methodologies.

Pursuant to the mandates of Executive Order 13771, Executive Order 13777, and Executive Order 13783, FHWA concluded that the data needed to support the GHG measure is at least somewhat duplicative of the EPA and

<sup>17</sup> DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125-4.

<sup>18</sup> Alaska DOT and Alaska Department of Environmental Conservation, FHWA-2017-0025-0135-3.

<sup>19</sup> Wyoming DOT, FHWA-2017-0025-0124-2.

<sup>20</sup> See, *e.g.* *Life Cycle Cost Analysis Primer*, FHWA (August 2002) at page 10, available online at <https://www.fhwa.dot.gov/asset/lcca/010621.pdf> (as of May 1, 2018).

<sup>21</sup> Wyoming DOT, FHWA-2017-0025-0124-2.

<sup>22</sup> Rounded from \$10.89 million discounted at 7 percent.

<sup>23</sup> National Performance Management Measures: Assessing Performance of the National Highway

System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program" (RIN 2125-AF54): <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>.

<sup>24</sup> Under the previous rule, State DOTs and MPOs were required to set CO<sub>2</sub> emissions targets, which can be for declining emission levels, increasing emission levels, or unchanged emission levels, as compared to a 2017 baseline. State DOTs were required to use data from existing sources to calculate the CO<sub>2</sub> emissions measure at various points in time, reporting the results to FHWA. If the State DOT did not meet its target, it was required to report to FHWA on actions the State DOT would take to reach its selected target.

<sup>25</sup> Washington State DOT, FHWA-2017-0025-0132-10; National Capital Region Transportation Planning Board, FHWA-2017-0025-0158-6; City of New York, FHWA-2017-0025-0195-7; City of Portland, OR, FHWA-2017-0025-0234-3; Northeast Ohio Areawide Coordination Agency (NOACA), FHWA-2017-0025-0243-2.

<sup>26</sup> See "CO<sub>2</sub> Emissions from Fossil Fuel Combustion—Million Metric Tons CO<sub>2</sub> (MMTCo<sub>2</sub>)," available online at <https://www.epa.gov/statelocalenergy/state-co2-emissions-fossil-fuel-combustion> (as of January 19, 2018).

DOE data on CO<sub>2</sub> emissions. That duplication, together with other options States and MPOs can use independently to produce more specific data if they wish, reduces the need for the FHWA GHG measure, and makes imposition of incremental regulatory costs less supportable. Even if the degree of duplication is limited, FHWA believes the duplication in information produced by the Federal government is a concern and a factor that supports repeal of the GHG measure.

FHWA believes the repeal of the GHG performance measure will reduce the existing duplication, streamline the regulations, and reduce the potential for the confusion that can arise when multiple Federal and State entities impose different requirements for categorizing and measuring CO<sub>2</sub> emissions. FHWA acknowledges that multi-jurisdictional regulation of the same matter does occur, but FHWA believes that it ought to be avoided where reasonably possible and not inconsistent with statutory requirements.

### *C. Impact of Repeal on Effectiveness of Performance Management Program*

In the context of the national performance management program, FHWA believes the GHG performance measure can be repealed without harm to the overall effectiveness of the national performance management program. As described in the performance management statute, the purpose of the program is to provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the FAHP, and improving project decisionmaking through performance-based planning and programming. The program is broad-based, and FHWA has substantial discretion in determining which types of performance measures will be given priority and adopted as national measures. After the repeal of the GHG measure, the remaining 17 national performance measures will fully meet the 23 U.S.C. 150 requirements, and serve the interests of the FAHP. The transparency and accountability effects of the national measures are unaffected by the repeal. The repeal of the GHG measure will permit State DOTs and MPOs to reallocate resources they would have used to implement the GHG measure, providing a potential benefit to implementation efforts for the remaining measures.

### **V. Response to Comments Received on the NPRM**

FHWA received 251 comment submissions to the public docket on the proposed NPRM to repeal the GHG measure. Many submittals were signed by multiple organizations or representatives. This section of the preamble provides a response to the most significant issues raised in the comments received.

#### *A. Costs and Benefits of the GHG Measure*

As part of the rulemaking that was finalized in January 2017, FHWA estimated the incremental costs associated with the new requirements for a GHG measure that represented a change to current practices of DOT, State DOTs, and MPOs. The 9-year, discounted cost to comply with the GHG measure was estimated at \$10.9 million in the PM3 Final Rule.<sup>27</sup> In the NPRM to repeal the GHG measure, FHWA used this same \$10.9 million figure as the amount of cost savings that would be achieved.

Commenters who supported the repeal of the GHG measure cited two primary reasons related to its costs. First, commenters argued that requiring the GHG measure diverts resources during a time of limited State resources, which could potentially affect their ability to deliver projects and programs, implement existing performance measures, and provide other transportation investments. Second, commenters argued that FHWA underestimated additional burdens of complying with the GHG measure requirement, though no further detail on those additional costs was provided.

Commenters who stated that the measure should be retained cited a number of reasons as well. These commenters felt that the benefits would outweigh the costs of the measure and that FHWA overestimated the cost of compliance. Some commenters noted that several States and MPOs are already tracking CO<sub>2</sub> emissions, either voluntarily or to comply with State requirements, and that repealing the GHG measure would, therefore, provide little if any savings to those particular entities. Other commenters argued that the cost of complying with the GHG measure is small when considered in relation to overall investments in transportation infrastructure, and that costs are “negligible” when spread out across State DOTs and MPOs. In response to the NPRM’s request for comments on any costs to States

<sup>27</sup> Rounded from \$10.96 million discounted at 7 percent.

associated with the NHPP “significant progress” determination for the GHG measure,<sup>28</sup> some noted that States that failed to meet their targets would need to document actions that would be taken to achieve the target in the future. However, the commenters indicated such States would likely need to perform ongoing investment-decision analysis anyway and, therefore, preparation of the action plan would not incur a significant additional burden.

Several commenters also discussed that the proposed repeal did not take into account the benefits of keeping the GHG measure, such as foregone benefits associated with reduced household transportation costs, congestion, and delay. One commenter provided an analysis claiming that even minimal reductions in CO<sub>2</sub> emissions, when monetized using FHWA’s estimate of the social cost of carbon, would yield monetary benefits that would exceed the estimated cost of complying with the GHG measure. Other commenters<sup>29</sup> cited as benefits the ability to compare CO<sub>2</sub> emission rates with peer regions and States, measure and communicate the effect of transportation investments on CO<sub>2</sub> emissions region-wide, and track emissions to set business goals.

Finally, several commenters<sup>30</sup> said that without the GHG measure, the transportation-investment decisions by States and MPOs would result in increased CO<sub>2</sub> emissions, which would result in increased economic costs from climate change. Many of them argued that these costs would exceed the benefits of repealing the GHG measure, and that the RIA did not estimate benefits.

#### **FHWA Response**

FHWA reviewed the comments relating to the costs and benefits associated with keeping the GHG measure, including establishing performance targets, assessing and reporting on progress toward meeting

<sup>28</sup> See 23 U.S.C. 119(e)(7).

<sup>29</sup> Oregon Environmental Council, FHWA–2017–0025–0130–2; Metropolitan Council, FHWA–2017–0025–0140–3; City of New York, FHWA–2017–0025–0195–6; U.S. Green Building Council, FHWA–2017–0025–0247.

<sup>30</sup> Oregon Environmental Council, FHWA–2017–0025–0130–1 and –2; Safe Routes to School National Partnership, FHWA–2017–0025–0133; Diaz, FHWA–2017–0025–0143; Caltrans and CARB, FHWA–2017–0025–0162–10; Mass Comment Campaign led by NRDC, FHWA–2017–0025–0184; Institute for Policy Integrity at NYU School of Law, FHWA–2017–0025–0189; Joint submission led by NRDC (12), FHWA–2017–0025–0190–3, –4, and –5; City of New York, FHWA–2017–0025–0195–1, –4, –6, and –7; Transportation for America, FHWA–2017–0025–0200–4; NOACA, FHWA–2017–0025–0243–2; Southwest Energy Efficiency Project, FHWA–2017–0025–0244–2; TRANSCOM, FHWA–2017–0025–0253.

those targets, and calculating the GHG-related system performance metrics and measures. FHWA cannot accurately and confidently estimate the amount and value of the likely benefits of the GHG measure, and thus FHWA is not persuaded that the benefits of the GHG measure would justify its costs to States and MPOs. As with the other PM3 measures, there are requirements to set targets, but the GHG measure does not mandate changes in State DOT or MPO decisions on investments or management of the NHS relative to the measure or those targets. The GHG measure relies on influencing the behavior of State DOTs and MPOs. The measure does not require States or MPOs to reduce CO<sub>2</sub> emissions levels. Accordingly, any changes in CO<sub>2</sub> emissions levels would be caused by the independent actions of State DOTs and MPOs when they make transportation-investment and operations decisions, and not as a direct result of the GHG measure. Any actions those entities might take to change the CO<sub>2</sub> emissions levels associated with their portions of the NHS would occur only as part of a mix of issues they consider when making transportation-investment decisions. Many of the competing issues, such as safety, mobility, and congestion relief, would usually be of higher priority. Therefore, there is greater uncertainty about how much, if at all, overall agency decisions would be different if a GHG measure were in place versus not having it as a PM3 measure. FHWA notes that the RIA conducted for this rulemaking cannot clearly show that the GHG measure “is necessary,”<sup>31</sup> as per OMB Circular A-4.

Regarding comments relating to the cost and burden of the GHG measure, FHWA carefully considered whether to adjust its analysis of the relative costs of the GHG measure and assessment of the measure’s burden on States and MPOs. With respect to the comments that specifically addressed the estimated hours to calculate the GHG-related system performance metrics and measures, FHWA carefully considered them while preparing this final rule’s RIA, refined the estimate of the number of hours it would take State DOTs to calculate the GHG measure, and conducted multiple sensitivity analyses. Commenters stated that the burden to establish performance targets or to assess and report on progress toward meeting those targets would be minimal.

Comments regarding other factors that could reduce the overall burden to States and MPOs, such as future technology improvements and mutual assistance among States, were also considered. The final rule’s RIA estimated marginally lower total costs than the NPRM’s RIA, but this does not lead FHWA to a different conclusion regarding the costs and burdens of the GHG measure.

FHWA reviewed comments regarding the fact that some States are already preparing a similar (or the same) GHG measure, independent of the rule, and that FHWA should therefore lower its estimated costs of implementing the GHG measure. The NPRM’s accompanying RIA already assumed that some States are doing so, estimating that 42 of 52 States would have additional costs related to the GHG measure. None of the comments received specified a different estimate and this conclusion remains unchanged in the RIA for the final rule.

While reviewing the comments that the total cost of the GHG measure is small relative to total annual expenditures on transportation, FHWA noted that it is required to look at the total costs of implementing the GHG measure and balance them against the total benefits directly due to that measure, not against another metric, such as overall transportation spending. Similarly, comments about the total costs per State or MPO on a per entity basis are not pertinent and do not address the fact that FHWA is required to analyze overall costs against overall benefits, not total costs relative to other costs, expenses, revenues, or other measures.

In reviewing public comments and estimated costs of the proposed rule, FHWA considered the fact that alternative ways exist in which the same information could be collected but with less burden on States and MPOs. Data to calculate the GHG measure by State is already publicly available and can be calculated by a single person for all States at once, rather than having each State perform individual calculations. Under this scenario, overall efficiencies should lower the total costs of calculating the GHG measure.

FHWA reviewed the comments on the forgone benefits of repealing the GHG measure requirement. FHWA carefully considered the comments that the GHG measure would lead to decreases in CO<sub>2</sub> emissions, which the commenters thought would lead to other benefits, including fewer negative impacts on people’s health and the natural environment. To attribute such health and environmental benefits to the GHG

measure, FHWA must be confident that implementation of the GHG measure would result in different transportation-investment decisions by State and local agencies that directly cause reductions in CO<sub>2</sub> emissions. As noted by commenters, some agencies are already calculating a GHG-type measure for their State and others are not. Since, under the GHG measure, the State DOT can choose to establish its own GHG targets for a rise or decrease in CO<sub>2</sub>, the States that are more concerned with CO<sub>2</sub> emissions are likely to set more aggressive targets. In such circumstances, FHWA believes that it is not possible to determine that the presence or absence of the GHG measure will result in changes in the overall set of investment transportation decisions by State and local agencies in the next few years. This uncertainty supports FHWA’s decision to repeal the GHG measure.

FHWA also carefully considered the comments stating that the GHG measure would lead to reductions in household transportation costs, congestion and delay, and transportation infrastructure and maintenance costs. In order for these benefits to be attributable to the GHG measure, the implementation of the GHG measure would need to result in different investment decisions by State and local agencies that would allow people to travel faster and more cheaply and that would be more cost effective to build and maintain. FHWA is not confident that including the GHG measure with other performance management metrics will result in transportation investments that are more efficient to develop, operate, and use. The comment that the GHG measure would also help foster a more competitive and growing economy is related to the above arguments; it is based on the presumption that the measure would result in transportation investment choices that are more efficient for the economy, which is not evident at this time. States wishing to compare themselves to their peers can do so independent of the presence of the GHG measure since the necessary data for all States is already publicly available.

Regarding the comments that the NPRM’s RIA does not include a quantitative assessment of the potential benefits of keeping the GHG measure, FHWA notes that the RIA is not required to include quantitative analysis (of either costs or benefits) if the agency does not have the necessary data and metrics to do so. OMB Circular A-4 states that some important benefits and costs may be difficult or impossible to quantify or monetize, given current data

<sup>31</sup> See OMB Circular A-4, September 17, 2003 and Economic Assessment: Repeal of Green House Gas Performance Measure. <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf>.



and methods. The circular advises agencies to carry out a careful evaluation of non-quantifiable and non-monetized benefits and costs.<sup>32</sup> Based on this guidance, the RIA for both the NPRM and for this final rule include a qualitative analysis of potential forgone benefits resulting from repeal of the GHG measure.

### *B. Utility and Burden of the GHG Measure*

#### Utility of the GHG Measure

Twenty-eight commenters discussed whether the GHG measure, including the methodology adopted in the PM3 Final Rule, provides meaningful utility for assessment of environmental performance of the NHS. Twenty-three<sup>33</sup> commenters said that the GHG measure does provide utility, while five commenters<sup>34</sup> said that it does not provide utility.

Commenters who stated that the measure should be repealed cited three primary reasons. First, these commenters noted that State DOTs and MPOs have little to no ability to reduce CO<sub>2</sub> emissions through highway programs because it has not been demonstrated that States or MPOs have the ability to effect meaningful change in CO<sub>2</sub> emissions through stewardship of the highway program. They commented that the GHG rule effectively looks for GHG reductions from a largely preservation-oriented

highway program where they are not available to be had. According to the commenters, the rule would place pressure on a State to change its mix of highway projects for speculative benefits.

Second, two submissions<sup>35</sup> noted that rural States may face particular challenges and program distortions under the rule. Five State DOTs jointly asserted that many of the strategies for how a State might influence CO<sub>2</sub> emission that were included in the PM3 Final Rule are not well-suited to rural settings, where residents drive relatively long distances, often in heavy-duty vehicles. The Wyoming DOT<sup>36</sup> noted that rural States are focused on system preservation and that the GHG measure could pressure the agency to change its mix of projects away from preservation. According to the Wyoming DOT, failure to preserve pavement could increase CO<sub>2</sub> emissions through reduced speeds due to rough surfaces. In a joint comment, two Alaska State agencies<sup>37</sup> said on-road vehicle CO<sub>2</sub> emissions represent a much smaller share of total CO<sub>2</sub> emissions in Alaska than in other States or in the United States as a whole.

Third, another commenter<sup>38</sup> asserted that GHG tailpipe emissions are already subject to regulation through the fuel economy standards set by DOT and EPA, and another<sup>39</sup> stated that other Federal agencies, like EPA, already have set new nationwide standards and guidelines for CO<sub>2</sub> emission reductions that are focused on the most significant sources.

The commenters who stated that the GHG measure should be retained because it does provide utility<sup>40</sup> cited

the following reasons: Several State DOTs<sup>41</sup> commented that the measure would be highly useful in understanding the trend of transportation emissions at the State level, evaluating national performance, and pursuing GHG reduction work. In a joint comment, 51 Members of Congress<sup>42</sup> said that a GHG performance measure is critical for State DOTs and MPOs to determine the type of investments needed to accommodate future increases in passenger and freight travel. The lawmakers added that one of the national goals established in MAP-21 was environmental sustainability and that repealing the GHG measure would inhibit the ability of decisionmakers to make progress toward that national goal. Rails-to-Trails Conservancy<sup>43</sup> stated that the GHG measure provides some assurance that State and local transportation agencies are tracking the full benefits of active transportation and trail networks. Similarly, the Association for Commuter Transportation<sup>44</sup> said that repealing the GHG measure would cause a policy bias that would thwart efforts to improve air quality, reduce congestion, and create an efficient transportation system. Finally, four commenters<sup>45</sup> asserted that tracking carbon emissions would be a valuable way to evaluate the spending decisions made by transportation agencies.

#### Burden of the GHG Measure

FHWA received 22 comments related to the resource burdens associated with the GHG measure. Twelve of the comments stated that the costs and resource burdens would be minimal, while ten of the comments noted that measure would be burdensome.

<sup>32</sup> [https://obamawhitehouse.archives.gov/omb/circulars\\_a004\\_a-4/](https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4/).

<sup>33</sup> Washington State DOT, FHWA-2017-0025-0132; Rails to Trails Conservancy, FHWA-2017-0025-0139-2; Metropolitan Council, FHWA-2017-140-1; Metropolitan Area Planning Council, FHWA-2017-0025-0150; Stratford MPO, FHWA-2017-0025-0151; Oregon DOT, FHWA-2017-0025-0152; Oregon Metro, FHWA-2017-0025-0160; National Capital Region Transportation Planning Board, FHWA-2017-0025-0158; Caltrans and CARB, FHWA-2017-0025-0162; Mass comment campaign led by U.S. PIRG (28), FHWA-2017-0025-0172-2; Joint submission led by NRDC (12), FHWA-2017-0025-0190-7, -8, and -9; City of New York, FHWA-2017-0025-0195-6; Mass comment campaign sponsored by Transportation for America (87), FHWA-2017-0025-0197; Transportation for America, FHWA-2017-0025-0200; Chicago Metropolitan Agency for Planning (CMAP), FHWA-2017-0025-201; Members of Congress (51), FHWA-2017-0025-0206-1; Colorado DOT, FHWA-2017-0025-0208; CrossTown Connect TMA, FHWA-2017-0025-222; Association for Commuter Transportation, FHWA-2017-0025-225; City of Portland, OR, FHWA-2017-0025-0234-1; Local Government Commission, FHWA-2017-0025-0236; Joint submission led by California Association of Councils of Governments (5), FHWA-2017-0025-0242-1; Brookings Institution, FHWA-2017-0025-0248-3 and -4.

<sup>34</sup> Wyoming DOT, FHWA-2017-0025-0124-2 and -3; DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125-4; Texas DOT, FHWA-2017-0025-0127-3; Joint submission led by American Highway Users Alliance (38), FHWA-2017-0025-0196-2 and -3; AGC, FHWA-2017-0025-0213-4 and -5.

<sup>35</sup> Wyoming DOT, FHWA-2017-0025-0124-2; DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125-4.

<sup>36</sup> Wyoming DOT, FHWA-2017-0025-0124-2.

<sup>37</sup> Alaska DOT and Alaska Department of Environmental Conservation, FHWA-2017-0025-0135-3.

<sup>38</sup> Joint submission led by American Highway Users Alliance (38), FHWA-2017-0025-0196-2 and -3.

<sup>39</sup> AGC, FHWA-2017-0025-0213-4 and -5.

<sup>40</sup> Washington State DOT, FHWA-2017-0025-0132; Rails to Trails Conservancy, FHWA-2017-0025-0139-2; Metropolitan Council, FHWA-2017-140-1; Metropolitan Area Planning Council, FHWA-2017-0025-0150; Oregon DOT, FHWA-2017-0025-0152; Oregon Metro, FHWA-2017-0025-0160; National Capital Region Transportation Planning Board, FHWA-2017-0025-0158; Caltrans and CARB, FHWA-2017-0025-0162; Mass comment campaign led by U.S. PIRG (28), FHWA-2017-0025-0172-2; Joint submission led by NRDC (12), FHWA-2017-0025-0190-7, -8, and -9; City of New York, FHWA-2017-0025-0195-6; Mass comment campaign sponsored by the Transportation for America (87), FHWA-2017-0025-0197; Transportation for America, FHWA-2017-0025-0200; CMAP, FHWA-2017-0025-201; Members of Congress (51), FHWA-2017-0025-

0206-1; Colorado DOT, FHWA-2017-0025-0208; CrossTown Connect TMA, FHWA-2017-0025-222; Association for Commuter Transportation, FHWA-2017-0025-225; City of Portland, OR, FHWA-2017-0025-0234-1; Local Government Commission, FHWA-2017-0025-0236; Joint submission led by California Association of Councils of Governments (5), FHWA-2017-0025-0242-1; Brookings Institution, FHWA-2017-0025-0248-3 and -4.

<sup>41</sup> E.g., Oregon DOT, FHWA-2017-0025-0152; Washington State DOT, FHWA-2017-0025-0132-3.

<sup>42</sup> Members of Congress (51), FHWA-2017-0025-0206-1.

<sup>43</sup> Rails to Trails Conservancy, FHWA-2017-0025-0139-1.

<sup>44</sup> Association for Commuter Transportation, FHWA-2017-0025-225.

<sup>45</sup> Metropolitan Area Planning Council, FHWA-2017-0025-0150; Stratford MPO, FHWA-2017-0025-0151; mass comment campaign sponsored by Transportation for America (87), FHWA-2017-0025-0197; mass comment campaign sponsored by Environmental Law & Policy Center (360), FHWA-2017-0025-0255.



Seven State DOTs<sup>46</sup> and a joint letter by 38 associations<sup>47</sup> commented that the GHG performance measure would require State DOTs to dedicate additional resources and effort to regulatory compliance, instead of focusing on the core mission of highway projects and programs. Similarly, the American Association of State Highway and Transportation Officials (AASHTO),<sup>48</sup> the Association of Metropolitan Planning Organizations (AMPO),<sup>49</sup> and the Georgia DOT<sup>50</sup> commented that any new national-level measures added will require further implementation and evaluation, which may translate to less adequate resources and data to ensure effective implementation of existing measures. The AASHTO and the Western Connecticut Council of Governments<sup>51</sup> said that State DOTs, MPOs, and DOT need both time and experience successfully to implement the other 17 new national-level measures that are currently required by regulations (in addition to those required by the National Highway Traffic Safety Administration and the Federal Transit Administration) before more measures are added. The Georgia DOT<sup>52</sup> commented that, unlike many of the performance measures in effect, some performance measures such as the GHG measure are not appropriate to be implemented from a national or one-size-fits-all approach. The Missouri DOT<sup>53</sup> said that transportation agencies should have the flexibility to develop performance measures other than those explicitly required by Federal statute without having to report them to FHWA. The Wyoming DOT specifically referenced the additional resources necessary to implement the GHG measure, which it said would take away staff resources and funds from achieving its core mission of highway projects and programs.

Many other commenters, including six State DOTs,<sup>54</sup> four planning

agencies,<sup>55</sup> one local government,<sup>56</sup> and a joint letter by six State Attorneys General,<sup>57</sup> said that calculating the GHG measure would place a minimal burden on the States, particularly in comparison to the other performance measures already in place.<sup>58</sup> The commenters noted that the data needed to calculate the measure is already collected and reported by States. The Minnesota DOT (MnDOT)<sup>59</sup> said that it took only 2 hours for one of its employees to collect the data, perform the analysis, and complete a mock report that met FHWA requirements. MnDOT added that it expects the annual staff burden for analysis and reporting to be less than 2 hours per year, or approximately \$530 over 9 years. The City of New York<sup>60</sup> commented that if the GHG measure were repealed, then the cost and time involved in doing transportation sector GHG analysis will be higher due to the lack of standardization of assumptions and reporting methods. The city asserted that, without the GHG measure, it will be harder to ensure consistency across the MPOs in the NJ-NY-CT metropolitan region, and to compare transportation CO<sub>2</sub> emissions and mitigation strategies against those of other States and regions.

#### FHWA Response

In considering the potential burden of the GHG measure, many States and planning agencies have accurately noted that establishing the target and calculating the measure would not require many additional resources, though the burden would vary by State and MPO depending on previous experience with the topic and the data. However, FHWA is concerned that even a marginal increase in effort generated by the GHG measure could cause some

States and MPOs to reduce resources devoted to the other national performance measures.

While the measure could help foster a structure for analyzing potential reductions at the State or local level, FHWA finds persuasive other commenters' concern that such a situation has adverse impacts. Those commenters<sup>61</sup> stated the GHG measure puts pressure on them to reduce emissions, and that reducing emissions would be difficult, particularly in rural States. Others noted that there are already policies in effect to reduce tailpipe CO<sub>2</sub> emissions. However, FHWA notes that the GHG measure did not force transportation entities to reduce CO<sub>2</sub> emissions; the States and local agencies themselves set GHG targets at their discretion. Rather, the GHG measure required States to go through the process of setting targets, allowing States at their discretion to set targets that either increase, decrease, or maintain the *status quo* over time.

FHWA agrees that more rural or preservation-focused States that are not building as much new infrastructure may have fewer options for reducing emissions. There are some available options, such as transportation system management and fuel switching strategies, for example, that may be appropriate for States to use voluntarily.<sup>62</sup> These strategies do not rely on VMT reductions that arguably may be difficult to achieve in rural areas. Also, while valuable, the fuel economy standards raised by commenters represent only one method for addressing CO<sub>2</sub> emissions from on-road vehicles.

#### C. Duplication of Efforts at Federal, State, or Local Levels

Seven agencies submitted comments related to whether repealing the measure would be appropriate to eliminate duplication of efforts, or to eliminate duplicative regulations and streamline the regulatory processes. Several State DOTs and MPOs<sup>63</sup> said that they are already tracking CO<sub>2</sub> emissions, either voluntarily or to comply with State requirements. Seven

<sup>46</sup> Wyoming DOT, FHWA-2017-0025-0124-2; DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125; Alaska, FHWA-2017-0025-0135; Tennessee DOT, FHWA-2017-0025-0258.

<sup>47</sup> Joint submission led by American Highway Users Alliance (38), FHWA-2017-0025-0196.

<sup>48</sup> AASHTO, FHWA-2017-0025-0138.

<sup>49</sup> AMPO, FHWA-2017-0025-0179.

<sup>50</sup> Georgia DOT, FHWA-2017-0025-0156.

<sup>51</sup> AASHTO, FHWA-2017-0025-0138; Western Connecticut Council of Governments, FHWA-2017-0025-0240-1.

<sup>52</sup> Georgia DOT, FHWA-2017-0025-0156.

<sup>53</sup> Missouri DOT, FHWA-2017-0025-0131.

<sup>54</sup> Washington State DOT, FHWA-2017-0025-0132; Minnesota DOT, FHWA-2017-0025-0149; Oregon DOT, FHWA-2017-0025-0152; Vermont DOT, FHWA-2017-0025-0155; Caltrans and CARB, FHWA-2017-0025-0162; Colorado DOT, FHWA-2017-0025-0208.

<sup>55</sup> DVRPC, FHWA-2017-0025-0145; National Capital Region Transportation Planning Board, FHWA-2017-0025-158-5; Joint submission led by California Association of Councils of Government (5), FHWA-2017-0025-0242; TRANSCOM, FHWA-2017-0025-0253.

<sup>56</sup> City of New York, FHWA-2017-0025-0195.

<sup>57</sup> Attorneys General of CA, MD, OR, VT, WA, and MA, FHWA-2017-002-0199.

<sup>58</sup> See Washington State DOT, FHWA-2017-0025-0132; Minnesota DOT, FHWA-2017-0025-0149; Oregon DOT, FHWA-2017-0025-0152; Vermont DOT, FHWA-2017-0025-0155; Caltrans and CARB, FHWA-2017-0025-0162; Colorado DOT, FHWA-2017-0025-0208; DVRPC, FHWA-2017-0025-0145; National Capital Region Transportation Planning Board, FHWA-2017-0025-158-5; Joint submission led by California Association of Councils of Government (5), FHWA-2017-0025-0242; TRANSCOM, FHWA-2017-0025-0253; City of New York, FHWA-2017-0025-0195; Attorneys General of CA, MD, OR, VT, WA, and MA, FHWA-2017-002-0199.

<sup>59</sup> Minnesota DOT, FHWA-2017-0025-0149.

<sup>60</sup> City of New York, FHWA-2017-0025-0195.

<sup>61</sup> Wyoming DOT, FHWA-2017-0025-0124-2; DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125-4.

<sup>62</sup> See FHWA's Reference Sourcebook for Reducing Greenhouse Gas Emissions from Transportation Sources (2012).

<sup>63</sup> Washington State DOT, FHWA-2017-0025-0132-10; National Capital Region Transportation Planning Board, FHWA-2017-0025-0158-6; City of New York, FHWA-2017-0025-0195-7; City of Portland, OR, FHWA-2017-0025-0234-3; NOACA, FHWA-2017-0025-0243-2.

commenters<sup>64</sup> stated that the measure should be retained, and four<sup>65</sup> said it should be repealed.

One State DOT said that the GHG performance measure should be repealed because it is duplicative of other government efforts to estimate and regulate air emissions.<sup>66</sup> Another commenter said that the transportation conformity process already governs air emissions and could be extended to include GHGs, possibly at lower cost.<sup>67</sup> One commenter<sup>68</sup> stated that the EPA MOVES14 vehicle emissions model already has the capability of estimating vehicle CO<sub>2</sub> emissions. One State DOT and one State environmental agency<sup>69</sup> jointly noted that the EPA GHG Emissions Inventory relies on information already provided by State DOTs to FHWA on a monthly basis. The commenters added that the U.S. Department of Energy's Energy Information Administration (EIA) also tracks fuel production and use by the transportation sector.

One State DOT,<sup>70</sup> referencing comments submitted previously during the prior rulemaking by nine additional State DOTs, noted FHWA incorporated many of their suggestions in the January 2017 PM3 Final Rule, and as a result the rule is not duplicative. Two State DOTs and one MPO noted that the rule is aligned with their existing goals and would therefore not be duplicative.<sup>71</sup>

#### FHWA Response

Other Federal agencies, such as EPA and DOE, have undertaken regulatory and other efforts to address CO<sub>2</sub> emissions. Those efforts include production by DOE of annual State-by-

State CO<sub>2</sub> emissions information for the transportation sector. FHWA has reviewed the comments in this area and the efforts of other agencies, and concludes that the rule is unnecessarily duplicative of efforts at the Federal level to produce information on CO<sub>2</sub> emissions.

FHWA fully considered the comments relating to duplication, as well as the potential impacts on the national performance management program if FHWA repeals the GHG performance measure. As noted in the PM3 Final Rule,<sup>72</sup> the existence of other governmental efforts in this area does not necessarily bar FHWA from using CO<sub>2</sub> emissions as a performance measure; however, FHWA must consider whether the existence of duplication in this area might indicate that this is not the best use of Federal regulation. After further consideration, FHWA believes the duplication issue is meaningful to FHWA's reconsideration of the GHG performance measure at this time. FHWA believes the repeal of the GHG performance measure will reduce duplication at the Federal level, and reduce the potential for the confusion that could arise when multiple Federal entities impose different requirements for categorizing and measuring CO<sub>2</sub> emissions. FHWA acknowledges that multi-jurisdictional regulation of the same matter does occur, but FHWA believes that it ought to be avoided where avoidance is reasonably possible and not inconsistent with statutory requirements.

States and MPOs are free to continue to adopt their own measures for CO<sub>2</sub> emissions, including measures that rely on the same methodology and data as the FHWA GHG performance measure. They also are free to produce CO<sub>2</sub> emissions information specific to highway systems and individual facilities. The CO<sub>2</sub> emissions data used in the FHWA CO<sub>2</sub> measure is publicly available, and that availability is not impacted by the repeal of this measure.

#### D. Appropriateness of the Measure Methodology

Five commenters addressed the level of precision associated with the original rule, and whether the measure impedes the ability of State DOTs and MPOs to use the measure and associated targets

in evaluating system performance and making investment decisions. All five<sup>73</sup> agencies stated the measure is accurate enough so as to provide sufficient trend information to determine whether the rule is effective at reducing emissions and should be retained. These commenters found the GHG measure to be simple and replicable nationwide, that it provides sufficiently accurate trend information to make significant progress determinations, and that it would provide a useful reference point and inform decision-making over time.

#### FHWA Response

FHWA has decided to repeal the GHG measure for reasons unrelated to the soundness of the measure's methodology. For those commenters who find that the methodology for the GHG measure is well-suited for use with a GHG performance measure, FHWA notes that State DOTs and MPOs may independently choose to adopt this methodology outside of the national performance management program.

#### E. Alternatives to Current GHG Performance Measure

FHWA considered alternatives to the repeal of the GHG measure, including alternatives suggested by commenters. This included consideration of whether FHWA should retain the measure as adopted in the PM3 Final Rule, or adopt a modified version of the GHG measure within the framework of the national performance management program.

The AMPO<sup>74</sup> stated that if CO<sub>2</sub> emissions must be measured, EPA is the Federal agency that should administer such a requirement, because EPA already requires emissions measures for criteria pollutants as part of the transportation-conformity process. The commenter indicated the EPA MOVES14 vehicle emissions model already has the capability of estimating vehicle CO<sub>2</sub> emissions; however, those estimates are rather crude and based on assumed fuel economy and the amount of fuel consumed. Thus, a State-by-State estimate of CO<sub>2</sub> emissions could just as easily be determined by EPA or FHWA based on fuel sales and vehicle fuel economy. For this reason, AMPO stated, there is no need to burden the States and MPOs to report these estimates.

The CMAP<sup>75</sup> suggested establishing a measure that addresses all on-road

<sup>64</sup> Washington State DOT, FHWA-2017-0025-0132-6 and -10; Oregon DOT, FHWA-2017-0025-0152; Joint submission led by California Association of Councils of Governments (5), FHWA-2017-0025-0242; National Capital Region Transportation Planning Board, FHWA-2017-0025-0158; City of New York, FHWA-2017-0025-0195; City of Portland, OR, FHWA-2017-0025-0234-3; NOACA, FHWA-2017-0025-0243.

<sup>65</sup> Arkansas DOT, FHWA-2017-0025-0054, Alaska DOT and Alaska Department of Environmental Conservation, FHWA-2017-0025-0135; AASHTO, FHWA-2017-0025-0138; Western Connecticut Council of Governments, FHWA-2017-0025-0240.

<sup>66</sup> Alaska DOT and Alaska Department of Environmental Conservation, FHWA-2017-0025-0135-1.

<sup>67</sup> Western Connecticut Council of Governments, FHWA-2017-0025-0240-2.

<sup>68</sup> AMPO, FHWA-2017-0025-0179-2.

<sup>69</sup> Alaska DOT and Alaska Department of Environmental Conservation, FHWA-2017-0025-0135-1 and -2.

<sup>70</sup> Minnesota DOT, FHWA-2017-0025-0148.

<sup>71</sup> Washington State DOT, FHWA-2017-0025-0132-6; Oregon DOT, FHWA-2017-0025-0152-10; Joint submission led by California Association of Councils of Governments (5), FHWA-2017-0025-0242-2.

<sup>72</sup> Final Rule on "National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program": Docket No. FHWA-2013-0054, RIN 2125-AF54, **Federal Register**—Vol. 82, No. 11, Pg. 5996—January 18, 2017: <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>.

<sup>73</sup> Washington State DOT, FHWA-2017-0025-0132-4; Metropolitan Council, FHWA-2017-0025-0140-2; Oregon DOT, FHWA-2017-0025-0152-5 and -7; National Capital Region Transportation Planning Board, FHWA-2017-0025-0158-3; City of Portland, OR, FHWA-2017-0025-0234-2.

<sup>74</sup> AMPO, FHWA-2017-0025-0179-2.

<sup>75</sup> CMAP, FHWA-2017-0025-0201.

mobile sources and reporting the measure both in absolute and normalized terms using population. CMAP stated that the EPA's Motor Vehicle Emissions Simulator (MOVES) or a simplified speed-emissions rate lookup table based on MOVES could be used to help address the concerns that the original measure calculation (using VMT and fuel sales to calculate CO<sub>2</sub> emissions) is not sophisticated enough to capture some of the nuances of CO<sub>2</sub> emissions.

The Western Connecticut Council of Governments<sup>76</sup> recommended FHWA work with EPA to expand the existing transportation-conformity process that EPA oversees, and in which State DOTs and MPOs participate, to include CO<sub>2</sub> emissions. They thought there was the potential for the benefit-cost ratio of such an extension to be more favorable than the creation of a GHG performance measure under Title 23. They also discussed the benefits of voluntary measures, such as allowing States' focus to remain on requirements relating to other performance measures while also allowing for policy experimentation, innovation, and peer learning.

In addition to alternatives submitted by commenters, FHWA considered directly publishing CO<sub>2</sub> emissions trend information as an alternative means to achieve the outcomes FHWA expected from the GHG measure. Under this alternative, FHWA would calculate trend information using much the same methodology as the GHG measure, though the trend information would not involve any performance targets. This alternative would not use a "measure and target" framework, which is required in the performance management program under section 150. For that reason, adopting this alternative would result in the repeal of the GHG measure.

#### FHWA Response

None of the alternatives provide a way to modify the GHG measure while retaining it as part of the national performance management program at this time. The alternative proposed by AMPO would have a Federal agency calculate the measure for each State DOT and MPO. FHWA agrees that a single Federal or private entity could calculate the measure based on fuel sales. However, the State DOTs and MPOs still would have to carry out the remaining activities required for the national performance management program. These include setting their CO<sub>2</sub> emissions targets (a local, not a

Federal, decision), reporting to FHWA on progress toward their targets, and determining a plan of action to make progress toward their selected targets if they failed to make significant progress during a performance period.<sup>77</sup> Therefore, having FHWA or EPA calculate the measure would not substantially reduce the overall burden on States or MPOs.

In addition, with respect to CMAP's comments on using MOVES to calculate the measure, FHWA considered this suggestion during the PM3 rulemaking. FHWA elected to use fuel sales to calculate the measure, instead of MOVES, because such a requirement to use MOVES would create an extra burden for State DOTs and MPOs that do not currently use that model. One of the reasons FHWA is repealing the GHG measure through this rulemaking is to reduce the burdens on State DOTs and MPOs. Switching to the use of MOVES would likely increase, not decrease, the burdens imposed on State DOTs and MPOs by the GHG measure.

FHWA interprets the Western Connecticut Council of Governments' comment as suggesting it might be more beneficial if the transportation air quality conformity program, rather than the national performance management program, were used to address CO<sub>2</sub> emissions in transportation. FHWA believes this comment supports its decision to remove the GHG measure from the national performance management program. EPA has used the conformity program to mandate changes in emissions levels of pollutants subject to conformity. FHWA defers to EPA on whether adding CO<sub>2</sub> emissions to the conformity program is an appropriate action.

FHWA acknowledges the Western Connecticut Council of Governments' suggestion that the voluntary use of a GHG performance measures might prove useful, but FHWA does not believe a voluntary measure can be included in the national performance management program. Making the GHG measure voluntary would require FHWA to establish a new category for voluntary measures, create a set of procedures for voluntary measures, and exempt voluntary measures from certain parts of the existing performance management regulations in 23 CFR part 490. FHWA is also concerned that an attempt to accommodate voluntary performance measures in the national performance management program could cause confusion among stakeholders, including State DOTs, MPOs, and the public. Such confusion would be

harmful to the national performance management program. FHWA encourages State DOTs and MPOs to continue to establish and use performance measures independent of the national performance management program, as many have done for a long time.

In addition to alternatives suggested by commenters, FHWA considered the alternative of having FHWA provide CO<sub>2</sub> emissions information directly. Under this alternative, FHWA would directly calculate the State-by-State trends and publish the information, which would eliminate requirements for State DOTs and MPOs to implement the GHG measure. This alternative could have the some of the influencing effects FHWA described in the PM3 Final Rule, although this alternative has some potential to result in lower levels of engagement by State DOTs and MPOs than alternatives that retain a GHG measure. This alternative would require FHWA to provide some additional administrative resources, or reallocate existing resources that FHWA currently uses for other work. Like State DOTs, FHWA operates in a resource-constrained environment. FHWA declines to adopt this alternative at this time.

#### F. Other Comments

##### 1. Legal Authority for the GHG Measure

Roughly one in ten commenters submitted opinions on FHWA's legal authority to establish this rule. Eleven commenters<sup>78</sup> stated that FHWA does have the authority; whereas, twelve commenters<sup>79</sup> had the opposite opinion. A number of commenters suggested that FHWA has authority to regulate, arguing that a GHG measure is

<sup>78</sup> Metropolitan Council, FHWA-2017-0025-0140-1; Association of Pedestrian and Bicycling Professionals, FHWA-2017-0025-141-1; Minnesota DOT, FHWA-2017-0025-0149-2; Metropolitan Area Planning Council, FHWA-2017-0025-0150; Caltrans and CARB, FHWA-2017-0025-0162-7 and -8; Straw, FHWA-2017-0025-0173; Joint submission led by NRDC (12), FHWA-2017-0025-190-1 and -2; mass comment campaign led by U.S. PIRG (mayors) (66), FHWA-2017-0025-0192; Attorneys General of CA, MD, OR, VT, WA, and MA, FHWA-2017-0025-0199-3; Transportation for America, FHWA-2017-0025-0200-1 and -3; Colorado DOT, FHWA-2017-0025-0208-3.

<sup>79</sup> Arkansas DOT, FHWA-2017-0025-0054; Michigan DOT, FHWA-2017-0025-0070; DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125; Texas DOT, FHWA-2017-0025-0127; Michigan DOT, FHWA-2017-0025-0134; Nebraska DOT, FHWA-2017-0025-0146; Montana DOT, FHWA-2017-0025-0153; National Ready Mixed Concrete Association, FHWA-2017-0025-0159-2; Joint submission led by American Highway Users Alliance (38), FHWA-2017-0025-0196-3; AGC, FHWA-2017-0025-0213-1; ARTBA, FHWA-2017-0025-0246-1; Tennessee DOT, FHWA-2017-0025-0258.

<sup>76</sup> Western Connecticut Council of Governments, FHWA-2017-0025-0240-1.

<sup>77</sup> See 23 CFR 490.105, 490.107, 490.109.

authorized by 23 U.S.C. 150 and other Title 23 statutes, reiterating the same reasons articulated in the PM3 rulemaking.<sup>80</sup> One commenter<sup>81</sup> stated the EPA's endangerment finding<sup>82</sup> for CO<sub>2</sub> emissions provides FHWA with legal authority to regulate CO<sub>2</sub> emissions.

Most of the comments received in this rulemaking stating that FHWA does not have legal authority to adopt a GHG measure recited the same reasons as comments received during the PM3 rulemaking.<sup>83</sup> These comments pointed to the language in 23 U.S.C. 150(c)(2)(C) that limits FHWA authority to adopting performance measures described in that statute. Given that GHG is not expressly mentioned anywhere in the statute, the commenters viewed a GHG measure as prohibited by 23 U.S.C. 150(c)(2)(C). Some commenters noted that while 23 U.S.C. 150(c)(5) calls for an emissions measure, that provision is tied to the CMAQ program. Because CO<sub>2</sub> emissions are not a criteria pollutant targeted by the CMAQ Program, the commenters concluded 23 U.S.C. 150(c)(5) could not provide a legal basis for a GHG measure.<sup>84</sup>

Two joint submissions<sup>85</sup> stated that principles of statutory construction barred FHWA from adopting a GHG performance measure. The commenters pointed out that Congress expressly addressed emissions in 23 U.S.C. 150(c)(5). Applying the statutory construction principle that "the specific governs the general," the commenters concluded that Congress expressly stated how to address emissions in 23 U.S.C. 150(c)(5), and that nothing in the remainder of 23 U.S.C. 150(c) provided other authority to regulate emissions.

Finally, the Michigan DOT<sup>86</sup> pointed out that GHGs are not criteria air

pollutants targeted by CMAQ funding and expressed concern about the precedent that would be set if FHWA were to establish a performance measure for which Congress did not designate any funding.

#### FHWA Response

FHWA appreciates the many comments received in this rulemaking on the question of FHWA's legal authority. Please see our resolution of the legal authority issue above in Section IV.B.1.

#### 2. Legal Duty To Adopt a GHG Measure

Two submissions<sup>87</sup> stated that FHWA has a duty to adopt a GHG measure. One<sup>88</sup> described FHWA's obligation to use "unenumerated performance criteria" when such measures are "appropriate or necessary to further Congress's purposes." That commenter also stated that emissions that cause climate change would be a critical aspect of NHS performance in the future, and that it would be "contrary to the statute, and to the record, for the FHWA to decline to exercise its discretion to include" a GHG measure.

#### FHWA Response

FHWA does not believe that a GHG measure is mandated by 23 U.S.C. 150(c). As noted by commenters in this rulemaking, there is no explicit reference to a GHG measure in 23 U.S.C. 150(c). Thus, adoption of a GHG measure rested entirely on FHWA's discretion to interpret 23 U.S.C. 150(c). As discussed in the legal authority section in Section IV.B.1, FHWA has concluded, upon reconsideration, that the better reading of the statute does not encompass the GHG measure.

#### 3. Administrative Procedure Act Concerns

We received a joint comment from State Attorneys General<sup>89</sup> arguing that repealing the GHG measure would be arbitrary and capricious under the Administrative Procedure Act (APA). The comment claimed that FHWA's NPRM had not provided sufficient justification to repeal the measure, and FHWA could not provide the reasoned analysis needed to support a repeal of the GHG measure. The comment also stated that FHWA must consider alternative solutions to address alleged problems with the GHG measure, rather

than repealing it. Two other commenters<sup>90</sup> noted similar APA concerns, with one<sup>91</sup> stating that a repeal would be inconsistent with "relevant executive orders," based on a comparison of the cost analysis in the PM3 Final Rule and the cost analysis in the NPRM for this rulemaking.

#### FHWA Response

FHWA has examined the relevant data and other information, and carefully considered the comments received, as outlined in this document. FHWA has examined the facts and has provided a reasoned explanation for the repeal of the GHG measure consistent with APA requirements, as detailed throughout this preamble.

#### 4. Rulemaking Concerns

FHWA received comments<sup>92</sup> concerning the comment period, requesting an extension or otherwise stating the 30-day comment period was inadequate. Four commenters<sup>93</sup> stated that FHWA should issue a new, full NPRM to effectuate the repeal to better define the proposed regulatory action, and allow for broad comment on the specifics of a proposed policy.

#### FHWA Response

FHWA considered the comments stating FHWA should have provided a 90-day comment period for this rulemaking, questioning whether the proposed regulatory action and related matters were adequately described in the NPRM, and suggesting FHWA should have engaged in additional rulemaking to seek comments on certain topics not specified in the NPRM.

While FHWA sometimes uses a 90-day comment period in its rulemaking proceedings, that length of time is not required. In this instance, FHWA received not only comments asking for a longer comment period, but also comments asking for a quick decision so States could have certainty about the national performance measures. FHWA did provide a short extension of the 2017 comment period, from November 6 to November 15. However, FHWA

<sup>80</sup> "National Performance Management Measures: Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program" (RIN 2125-AF54); <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>.

<sup>81</sup> Isbell, FHWA-2017-0025-0169.

<sup>82</sup> <https://www.gpo.gov/fdsys/pkg/FR-2009-12-15/pdf/E9-29537.pdf>.

<sup>83</sup> "National Performance Management Measures: Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program" (RIN 2125-AF54); <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>.

<sup>84</sup> DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125-3; Texas DOT, FHWA-2017-0025-0127-2; Joint submission led by American Highway Users Alliance (38), FHWA-2017-0025-0196-3; ARTBA, FHWA-2017-0025-0246-3.

<sup>85</sup> DOTs of ID, MT, ND, SD, and WY, FHWA-2017-0025-0125-3; Joint submission led by American Highway Users Alliance (38), FHWA-2017-0025-0196-3.

<sup>86</sup> Michigan DOT, FHWA-2017-0025-0070-1.

<sup>87</sup> Caltrans and CARB, FHWA-2017-0025-0162-7; Attorneys General of CA, MD, OR, VT, WA, and MA, FHWA-2017-0025-0199-5.

<sup>88</sup> Caltrans and CARB, FHWA-2017-0025-0162-7.

<sup>89</sup> Attorneys General of CA, MD, OR, VT, WA, and MA, FHWA-2017-0025-0199-4.

<sup>90</sup> Straw, FHWA-2017-0025-0173; Joint submission led by NRDC (12), FHWA-2017-0025-0190-1 and -3.

<sup>91</sup> Joint submission led by NRDC (12), FHWA-2017-0025-0190-1 and -3.

<sup>92</sup> Joint submission led by Clean Air Carolina (4), FHWA-2017-0025-0027; City of New York Law Department, FHWA-2017-0025-0060; Joint submission led by Clean Air Carolina (4), FHWA-2017-0025-0027; City of New York Law Department, FHWA-2017-0025-0060.

<sup>93</sup> Schroeckenthale, FHWA-2017-0025-0030; Oregon DOT, FHWA-2017-0025-0152-1; Caltrans and CARB, FHWA-2017-0025-0162-12; Denver Regional Council of Governments, FHWA-2017-0025-0163.

concluded the comment period represented a reasonable balance of the various concerns and declined to further extend the time for comment.

FHWA reviewed the NPRM in response to the suggestions that the NPRM did not meet APA requirements for notice of the proposed regulatory action. FHWA concluded the NPRM provides adequate notice of the proposal. The NPRM describes the history of the GHG measure, some of the concerns identified by commenters in the PM3 rulemaking, the reasons FHWA was proposing a repeal, and a request for comments on specific questions and on whether FHWA should take an action other than repeal (*i.e.*, retain or revise the GHG measure). The NPRM included the regulatory language needed for a repeal of the measure. Considered together, these elements provided more than adequate notice that FHWA was considering repeal of the GHG measure due to various concerns, including policy changes, reconsideration of the legal authority for the measure, implementation costs and other regulatory burdens, lack of precision in the measure, lack of utility of the measure, and duplication of requirements. FHWA received comments in this rulemaking on all of these topics. FHWA concluded no additional rulemaking proceeding is needed before FHWA makes a decision on the GHG measure.

#### 5. Environmental Reviews

Caltrans and the CARB<sup>94</sup> jointly argued that, because repeal would result in increased CO<sub>2</sub> emissions and exacerbation of climate change, FHWA may not repeal the GHG performance measure without considering the implications of such a repeal on “many affected resources and communities.” The commenters asserted that the required analytic considerations, include, but are not limited to, the following: A full environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA); analysis and consultation under the Endangered Species Act (ESA); review under the National Historic Preservation Act (NHPA); review under Executive Order 13211; and review under Executive Order 12898.

#### FHWA Response

Repeal of the GHG measure does not require an EIS or the other reviews called for by the comment. The commenters incorrectly conclude that

the repeal of the measure would “result in increased GHG emissions.”<sup>95</sup>

As a matter of law, the 23 U.S.C. 150 performance measures are part of a congressionally mandated performance management system intended to provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the FAHP, and improving project decisionmaking through performance-based planning and programming. The planning statutes incorporate performance management into the metropolitan and statewide transportation planning processes.<sup>96</sup> Those statutes call for use of the performance measures and targets adopted pursuant to 23 U.S.C. 150(c) and (d) to assess performance and progress towards critical outcomes for the States and regions of the MPOs, not to regulate State and MPO activities. Performance management, together with asset management plans prepared pursuant to 23 U.S.C. 119, and other State plans, feed into the metropolitan and statewide transportation planning process that States DOTs and MPOs use to identify their investment priorities.<sup>97</sup> The performance measures and resulting targets are planning and administrative activities that do not involve or lead directly to construction. The comprehensive, interrelated, planning-based nature of this system is evident in MAP-21, where Congress addressed metropolitan and statewide planning and performance management together in their own subtitle of the reauthorization legislation.<sup>98</sup>

As previously described, the GHG measure relies on influencing the behavior of State DOTs and MPOs. It does not require any action by those entities to reduce CO<sub>2</sub> emissions. The repeal of the GHG measure cannot be determined to cause increases in CO<sub>2</sub> emissions because the GHG measure has no legal power to force any change in CO<sub>2</sub> emission levels under 23 U.S.C. 150, and the GHG measure does not have a predictable effect on those emissions. State DOTs and MPOs were free to choose targets that reflect an increase, a decrease, or static levels of CO<sub>2</sub> emissions. The GHG measure required limited actions from State DOTs and MPOs, and those actions are administrative in character.<sup>99</sup> The

measure, which did not set any regulatory limit or emissions target, relied on the potential that it may produce an “influencing” effect on third-party behavior.<sup>100</sup> But acting to influence others is different from an action that imposes a requirement to meet an emissions limit, or otherwise commands State DOTs and MPOs to produce a specific outcome with respect to CO<sub>2</sub> emissions. It is not possible to determine whether the behavior of third parties will change as a result of the retention, modification, or repeal of the GHG measure, or to what degree a change in third-party behavior will have any effect on CO<sub>2</sub> emissions. None of the laws cited by the commenter require FHWA to engage in such speculation.

The impacts of Title 23-funded projects and programs selected by State DOTs and MPOs through the metropolitan and statewide planning process are subject to NEPA and other reviews listed in the comment prior to the project’s implementation. That is the correct point in the process for such reviews, as that is the time when potential impacts can be determined with reasonable accuracy. Thus, there is no basis now for the reviews that the commenters seek. Rather than “escaping” evaluation as commenters contend, these issues can be addressed at an appropriate time in connection with the particular projects or programs. Please see Section VI.G. of this document for FHWA’s regulatory analysis conducted pursuant to NEPA.

#### VI. Rulemaking Analyses and Notices

*A. Executive Order 13771 (Reducing Regulations and Controlling Regulatory Costs), Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures*

FHWA has determined that this action is a significant action within the meaning of Executive Order (E.O.) 12866 and within the meaning of DOT regulatory policies and procedures. However, it is anticipated that the economic impact of this rulemaking will not be economically significant within the meaning of E.O. 12866 as discussed below. This action complies with E.O.s 12866, 13563, and 13771 to improve regulation. This action is considered significant because of widespread

levels, as compared to a 2017 baseline. State DOTs must use data from existing sources to calculate the CO<sub>2</sub> emissions measure at various points in time, reporting the results to FHWA. If the State DOT does not meet its target, it must report to FHWA on actions the State DOT will take to reach its selected target.

<sup>100</sup> 82 FR at 5975–76.

<sup>95</sup> Caltrans and CARB, FHWA–2017–0025–0162.

<sup>96</sup> See 23 U.S.C. 134(h)(2) and 135(d)(2).

<sup>97</sup> See 23 CFR 450.206(c)(4)–(5) and 450.306(d)(2) and (4).

<sup>98</sup> See Map-21, Subtitle B, Sections 1201–1203.

<sup>99</sup> State DOTs and MPOs must set CO<sub>2</sub> emissions targets, which can be for declining emission levels, increasing emission levels, or unchanged emission

<sup>94</sup> Caltrans and CARB, FHWA–2017–0025–0162.

public interest in the transformation of the FAHP to be performance-based, although it is not economically significant within the meaning of E.O. 12866.

FHWA considers this final rule to be an E.O. 13771 deregulatory action, resulting in \$1.67 million in annualized cost savings at a 7 percent discount rate. Details on the estimated cost savings of this final rule are presented in the RIA, which may be accessed from the docket (docket number FHWA–2013–0054). The RIA evaluates the economic impact,

in terms of costs and benefits, on Federal, State, and local governments, as well as private entities regulated under this action, as required by E.O. 12866 and E.O. 13563. However, the RIA is unable to quantify any changes from improved decisionmaking that would result in benefits if the GHG measure requirement were retained.

**Estimated Cost Savings of Repealing the GHG Measure**

To estimate cost savings of this final rule, FHWA assessed the level of effort

that would have been needed to comply with each section under the PM3 rule with respect to the now-repealed GHG measure. These costs are expressed in labor hours and the labor categories for those needed to implement the GHG measure. Level of effort by labor category is monetized with loaded wage rates to estimate total costs.

Table 2 displays the total cost savings of this final rule for the 9-year study period (2018–2026) and the corresponding annualized values.

**TABLE 2—TOTAL COST SAVINGS OF THE RULE**

Cost components	9-Year total cost *		Annualized cost	
	7%	3%	7%	3%
Section 490.105–490.109—Reporting Requirements .....	\$9,090,263	\$10,652,791	\$1,395,232	\$1,368,179
Establish and Adjust GHG Targets .....	6,368,958	7,392,818	977,549	949,488
Reporting on GHG Targets and Progress Toward Them .....	2,573,869	3,068,421	395,054	394,089
Develop and Report Plan to Achieve GHG Targets .....	147,435	191,552	22,629	24,602
Section 490.511—Calculation of System Performance Metrics .....	1,752,927	2,094,857	269,051	269,051
Calculate Annual Total Tailpipe CO <sub>2</sub> Emissions .....	1,752,927	2,094,857	269,051	269,051
Section 490.513—Calculation of System Performance Measures .....	48,703	58,061	7,475	7,457
Calculate % Change in Tailpipe CO <sub>2</sub> Emissions the NHS Compared to the Calendar Year 2017 Level .....	48,703	58,061	7,475	7,457
<b>Total Cost of Final Rule .....</b>	<b>10,891,892</b>	<b>12,805,709</b>	<b>1,671,758</b>	<b>1,644,687</b>

\* Results presented in 2014 dollars for consistency with GHG Repeal NPRM RIA.

The effects potentially caused by the national GHG performance measure established in the PM3 Final Rule were administrative activities (such as holding meetings and the use of energy to operate offices) that State DOTs and MPOs would undertake to establish targets, calculate their progress toward their selected targets, report to FHWA, and determine a plan of action to make progress toward their selected targets if they failed to make significant progress during a performance period.<sup>101</sup> Those effects serve as the baseline in this analysis. It is foreseeable that the decision to repeal the GHG measure in this rulemaking will cause (1) State DOTs and MPOs that have not yet set a CO<sub>2</sub> emissions target to terminate their 23 U.S.C. 150(d) target-setting activities for the GHG measure; and (2) State DOTs and MPOs that have selected a CO<sub>2</sub> emissions target to terminate activities related to tracking their performance and progress towards a 23 U.S.C. 150(d) CO<sub>2</sub> emissions target. The repeal also will relieve State DOTs and MPOs of all future obligations with respect to this national CO<sub>2</sub> emissions measure, including the obligation to calculate and report on their progress and to identify an action plan if they do not make significant progress toward

their CO<sub>2</sub> emissions target. The effects will be to reduce or eliminate the administrative activities associated with implementing the GHG measure.

This action complies with the principles of E.O. 13563. After evaluating the costs and benefits of the rule, FHWA believes that the cost savings from this rulemaking would exceed the forgone benefits. These changes are not anticipated to adversely affect, in any material way, any sector of the economy. In addition, these changes will not create a serious inconsistency with any other agency’s action or materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

**B. Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), FHWA has evaluated the effects of this action on small entities and has determined that the action would not have a significant economic impact on a substantial number of small entities. The rule addresses the obligation of Federal funds to State DOTs for Federal-aid highway projects. The rule affects two types of entities: State governments and MPOs. State governments do not meet the definition of a small entity under 5 U.S.C. 601,

which have a population of less than 50,000.

The MPOs are considered governmental jurisdictions, and to qualify as a small entity they would need to serve less than 50,000 people. The MPOs serve urbanized areas with populations of 50,000 or more. As discussed in the RIA, the rule is expected to impose costs on MPOs that serve populations exceeding 200,000. Therefore, the MPOs that incur economic impacts under this rule do not meet the definition of a small entity.

We hereby certify that this regulatory action would not have a significant economic impact on a substantial number of small entities.

**C. Unfunded Mandates Reform Act of 1995**

FHWA has determined that this action does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This rule does not include a Federal mandate that may result in expenditures of \$151 million or more in any 1 year (when adjusted for inflation) in 2012 dollars for either State, local, and tribal governments in the aggregate, or by the private sector. In addition, the definition of “Federal mandate” in the Unfunded Mandates Reform Act

<sup>101</sup> 23 CFR 490.109.

excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The FAHP permits this type of flexibility.

*D. Executive Order 13132 (Federalism Assessment)*

FHWA has analyzed this action in accordance with the principles and criteria contained in E.O. 13132. FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

*E. Executive Order 12372 (Intergovernmental Review)*

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program. Local entities should refer to the Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, for further information.

*F. Paperwork Reduction Act*

Under the PRA (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. FHWA has analyzed this action under the PRA and has determined that this rulemaking would reduce PRA burdens associated with this measure.

*G. National Environmental Policy Act*

FHWA has analyzed this action for the purpose of NEPA, as amended (42 U.S.C. 4321 *et seq.*), and has determined that this action would not have any significant effect on the quality of the environment and meets the criteria for the categorical exclusion at 23 CFR 771.117(c)(20).<sup>102</sup>

The nature and potential effects of the GHG measure are described in detail in Section V.F.5. of this document. With respect to this rulemaking, changes in CO<sub>2</sub> emissions are not a direct or indirect effect of the repeal of the GHG measure because there is no reasonably close causal connection between the repeal and actions taken by the State DOTs and MPOs to change CO<sub>2</sub>

emissions levels. Any potential change in CO<sub>2</sub> emissions levels associated with the NHS would be the result of independent actions taken (or not taken) by State DOTs and MPOs. These intervening State DOT and MPO actions are not reasonably foreseeable effects<sup>103</sup> of the GHG measure because the measure does not require those entities to take steps to reduce CO<sub>2</sub> emissions, and the GHG measure does not prescribe any method for State DOTs and MPOs to take such steps. The absence of a sufficiently close causal connection, and reasonable foreseeability, also means that NEPA does not require FHWA to consider CO<sub>2</sub> emissions effects as a cumulative impact.

FHWA's conclusion that the GHG measure would not be a legal cause of changes in CO<sub>2</sub> emissions levels, and thus would not produce effects that NEPA requires FHWA to analyze in this rulemaking, is further supported by Clean Air Act regulations promulgated by the EPA. In 40 CFR 93.152, EPA adopted a "but for" approach, defining direct and indirect emissions caused by a Federal action as emissions that would not otherwise occur in the absence of Federal action. As described above, a decision to leave the GHG measure in effect would not result in the reduction of CO<sub>2</sub> emissions. For the same reasons, the decision to repeal the measure does not result in an increase in CO<sub>2</sub> emissions.

Pursuant to 23 CFR 771.117(c)(20), this repeal qualifies as categorically excluded from preparation of an EIS or environmental assessment under NEPA. FHWA concluded that the repeal of the GHG measure will not involve reasonably foreseeable significant environmental impacts. The GHG measure imposed no limits or controls on CO<sub>2</sub> emissions, had no legal power to force changes in CO<sub>2</sub> emissions, and left target-setting entirely to the discretion of State DOTs and MPOs. The repeal of the GHG measure is not a legally relevant cause of any change, or lack of change, in CO<sub>2</sub> emissions levels or the direct, indirect, or cumulative impacts potentially related to those emissions. This is true regardless of the geographic impact area considered. With respect to other types of potential environmental impacts from the repeal of the GHG measure, they are minor and consistent with the type of impacts related to administrative activities, such as analyzing data and reporting on the

results (*e.g.*, use of energy to operate computers, telephones, and office space). Such activities fit squarely within the boundaries of 23 CFR 771.117(c)(20).

In making the determination that the repeal of the GHG measure qualifies for a categorical exclusion, FHWA considered whether the proposed regulatory action involves unusual circumstances. 23 CFR 771.117(b). Given FHWA's determination that the GHG measure is not reasonably causally connected to CO<sub>2</sub> emissions levels, the analysis of unusual circumstances in this instance focuses on whether there are unusual circumstances relating to other types of potential environmental effects. FHWA found none of the environmental impacts from implementing, not implementing, or ceasing current implementation of the GHG measure rose to the level of significance under NEPA (23 CFR 771.117(b)(1)). FHWA found no substantial controversy exists over the size, nature, or effect of potential environmental impacts from the States DOTs and MPOs not carrying out the administrative activities associated with CO<sub>2</sub> emissions target-setting or reporting on their performance with regard to those targets (23 CFR 771.117(b)(2)). There are no anticipated impacts from those administrative activities, or lack thereof, on properties protected by the NHPA or section 4(f) (23 U.S.C. 138) (23 CFR 771.117(b)(3)). Finally, FHWA found no inconsistencies with other laws, requirements, or determinations within the meaning of 23 CFR 771.117(b)(4).

*H. Executive Order 12630 (Taking of Private Property)*

FHWA has analyzed this action under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. FHWA does not anticipate that this action would affect a taking of private property or otherwise have taking implications under E.O. 12630.

*I. Executive Order 12988 (Civil Justice Reform)*

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

*J. Executive Order 13045 (Protection of Children)*

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. FHWA certifies that this action would not cause an environmental risk

<sup>102</sup> This rulemaking also qualifies for a categorical exclusion under 23 CFR 771.117(c)(1) (activities which do not involve or lead directly to construction).

<sup>103</sup> Courts have interpreted "reasonably foreseeable" as meaning that the likelihood that the effects will occur is high enough that a person of "ordinary prudence" would consider the effects when making decisions.



to health or safety that might disproportionately affect children.

*K. Executive Order 13175 (Tribal Consultation)*

FHWA has analyzed this action under E.O. 13175, dated November 6, 2000, and believes that the action would not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on Indian tribal governments; and would not preempt tribal laws. The rulemaking addresses obligations of Federal funds to State DOTs for Federal-aid highway projects and would not impose any direct compliance requirements on Indian tribal governments. Therefore, a tribal summary impact statement is not required.

*L. Regulation Identifier Number*

A RIN is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

**List of Subjects in 23 CFR Part 490**

Bridges, Highway safety, Highways and roads, Reporting and recordkeeping requirements.

Issued in Washington, DC, on May 21, 2018 under authority delegated in 49 CFR 1.85:

**Brandye L. Hendrickson,**

*Acting Administrator, Federal Highway Administration.*

In consideration of the foregoing, FHWA amends 23 CFR part 490 as follows:

**PART 490—NATIONAL PERFORMANCE MANAGEMENT MEASURES**

■ 1. The authority citation for part 490 continues to read as follows:

**Authority:** 23 U.S.C. 134, 135, 148(i), and 150; 49 CFR 1.85.

**Subpart A—General Information**

**§ 490.105 [Amended]**

■ 2. Amend § 490.105 by removing and reserving paragraphs (c)(5) and (d)(1)(v).

**§ 490.107 [Amended]**

■ 3. Amend § 490.107 by removing and reserving paragraphs (b)(1)(ii)(H), (b)(2)(ii)(I), (b)(3)(ii)(I), and (c)(4).  
 ■ 4. Amend § 490.109 by removing and reserving paragraphs (d)(1)(v) and (f)(1)(v) and revising paragraph (d)(1)(vi) to read as follows:

**§ 490.109 Assessing significant progress toward achieving the performance targets for the National Highway Performance Program and the National Highway Freight Program.**

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(vi) Baseline condition/performance data contained in HPMS and NBI of the year in which the Baseline Period Performance Report is due to FHWA that represents baseline conditions/performances for the performance period for the measures in § 490.105(c)(1) through (4).

\* \* \* \* \*

**Subpart E—National Performance Management Measures to Assess Performance of the National Highway System**

**§ 490.503 [Amended]**

■ 5. Amend § 490.503 by removing and reserving paragraph (a)(2).

**§ 490.505 [Amended]**

■ 6. Amend § 490.505 by removing the definition for “Greenhouse gas (GHG).”

**§ 490.507 [Amended]**

■ 7. Amend § 490.507 as follows:

■ a. By removing the word “three” and adding in its place “two” in the introductory text; and

■ b. By removing and reserving paragraph (b).

**§ 490.509 [Amended]**

■ 8. Amend § 490.509 by removing paragraphs (f)–(h).

**§ 490.511 [Amended]**

■ 9. Amend § 490.511 by removing and reserving paragraphs (a)(2), (c), (d), and (f).

**§ 490.513 [Amended]**

■ 10. Amend § 490.513 by removing paragraph (d).

[FR Doc. 2018–11652 Filed 5–30–18; 8:45 am]

**BILLING CODE 4910–22–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG–2018–0301]

**Drawbridge Operation Regulation; Columbia River, Portland, OR and Vancouver, WA**

**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 Interstate 5 (I–5) Bridges across the Columbia River, mile 106.5, between Portland, OR, and Vancouver, WA. The deviation is necessary to facilitate the movement of heavier than normal roadway traffic associated with the Independence Day fireworks show near the I–5 Bridges. This deviation allows the bridges to remain in the closed-to-navigation position during the event.

**DATES:** This deviation is effective from 9 p.m. to 11:59 p.m. on July 4, 2018.

**ADDRESSES:** The docket for this deviation, USCG–2018–0301 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. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Oregon Department of Transportation, the bridge owner, requested a temporary deviation from the operating schedule for the I–5 Bridges, mile 106.5, across the Columbia River between Vancouver, WA, and Portland, OR, to facilitate safe passage of participants in the Independence Day fireworks show event. The I–5 Bridges provides three designated navigation channels with vertical clearances ranging from 39 to 72 feet above Columbia River Datum 0.0 while the lift spans are in the closed-to-navigation position. The I–5 Bridges operate in accordance with 33 CFR 117.869(a). The subject bridges need not open to marine vessels during the deviation period from 9 p.m. to 11:59 p.m. on July 4, 2018. The bridges shall operate in accordance with 33 CFR 117.869(a) at all other times. Waterway usage on this part of the Columbia River includes vessels ranging from large commercial ships, tug and tow vessels to recreational pleasure craft.

Vessels able to pass under the bridges in the closed-to-navigation positions may do so at any time. The bridges will be able to open for emergencies, and this part of the Columbia River has no alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the



bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their 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: May 23, 2018.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2018-11669 Filed 5-30-18; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2018-0475]

#### Drawbridge Operation Regulation; Neponset River, Boston, 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 Granite Avenue Bridge across Neponset River, mile 2.5, at Boston, Massachusetts. This deviation is necessary to facilitate the McKeon Post Scholarship Road Race and allows the bridge to remain in the closed position for two hours.

**DATES:** This deviation is effective from 9:30 a.m. to 11:30 a.m. on June 17, 2018.

**ADDRESSES:** The docket for this deviation, USCG-2018-0475, 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 Jeffrey Stieb, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 617-223-8364, email [Jeffrey.D.Stieb@uscg.mil](mailto:Jeffrey.D.Stieb@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The owner of the bridge, the Massachusetts Department of Transportation, requested a temporary deviation from the normal operating schedule to facilitate a road race. The Granite Avenue Bridge, mile 2.5, across Neponset River, has a vertical clearance of 6 feet at mean high water and 16 feet at mean low water in the closed position. The existing

drawbridge operating regulations are listed at 33 CFR 117.611.

The temporary deviation will allow the Granite Avenue Bridge to remain closed from 9:30 a.m. to 11:30 a.m. on June 17, 2018. The waterway is used primarily by seasonal recreational vessels. Vessels able to pass through the bridge in the closed positions may do so at any time. The bridge will be able to open for emergencies. There is no alternate route for vessels to pass. The Coast Guard will inform users of the waterway of the change in operating schedule 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: May 24, 2018.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

[FR Doc. 2018-11681 Filed 5-30-18; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2018-0459]

#### Safety Zone; Chesapeake Bay, Virginia Beach, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation; change of enforcement.

**SUMMARY:** The Coast Guard will enforce a safety zone for a fireworks display taking place over Chesapeake Bay, Virginia Beach, VA, on July 3, 2018. This action is necessary to ensure safety of life on navigable waterways during the fireworks display. Our regulation for Recurring Marine Events within the Fifth Coast Guard District identifies the regulated area for this fireworks display event. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the regulated area without approval from the Captain of the Port or a designated representative.

**DATES:** The regulations in 33 CFR 165.506 will be enforced for the location listed in the table to § 165.506(c)(21) Coast Guard Sector Hampton Roads—COTP Zone from 9 p.m. through 10 p.m. on July 3, 2018.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LCDR Barbara Wilk, U.S. Coast Guard Sector Hampton Roads, Waterways Management office; telephone 757-668-5580, email [hamptonroadswaterway@uscg.mil](mailto:hamptonroadswaterway@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone in the table to 33 CFR 165.506 at (c)(21) for the Shore Drive Fireworks display from 9 p.m. to 10 p.m. on July 3, 2018. This action is being taken to provide for the safety of life on navigable waterways during the fireworks display. Our regulation for Recurring Marine Events within the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area for this safety zone within a 200 yard radius of the center located at approximate position latitude 36°54'58.2" N, longitude 076°06'44.3" W, located at Virginia Beach, VA. As specified in § 165.506(d), during the enforcement period, no vessel may enter, remain in, or transit through the safety zone without approval from the Captain of the Port Sector Hampton Roads (COTP) or a COTP designated representative. The Coast Guard may be assisted by other federal, state, or local law enforcement agencies in enforcing this regulation. Because the fireworks display is happening on July 3 instead of July 4, 5, or 6 as published in the Table to 33 CFR 165.506, section (c), row 21. The enforcement period is also being changed for this year's event. This year the zone will be enforced from 9 p.m. through 10 p.m. on July 3, 2018.

This notice of enforcement is issued under authority of 33 CFR 165.506(d) and 5 U.S.C. 552(a). In addition to this notice of enforcement published in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: May 24, 2018.

**Richard J. Wester,**

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.*

[FR Doc. 2018-11644 Filed 5-30-18; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[Docket Number USCG–2018–0503]

RIN 1625–AA00

**Safety Zone; US 68/KY 80 Lake Barkley Bridge, Cumberland River, Canton, KY****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for a one-mile stretch of the navigable waters on of the Cumberland River, near the U.S. 68/KY 80 Lake Barkley Bridge-Henry R. Lawrence Memorial Bridge in Canton, KY. The safety zone is needed to protect persons, vessels, and the marine environment from potential hazards created by the demolition of the bridge pier. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

**DATES:** This rule is effective without actual notice from May 31, 2018 through 6 a.m. on June 2, 2018 or until the bridge pier demolition operation and the cleanup of the main navigable channel is complete, whichever occurs first. For the purposes of enforcement, actual notice will be used from 6 a.m. on May 30, 2018 through May 31, 2018.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0503 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Joseph Stranc, Marine Safety Unit Paducah Waterways Division, U.S. Coast Guard; telephone 270–442–1621 ext. 2124, email [Joseph.B.Stranc@uscg.mil](mailto:Joseph.B.Stranc@uscg.mil).

**SUPPLEMENTARY INFORMATION:****I. Table of Abbreviations**

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

**II. Background Information and Regulatory History**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. On May 16, 2018, the Coast Guard was notified of the need for immediate bridge pier demolition operations. This safety zone must be established by May 30, 2018 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the scheduled dates of the bridge pier demolition and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to public interest because immediate action is needed to ensure safety of persons and vessels during the US 68/KY 80 Lake Barkley Bridge pier demolition.

**III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with bridge pier demolition and clean-up operations beginning on May 30, 2018 will be a safety concern for anyone within a one-half mile radius of the pier. The purpose of this rule is to protect persons, vessels, and the marine environment while the bridge pier is being demolished.

**IV. Discussion of the Rule**

This rule establishes a temporary safety zone from 6 a.m. on May 30, 2018 through 6 a.m. on June 2, 2018 or until the bridge pier demolition operation and cleanup of the main navigable channel is complete, whichever occurs first. The safety zone will cover all navigable waters of the Cumberland River between miles 62.6 and 63.6, and a safety vessel will coordinate all vessel

traffic during the enforcement period. The duration of the zone is intended to protect persons, vessels, and the marine environment while the bridge pier is demolished. No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. They may be contacted via VHF–FM marine channel 16 or by telephone at 270–217–0959. If permission is granted, all persons and vessels shall comply with the instructions of the COTP Ohio Valley or a designated representative. The COTP or a designated representative will inform the public of the enforcement period of this safety zone through Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

**V. Regulatory Analyses**

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

**A. Regulatory Planning and Review**

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

This regulatory action determination is based on the size and duration of the rule. This rule establishes a temporary safety zone over a one-mile section of the Cumberland River for 3 days. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

**B. Impact on Small Entities**

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

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

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

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

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 3 days that will prohibit entry within one-mile stretch of the Cumberland River. It is categorically excluded from further review under paragraph L 60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

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

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

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

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0503 to read as follows:

#### § 165.T08–0503 Safety Zone; US 68/KY 80 Lake Barkley Bridge, Cumberland River, Canton, KY.

(a) *Location.* The following area is a safety zone: All navigable waters of the Cumberland River between miles 62.6 and 63.6 near the US 68/KY 80 Lake Barkley Bridge-Henry R. Lawrence Memorial Bridge in Canton, KY.

(b) *Effective period.* This section is effective from 6 a.m. on May 30, 2018 through 6 a.m. on June 2, 2018 or until the bridge pier demolition operation and cleanup of the main navigable channel is complete, whichever occurs first.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Ohio Valley (COTP) or a designated representative. A safety vessel will coordinate all vessel traffic during the enforcement period.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted via VHF–FM marine channel 16 or by telephone at 270–217–0959.

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

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

Dated: May 24, 2018.

**M.B. Zamperini,**

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

[FR Doc. 2018–11661 Filed 5–30–18; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

#### Approval and Promulgation of Implementation Plans

##### CFR Correction

■ In Title 40 of the Code of Federal Regulations, Part 52, § 52.2020 to End, revised as of July 1, 2017, on page 17, in § 52.2020, the table in paragraph (c)(1) is amended by removing the entries for Chapter 130—Standards for Products, Subchapter A—Portable Fuel Containers.

[FR Doc. 2018–11702 Filed 5–30–18; 8:45 am]

BILLING CODE 1301–00–D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA–R03–OAR–2017–0484; FRL–9978–56—Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Continuous Opacity Monitoring Requirements for Municipal Waste Combustors

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State of Maryland's Clean Air Act (CAA) sections 111(d) and 129 State Plan for municipal waste combustors (MWCs). The revision reflects amendments to Code of Maryland Regulations (COMAR) 26.11.08.08, which update the MWC opacity compliance provisions. The Maryland Department of the Environment (MDE)'s revised regulations provide that quality assurance (QA) and quality control (QC) requirements for continuous opacity monitors (COMs) are found in COMAR 26.11.31, rather than the now discontinued Technical Memorandum (TM 90–01). EPA is approving this revision to Maryland's CAA sections 111(d) and 129 State Plan in accordance with the requirements of the CAA.

**DATES:** This rule is effective on July 2, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R03–OAR–2017–0484. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index,

some information is not 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION, CONTACT:** Emily Linn, (215) 814–5273, or by email at [linn.emily@epa.gov](mailto:linn.emily@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 10, 2016, the State of Maryland submitted a formal revision (MD Submittal #16–05) to its CAA sections 111(d) and 129 State Plan for MWCs. The revision contains Maryland's amendments to COMAR 26.11.08.08, "Requirements for an Existing Large MWC with a Capacity Greater Than 250 Tons Per Day." Among other minor changes,<sup>1</sup> these amendments update the references for opacity compliance which previously referenced a discontinued technical memorandum, TM 90–01, that addressed QA/QC procedures for COMs. COMAR 26.11.08.08 now refers to COMAR 26.11.31, which contains QA and QC procedures for COMs, similar to those previously found in the no longer effective TM 90–01.<sup>2</sup> EPA is approving this revision to Maryland's 111(d) and 129 State Plan for MWCs in accordance with the requirements of the CAA for sections 111(d) and 129 state plans.

In the same state rulemaking action, MDE also revised the title of COMAR 26.11.08.07, from "Requirements for Certain Municipal Waste Combustors" to "Requirements for Municipal Waste Combustors with a Capacity of 35 tons

<sup>1</sup> Other changes made by Maryland to COMAR 26.11.08.08 include (1) changing the "Emission Standards for a Large MWC" to read "10 percent opacity with COMS," rather than "10 percent opacity with CEMS," and (2) changing the "Performance and Compliance Test Requirements" to include the following statement: ". . . the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations based on a 6 minute block average" (formerly, it included the following statement: "In case of inconsistencies in data or conflicting data Method 9 results will determine compliance").

<sup>2</sup> EPA previously approved Maryland's State Plan for large MWCs on April 8, 2008 (see 73 FR 18968). EPA also approved, as a revision to the Maryland state implementation plan, the regulatory requirements for QA/QC controls for COMs in COMAR 26.11.31 on November 7, 2016 (see 81 FR 78048).

or greater per day and less than or equal to 250 Tons Per Day," to clarify that the state regulation applies to small MWCs. The text of 26.11.08.07 remains unchanged, and thus the requirements for MWCs remain unchanged. This clarification to the title of COMAR 26.11.08.07 is a minor administrative change and is not part of this action.

On November 6, 2017 (82 FR 51380 and 82 FR 51350), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the State of Maryland approving revisions to its CAA sections 111(d) and 129 State Plan for MWCs. EPA received an adverse comment on the rulemaking and withdrew the DFR prior to the effective date on December 26, 2017 (82 FR 60872). In this rulemaking, EPA is responding to the comment submitted on the proposed approval of the State Plan revisions and is approving the revisions to Maryland's State Plan for MWCs.

##### II. State Submittal and EPA Analysis

EPA has reviewed Maryland's submittal to revise its State Plan for MWCs in the context of the requirements of 40 CFR part 60, subparts Cb and Eb. In this action, EPA is finalizing its determination that the submitted revision meets the above-cited requirements. EPA is amending 40 CFR part 62, subpart V (40 CFR 62.5110 and 62.5112), to reflect this approval.

##### III. Public Comments and EPA Responses

EPA received one adverse comment on the proposed approval of the revisions to the State of Maryland's CAA sections 111(d) and 129 State Plan for MWCs. All other comments received were either supportive of or not specific to this action and thus are not addressed here.

*Comment:* The commenter asserts that EPA should not be involved in matters of the state's choosing. Additionally, the commenter asserts that if the changes to the plan are largely administrative in nature, EPA should let the state go without making them spend resources to make that administrative change.

*Response:* EPA disagrees with the commenter's assertions. EPA did not specifically direct Maryland to make these amendments. Instead, Maryland submitted to EPA this revision to its State Plan for MWCs and requested that EPA amend the appropriate sections of 40 CFR part 62, subpart V, to reflect approval of this Plan revision. EPA is required to act on State Plan revisions submitted by states. In response to the commenter's assertion, while these changes are largely administrative in

nature, they are needed to update Maryland's State Plan for COMs requirements. EPA is responding to MDE's request and finalizing the revisions to Maryland's State Plan for MWCs in this action, as they are consistent with CAA sections 111(d) and 129.

#### IV. Final Action

In this final action, EPA is amending 40 CFR part 62, subpart V, to reflect the receipt and approval of the revisions to Maryland's State Plan for MWCs in accordance with the requirements of the CAA.

#### V. Statutory and Executive Order Reviews

##### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of

power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 provides, in part, that Federal agencies shall use technical standards that are developed or adopted by voluntary consensus standards bodies. Public Law 104-113 (15 U.S.C. 272 note) (March 7, 1996). Agencies are not required to use such standards if doing so would be inconsistent with applicable law or otherwise impractical. Public Law 104-113 (section 12(d)). EPA is not, in this action, using technical standards, as contemplated by the National Technology Transfer and Advancement Act. Rather, EPA is reviewing and responding to Maryland's Section 111(d)/129 plan submission, and, in such case, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Moreover, in such context, EPA has no authority to disapprove a Section 111(d)/129 plan submission for failure to use voluntary consensus standards, and it would be inconsistent with applicable law for EPA, when it reviews a Section 111(d)/129 plan submission, to require use of such standards in place of a Section 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the National Technology Transfer and Advancement Act does not require, here, the use of voluntary consensus standards.

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

##### B. Submission to Congress and the Comptroller General

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

##### C. 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 July 30, 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 approving Maryland's revisions to their 111(d) and 129 State Plan for MWCs may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

##### List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 15, 2018.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

For the reasons stated in the preamble, title 40 CFR part 62 is amended as follows:

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

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

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

##### Subpart V—Maryland

■ 2. Section 62.5110 is amended by adding paragraph (c) to read as follows:

##### § 62.5110 Identification of plan.

\* \* \* \* \*

(c) On May 10, 2016, Maryland submitted a revised State Plan and related COMAR 26.11.08.08 amendments.

■ 3. Section 62.5112 is amended by adding paragraph (c) to read as follows:

##### § 62.5112 Effective date.

\* \* \* \* \*

(c) The plan revision is effective July 30, 2018.

[FR Doc. 2018-11746 Filed 5-30-18; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 174

[EPA-HQ-OPP-2018-0040; FRL-9977-62]

#### Defensin Proteins Derived From Spinach in Citrus Plants; Temporary Exemption From the Requirement of a Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a temporary exemption from the requirement of a tolerance for residues of the spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8 in or on citrus when used as plant-incorporated-protectants in accordance with the terms of Experimental Use Permit (EUP) No. 88232-EUP-1. Southern Gardens Citrus Nursery, LLC, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the temporary tolerance exemption. This regulation eliminates the need to establish a maximum permissible level for residues of spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8. The temporary tolerance exemption expires on May 31, 2021.

**DATES:** This regulation is effective May 31, 2018. Objections and requests for hearings must be received on or before July 30, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2018-0040, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC

20460-0001; main telephone number: (703) 305-7090; email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

###### B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 174 through the Government Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

###### C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2018-0040 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 30, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified

by docket ID number EPA-HQ-OPP-2018-0040, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

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

##### II. Background

In the **Federal Register** of May 6, 2015 (80 FR 25943) (FRL-9926-99), EPA previously established a temporary exemption from the requirement of a tolerance in 40 CFR part 174.535 for residues of spinach defensin proteins SoD2 and SoD7 in citrus. This exemption was established concurrently with an Experimental Use Permit (88232-EUP-1). Both the temporary tolerance exemption and EUP have expiration dates of April 18, 2018.

In the **Federal Register** of March 1, 2018 (83 FR 8827) (FRL-9973-57), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 7G8630) by Southern Gardens Citrus Nursery, LLC, 1820 Country Road 833, Clewiston, FL 33440. The petition requested that the temporary tolerance exemption established in 40 CFR part 174.535 be amended and extended for residues of Spinach Defensin Proteins. Because the temporary tolerance exemption expired before we could complete this action, we are treating this as a petition to reestablish a temporary tolerance exemption. The petition referenced a summary of the petition prepared by the petitioner Southern Gardens Citrus Nursery, LLC, which is available in the docket, <http://www.regulations.gov>. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit III.C.

##### III. Final Rule

###### A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption

from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is “safe.” Section 408(c)(2)(A)(ii) of FFDCA defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .” Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider “available information concerning the cumulative effects of a particular pesticide’s residues” and “other substances that have a common mechanism of toxicity.”

EPA has reviewed the available toxicity and exposure data on spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8 and considered its validity, completeness and reliability, and the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on that data can be found within the document entitled “Federal Food, Drug, and Cosmetic Act (FFDCA) Assessment of Defensin Proteins Derived from Spinach in Citrus Plants” dated April 27, 2018. This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

Based upon available data, EPA concludes that spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8, do not show evidence of toxicity. Moreover, there is no significant similarity between spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8 and known toxins and allergens. In addition, as discussed in the “Toxicological Profile” in the April 27, 2018 FFDCA Assessment document, the spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8 readily digest in simulated gastric fluids. Therefore, cumulative, chronic, and acute effects are unlikely. Furthermore, the source of

the defensin proteins, spinach, has long been part of the human diet and there have been no findings that indicate toxicity or allergenicity of spinach proteins.

Given the lack of toxicity or allergenicity of the spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8, the Agency has not identified any toxicological endpoints for assessing risk. Due to the lack of any threshold effects, EPA has determined that the provision under FFDCA section 408(b)(2)(C) to retain a 10X safety factor for the protection of infants and children does not apply. Similarly, the lack of any toxic mode of action or toxic metabolites means that there is no available information concerning the cumulative effects of such residues and other substances that have a common mechanism of toxicity to be considered.

Oral exposure to spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8 may occur from ingestion of citrus products, such as fruit and juice. In addition, people have had a long history of consumption of spinach and will continue to be exposed to defensin proteins through consumption of spinach. Based on the lack of adverse effects and the rapid digestibility of the proteins, however, the Agency does not anticipate any risk from reasonably foreseeable levels of exposure. Since the plant-incorporated protectant is integrated into the plant’s genome, the Agency has concluded, based upon previous science reviews, that the plant-incorporated protectant will not likely be found in ground or surface water and that residues in drinking water will be extremely low or non-existent. Non-occupational exposure via the skin or inhalation is not likely since the plant-incorporated protectant is contained within plant cells, which essentially eliminates these exposure routes or reduces these exposure routes to negligible levels of exposure. In any event, there are no non-dietary non-occupational uses of SoD2, SoD2\*, SoD7, and SoD8 as they are only used in agricultural settings.

Based on its evaluation, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to the U.S. population, including infants and children, to the spinach defensin proteins SoD2, SoD2\*, SoD7, and SoD8. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion because, as previously discussed, there is no indication of toxicity or allergenicity potential for the plant-incorporated protectant. Therefore, a

temporary exemption is established for residues of spinach defensin SoD2, SoD2\*, SoD7, and SoD8 proteins in or on citrus when the proteins are used as plant-incorporated protectants in citrus plants. This exemption is being established concurrently with an extension to the Experimental Use Permit (EUP) No. 88232–EUP–1, and is therefore being established on a temporary basis. Both the EUP and temporary tolerance exemption will expire on May 31, 2021.

#### *B. Analytical Enforcement Methodology*

An analytical method is not required for enforcement purposes since the Agency is establishing a temporary exemption from the requirement of a tolerance without any numerical limitation.

#### *C. Response to Comments*

Two comments were received in response to the Notice of Filing (83 FR 8827). Neither of these anonymous comments were relevant to the proposed temporary tolerance exemption for spinach defensin proteins in citrus. One comment pertained to wind turbines and the other pertained to Chinese air quality.

#### **IV. Statutory and Executive Order Reviews**

This action establishes a temporary exemption from the requirement for a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition



under FFDC section 408(d), such as the temporary tolerance exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDC section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

#### V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 174

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 22, 2018.

**Robert McNally**,

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 174—[AMENDED]

■ 1. The authority citation for part 174 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. Revise § 174.535 to read as follows:

#### § 174.535 Spinach Defensin proteins; temporary exemption from the requirement of a tolerance.

Residues of the defensin proteins SoD2, SoD2\*, SoD7, and SoD8 derived from spinach (*Spinacia oleracea* L.) in or on citrus food commodities are temporarily exempt from the requirement of a tolerance when used as a plant-incorporated protectant in citrus plants in accordance with the terms of Experimental Use Permit No. 88232–EUP–1. This temporary exemption from the requirement of a tolerance expires on May 31, 2021.

[FR Doc. 2018–11750 Filed 5–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 100812345–2142–03]

RIN 0648–XG253

#### Snapper-Grouper Fishery of the South Atlantic; 2018 Commercial Accountability Measure and Closure for South Atlantic Yellowtail Snapper

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure (AM) for the commercial sector for yellowtail snapper in the South Atlantic exclusive economic zone (EEZ). NMFS projects that commercial landings of yellowtail snapper will reach the commercial annual catch limit (ACL) for the August 2017 through July 2018 fishing year by June 5, 2018. Therefore, NMFS closes the commercial sector for yellowtail snapper in the South Atlantic EEZ on June 5, 2018, and it will remain closed until August 1, 2018, the start of the

August 2018 through July 2019 fishing year. This closure is necessary to protect the South Atlantic yellowtail snapper resource.

**DATES:** This rule is effective at 12:01 a.m., local time, June 5, 2018, until 12:01 a.m., local time, August 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes yellowtail snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The yellowtail snapper commercial ACL is 1,596,510 lb (724,165 kg), round weight, as specified in 50 CFR 622.193(n)(1)(i). The yellowtail snapper fishing year is August 1 through July 31, as specified in 50 CFR 622.7(f). Under 50 CFR 622.193(n)(1)(i), NMFS is required to close the yellowtail snapper commercial sector when the commercial ACL has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has projected that the yellowtail snapper commercial sector will reach its ACL on June 5, 2018. Therefore, this temporary rule implements an AM to close the yellowtail snapper commercial sector in the South Atlantic EEZ, effective from 12:01 a.m., local time, June 5, 2018, until August 1, 2018, the start of the 2018–2019 fishing year.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having yellowtail snapper on board must have landed and bartered, traded, or sold such species prior to June 5, 2018. During the commercial closure, all sale or purchase of yellowtail snapper from the South Atlantic EEZ is prohibited. The harvest or possession of yellowtail snapper in or from the South Atlantic EEZ is limited to the bag limit specified in 50 CFR 622.187(b)(4) and the possession limits specified in 50 CFR 622.187(c). These bag and possession limits apply on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, regardless of whether such



species were harvested in state or Federal waters.

### Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of South Atlantic yellowtail snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(n)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the yellowtail snapper commercial sector constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the AM has been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because there is a need to immediately implement this action to protect the yellowtail snapper resource, as the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and could result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: May 25, 2018.

**Jennifer M. Wallace,**

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

[FR Doc. 2018-11665 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 180220193-8488-02]

RIN 0648-BH79

#### Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2018

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

**ACTION:** Final rule.

**SUMMARY:** NMFS announces management measures for the 2018 summer flounder, scup, and black sea bass recreational fisheries. The implementing regulations for these fisheries require NMFS to publish recreational measures for the fishing year. The intent of these measures is to constrain recreational catch to established limits and prevent overfishing of summer flounder, scup, and black sea bass.

**DATES:** This rule is effective May 31, 2018.

**ADDRESSES:** Copies of the Environmental Assessment (EA) and other supporting documents for the recreational harvest measures are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901. The recreational harvest measures document is also accessible via the internet at: <http://www.mafmc.org/s/2018-sf-bsb-rec-measures-EA.pdf>.

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

#### SUPPLEMENTARY INFORMATION:

##### Summary of Management Measures

In this rule, NMFS specifies management measures for the 2018 summer flounder, scup, and black sea bass recreational fisheries consistent with the recommendations of the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). NMFS is establishing measures that would apply in the Federal waters of the exclusive economic zone (EEZ). Additionally, these measures apply to all Federally permitted party/charter vessels with applicable summer

flounder, scup, and black sea bass permits, regardless of where they fish, unless the state in which they land implements measures that are more restrictive. These measures are intended to achieve, but not exceed, the previously established 2018 recreational harvest limits established in a final rule published on December 22, 2017 (82 FR 60682).

#### 2018 Summer Flounder Recreational Management Measures

NMFS is implementing conservation equivalency to manage the 2018 summer flounder recreational fishery, as proposed on April 11, 2018 (83 FR 15535). These measures are consistent with the recommendation of the Council and Commission. Additional information on the development of these measures is provided in the proposed rule and not repeated here.

Conservation equivalency, as established by Framework Adjustment 2 (July 29, 2001; 66 FR 36208), allows each state to establish its own recreational management measures (possession limits, minimum fish size, and fishing seasons) to achieve its state harvest limit established by the Commission from the coastwide recreational harvest limit, as long as the combined effect of all of the states' management measures achieves the same level of conservation as Federal coastwide measures. Framework Adjustment 6 (July 26, 2006; 71 FR 42315) allowed states to form regions for conservation equivalency in order to minimize differences in regulations for anglers fishing in adjacent waters.

The Commission is maintaining the provisions of Addendum XXVIII to its fishery management plan (FMP), which continues regional conservation equivalency for fishing year 2018. The Commission maintained regions that are consistent with those in place since 2016: (1) Massachusetts; (2) Rhode Island; (3) Connecticut and New York; (4) New Jersey; (5) Delaware, Maryland, and Virginia; and (6) North Carolina. The Commission's Summer Flounder Management Board specified any adjustments to state measures in 2018 should result in no more than a 17-percent liberalization in coastwide harvest relative to the projected 2017 harvest of 3.23 million lb (1,465 mt), the harvest estimate available at the December 2017 meeting. The Board specified this maximum liberalization due to concerns about the status of the summer flounder stock, as well as concerns that harvest estimates for 2017 appeared to be anomalously low in terms of effort and landings. The cap on liberalization is to address concerns that

overages may occur if catch and effort rates increase in 2018. More information on Addendum XXVIII is available from the Commission ([www.asmf.org](http://www.asmf.org)).

The Commission certified, by a letter dated April 26, 2018, that the Addendum XXVIII measures implemented by individual states and regions, when combined, are the conservation equivalent of coastwide measures that would be expected to result in the 2018 recreational harvest limit being achieved, but not exceeded.

Based on the Commission's recommendation, we find that the 2018 recreational fishing measures required to be implemented in state waters are, collectively, the conservation equivalent of the season, minimum size, and possession limit prescribed in 50 CFR 648.104(b), 648.105, and 648.106(a). According to § 648.107(a)(1), vessels subject to the recreational fishing measures are not subject to Federal measures, and instead are subject to the recreational fishing measures implemented by the state in which they land. Section 648.107(a) is amended through this rule to recognize state-implemented measures as conservation equivalent of the coastwide recreational management measures for 2018.

In addition, this action implements default coastwide measures (a 19-inch (48.3-cm) minimum size, 4-fish possession limit, and May 15 through September 15 open fishing season), that become effective January 1, 2019, when the 2018 conservation equivalency program expires. These measures will remain effective until replaced by the 2019 recreational management measures in the spring of next year.

#### **Scup Recreational Management Measures**

This rule maintains status quo scup measures for the 2018 fishery: A 9-inch (22.9-cm) minimum fish size, 50-fish per person possession limit, and year-round season.

#### **Black Sea Bass Recreational Management Measures**

NMFS is extending the Federal waters black sea bass recreational season by removing a closure that occurs from September 22 through October 21 and maintaining the current possession limit and minimum size. The following measures are implemented for the 2018 fishing year in Federal waters: A 15-fish possession limit, a 12.5-inch (31.75-cm) minimum size, and an open season from May 15–December 31.

On May 4, 2018, the Commission submitted a letter stating that the recreational black sea bass fishing measures to be implemented by the

states are projected to restrict the recreational coastwide landings to the 2018 recreational harvest limit of 3.66 million lb (1,661 mt). The Commission adjusted management measures contained in Addendum XXX following an appeal from the Northern Region (Massachusetts, Connecticut, Rhode Island, and New York). The revised management program is designed to meet the needs of the Northern Region without impacting the remaining states, while still constraining harvest to the recreational harvest limit.

Based on the Commission's letter, NMFS has determined that the measures that the states have committed to implement are sufficient to restrain catch appropriately. As a result, NMFS is able to implement the measures outlined in the proposed rule in Federal waters.

#### **Comments and Responses**

On April 11, 2018, NMFS published the proposed measures for the 2018 summer flounder, scup, and black sea bass recreational fisheries for public notice and comments. NMFS received 46 comments. Only one of these comments was directly pertinent to the proposed Federal recreational measures. The commenter offered alternative measures to consider, suggesting a 5-fish possession limit for summer flounder, a 40-fish possession limit for scup with a 9-inch minimum size, and an unspecified possession limit higher than the current 15-fish possession limit for black sea bass. This commenter did not provide a rationale for why these measures would be appropriate or why the measures developed by the Council must be disapproved by NMFS. The remaining comments spoke directly to the Northern Region's black sea bass appeal, which was resolved by the Commission to meet the needs of the Northern Region without impacting the remaining states, addressed state-specific measures outside the scope of this action, offered general concerns over Marine Recreational Information Program estimates, or relayed general complaints over the management of black sea bass. No changes to the final rule are made based on these comments.

#### **Classification**

The Administrator, Greater Atlantic Region, NMFS, determined that these management measures 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 management measures are in place as soon as possible.

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 these recreational management measures that is developed by the Council. A complete document was received by NMFS in April 2018. Documentation in support of the Council's recommended management measures 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 April 11, 2018, with a 15-day comment period ending April 26, 2018.

The more restrictive Federal coastwide regulatory measures for summer flounder that were codified last year remain in effect until the 2018 recreational measures are made effective. Although the states' summer flounder fisheries are already open, additional delay in implementing the measures of this rule will increase confusion on what measures are in place in Federal waters. This would create inconsistencies between state and federal measures and increase the likelihood of illegal landings due to misunderstood regulations.

Unlike actions that require an adjustment period to comply with new rules, charter/party operators will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the published management measures for each relevant species of fish while the charter/party operators are engaged in fishing activities.

For these reasons, the Assistant Administrator finds good cause to waive the 30-day delay and to make this rule effective upon publication in the **Federal Register**.

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

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. Two comments were received that mentioned perceived economic impacts of state waters measures, which is outside the scope of this action and results from decisions made by the Commission. A final regulatory flexibility analysis is not required and none has been prepared.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 24, 2018.

**Samuel D. Rauch, III,**

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

#### **PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

- 1. The authority citation for part 648 continues to read as follows:

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

- 2. Revise § 648.105 to read as follows:

##### **§ 648.105 Summer flounder recreational fishing season.**

Unless otherwise specified pursuant to § 648.107, vessels that are not eligible for a moratorium permit under § 648.4(a)(3), and fishermen subject to the possession limit, may fish for summer flounder from May 15 through September 15. This time period may be adjusted pursuant to the procedures in § 648.102.

- 3. In § 648.107, revise paragraph (a) introductory text to read as follows:

##### **§ 648.107 Conservation equivalent measures for the summer flounder fishery.**

(a) The Regional Administrator has determined that the recreational fishing

measures proposed to be implemented by the states of Maine through North Carolina for 2018 are the conservation equivalent of the season, minimum size, and possession limit prescribed in §§ 648.104(b), 648.105, and 648.106. This determination is based on a recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission.

\* \* \* \* \*

- 4. Revise § 648.146 to read as follows:

##### **§ 648.146 Black sea bass recreational fishing season.**

Vessels that are not eligible for a moratorium permit under § 648.4(a)(7), and fishermen subject to the possession limit specified in § 648.145(a), may only possess black sea bass from May 15 through December 31, unless this time period is adjusted pursuant to the procedures in § 648.142.

[FR Doc. 2018-11606 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 83, No. 105

Thursday, May 31, 2018

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

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[REG-102951-16]

RIN 1545-BN36

#### Filing Requirements for Information Returns Required on Magnetic Media (Electronically)

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations amending the rules for determining whether information returns must be filed using magnetic media (electronically). The proposed regulations would require that all information returns, regardless of type, be taken into account to determine whether a person meets the 250-return threshold and, therefore, must file the information returns electronically. The proposed regulations also would require any person required to file information returns electronically to file corrected information returns electronically, regardless of the number of corrected information returns being filed. The proposed regulations will affect persons required to file information returns.

**DATES:** Written or electronic comments and requests for a public hearing must be received by July 30, 2018.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG-102951-16), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. to CC:PA:LPD:PR (REG-102951-16), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224. Alternatively, persons may submit comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> (IRS REG-102951-16).

#### FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, Michael Hara, (202) 317-6845; concerning the submission of comments and requests for a public hearing, Regina L. Johnson, (202) 317-5177 (not toll-free calls).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR part 301) under section 6011(e) relating to the filing of information returns on magnetic media. Section 6011(e) authorizes the Secretary to prescribe regulations regarding the filing of returns on magnetic media.

Section 6011(e)(2)(A) prohibits the Secretary from requiring persons to file returns on magnetic media unless the person is required to file at least 250 returns during the calendar year. Section 6011(e)(2)(B) provides that, in prescribing regulations, the Secretary shall consider the taxpayer's ability to comply at reasonable cost with the regulations' requirements. Section 301.6011-2(a)(1) provides that magnetic media includes any magnetic media permitted under the applicable regulations, revenue procedures, or publications, or, in the case of returns filed with the Social Security Administration, any magnetic media permitted under Social Security Administration publications, including electronic filing.

Section 301.6011-2 provides rules for when information returns described in § 301.6011-2(b), such as Form 1042-S, "Foreign Person's U.S. Source Income Subject to Withholding;" forms in the 1099 series; and Form W-2, "Wage and Tax Statement," must be filed electronically. Under § 301.6011-2(c), a person is not required to file a type of information return covered by § 301.6011-2(b) electronically unless the person is required to file 250 or more such returns during the calendar year. Sections 301.6011-2(c)(1)(i) and (iii) and the Examples in § 301.6011-2(c)(1)(iv) describe that the 250-return threshold applies separately to each type of information return and each type of corrected information return filed, and, therefore, the forms are not aggregated for purposes of determining whether the 250-return threshold is satisfied.

Section 301.6011-2(c)(2) allows the Commissioner to waive the requirement to file electronically if the request for waiver demonstrates hardship and provides that the principal factor in determining hardship will be the extent, if any, to which the cost of electronic filing exceeds the cost of filing on other media.

When the rules for determining the 250-return threshold, including the rule providing that each type of information return is counted separately and not aggregated, were originally published, electronic filing was in the early stages of development and was not as commonly used as it is today. The non-aggregation rule helped to reduce cost and ease burden on taxpayers, given the existing limits on technology and accessibility to such technology. Since then, significant advances in technology have made electronic filing more prevalent and accessible. As a result, electronic filing is less costly and most often easier than paper filing. In fact, most information returns are filed electronically. In tax year 2015, approximately 98 percent of information returns were filed electronically. In tax year 2016, the percentage of information returns filed electronically rose to 98.5 percent. Advances in tax return preparation software, as well as the prevalence of tax return preparers and third-party service providers who offer information return preparation and electronic filing, have also contributed to the increase in electronic filing.

The concerns regarding taxpayer burden and cost associated with electronic filing have been significantly mitigated since the non-aggregation rule in § 301.6011-2(c)(1)(i) and (iii) of the regulations was first published. Therefore, determining the 250-return threshold on a form-by-form basis without aggregation is no longer necessary to relieve taxpayer burden and cost. Accordingly, these regulations simplify the rules for determining the 250-return threshold by requiring aggregation of all information returns covered by § 301.6011-2(b) for purposes of determining the 250-return threshold. In addition, these regulations provide that corrected information returns must be filed electronically if the original information returns were filed electronically. These rule changes will help facilitate efficient and effective tax administration.

## Explanation of Provisions

These proposed regulations remove the non-aggregation rule in § 301.6011-2(c)(1)(iii) that counts the number of information returns required to be filed on a form-by-form basis. The proposed regulations add a new paragraph (4) to § 301.6011-2(b) to provide that if during a calendar year a person is required to file a total of 250 or more information returns of any type covered by § 301.6011-2(b), the person is required to file those information returns electronically. For example, under these proposed regulations, if a person is required to file 200 Forms 1099-INT, "Interest Income," and 200 Forms 1099-DIV, that person must file all Forms 1099-INT and Forms 1099-DIV electronically because that person is required to file, in the aggregate, at least 250 information returns covered by § 301.6011-2(b). Corrected information returns are not taken into account in determining whether the 250-return threshold is met under proposed § 301.6011-2(b)(4) for purposes of determining whether information returns covered by § 301.6011-2(b) must be filed electronically. Examples in proposed § 301.6011-2(c)(1)(iv) illustrate this rule.

The proposed regulations also provide that corrected information returns covered by § 301.6011-2(b) must be filed electronically if the information returns originally filed for the calendar year are required to be filed electronically. If fewer than 250 returns covered by § 301.6011-2(b) are required to be filed for the calendar year, the original returns for the calendar year, as well as the corrected returns for the calendar year, are not required to be filed electronically. See proposed § 301.6011-2(c)(1)(iv), Example 4.

The proposed regulations also amend § 301.6721-1(a)(2)(ii) regarding the penalty for failure to file correct information returns to remove references to the prior rule for determining the number of returns on a form-by-form basis and the prior corrected return rule.

The proposed regulations do not amend the existing regulations allowing persons who are required to file returns electronically to request a waiver of the electronic-filing requirement. See § 301.6011-2(c)(2). This waiver authority will be exercised so as not to unduly burden taxpayers lacking the necessary data-processing capabilities or access to return preparers and third-party service providers at a reasonable cost.

## Proposed Effective/Applicability Date

These proposed regulations will be effective on the date of the publication of the Treasury Decision adopting these rules as final in the **Federal Register**. However, to give information-return filers sufficient time to comply with these regulations, these proposed regulations will not apply to information returns required to be filed before January 1, 2019. Accordingly, these proposed regulations provide that §§ 301.6011-2(b)(4) and 301.6721-1(a)(2)(ii), as amended, will be effective for information returns required to be filed after December 31, 2018. Section 301.6011-2(b)(5), as amended, will be effective for corrected information returns filed after December 31, 2018.

## Special Analyses

This regulation is not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations.

When the Internal Revenue Service issues a proposed rulemaking imposing a collection of information requirement on small entities, the Regulatory Flexibility Act (RFA) requires the agency to "prepare and make available for public comment an initial regulatory flexibility analysis," which will "describe the impact of the proposed rule on small entities." 5 U.S.C. 603(a). Section 605(b) of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

This proposed rule directly affects information-return filers that file more than 250 returns of any type covered by § 301.6011-2(b), which includes a substantial number of small entities. However, the IRS has determined that the economic impact on small entities affected by the proposed rule would not be significant. Under sections 6011(e) and § 301.6011-2(c)(1), information-return filers already must file information returns electronically if during a calendar year a person is required to file a total of 250 or more information returns of any type covered by § 301.6011-2(b). The proposed rule merely amends the method of counting those 250 returns to determine if the 250-return threshold is met. Information filers may request a waiver of the electronic-filing requirement if they lack the necessary data-processing capabilities or access to return preparers

and third-party service providers at a reasonable cost, and the IRS routinely grants meritorious hardship waiver requests. Accordingly, the burden on the limited number of small entities that are not currently filing electronically will be slight, and small entities that would experience a hardship because of this proposed rule may seek a waiver. The Commissioner of the IRS hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. The IRS invites comment from members of the public who believe there will be a significant impact on small information return filers. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

## Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any electronic and written comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available at [www.regulations.gov](http://www.regulations.gov) or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, then notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

## Drafting Information

The principal author of these proposed regulations is Michael Hara of the Office of the Associate Chief Counsel (Procedure and Administration).

## List of Subjects in 26 CFR Part 301

Income taxes, Penalties, Reporting and recordkeeping requirements.

## Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

### PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 is amended by adding a sectional authority for 301.6721-1 to read as follows:

Authority: 26 U.S.C. 7805 \* \* \*

\* \* \* \* \*

Section 301.6721-1 is also issued under 26 U.S.C. 6011(e).

\* \* \* \* \*

■ Par. 2. Section 301.6011-2 is amended as follows:

■ a. Paragraphs (b)(4) through (6) are added.

■ b. Paragraphs (c)(1)(iii) and (iv) are removed.

■ c. Paragraph (g)(2) is revised.

The additions and revisions read as follows:

§ 301.6011-2 Required use of magnetic media.

\* \* \* \* \*

(b) \* \* \*

(4) Aggregation of returns. For purposes of determining whether the number of returns a person is required to file meets the 250-return threshold under paragraph (c)(1)(i) of this section, all types of returns covered by paragraphs (b)(1) and (2) of this section required to be filed during the calendar year are aggregated. Corrected returns are not taken into account in determining whether the 250-return threshold is met.

(5) Corrected returns. Any person required to file returns covered by paragraphs (b)(1) and (2) of this section on magnetic media for a calendar year must file corrected returns covered by paragraphs (b)(1) and (2) of this section for such calendar year on magnetic media.

(6) Examples. The provisions of paragraphs (b)(4) and (5) of this section are illustrated by the following examples:

Example 1. For the 2018 calendar year, Company W is required to file 200 Forms 1099-INT, "Interest Income," and 200 Forms 1099-DIV, "Dividends and Distributions," for a total of 400 returns. Because Company W is required to file 250 or more returns covered by paragraphs (b)(1) and (2) of this section for the calendar year, Company W must file all Forms 1099-INT and Forms 1099-DIV electronically.

Example 2. During the 2018 calendar year, Company X has 200 employees in Puerto Rico and 75 employees in American Samoa, for a total of 275 returns. Because Company X is required to file 250 or more returns covered by paragraphs (b)(1) and (2) of this section for the calendar year, Company X must file Forms 499R-2/W-2PR, "Commonwealth of Puerto Rico Withholding Statement," and Forms W-2AS, "American Samoa Wage and Tax Statement," electronically.

Example 3. For the 2018 calendar year, Company Y files 300 original Forms 1099-MISC, "Miscellaneous Income." Later, Company Y files 70 corrected Forms 1099-MISC for the 2018 calendar year. Because Company Y is required to file 250 or more

returns covered by paragraphs (b)(1) and (2) of this section for the calendar year, Company Y must file its original 300 Forms 1099-MISC, as well as its 70 corrected Forms 1099-MISC for the 2018 calendar year, electronically.

\* \* \* \* \*

(g) \* \* \*

(2) Paragraphs (a)(1), (b)(1) and (2), (c)(1)(i), (c)(2), (d), (e), and (f) of this section are effective for information returns required to be filed after December 31, 1996. For information returns required to be filed after December 31, 1989, and before January 1, 1997, see section 6011(e) [26 U.S.C. 6011(e)]. Paragraph (b)(4) of this section is effective for information returns required to be filed after December 31, 2018. Paragraph (b)(5) of this section is effective for corrected information returns filed after December 31, 2018.

\* \* \* \* \*

■ Par. 3. Section 301.6721-1 is amended as follows:

■ a. By removing the fifth through seventh sentences in paragraph (a)(2)(ii).

■ b. Adding paragraph (h).

The revisions and addition reads as follows:

§ 301.6721-1 Failure to file correct information returns.

\* \* \* \* \*

(h) Effective dates. Paragraph (a)(2)(ii) of this section is effective for information returns required to be filed after December 31, 2018.

Kirsten Wielobob

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2018-11749 Filed 5-30-18; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0330]

RIN 1625-AA00

Safety Zone; Appomattox River, Hopewell, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for a marine event on the navigable waters of the Appomattox River at confluence with the James River in Hopewell, VA. This action is necessary to provide for the safety of life on these navigable waters in Hopewell, VA, during a

fireworks display on June 30, 2018. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Hampton Roads or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 7, 2018.

ADDRESSES: You may submit comments identified by docket number USCG-2018-0330 using the Federal eRulemaking Portal at http://www.regulations.gov. See the "Public Participation and Request for Comments" portion of the SUPPLEMENTARY INFORMATION section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Barbara Wilk, Waterways Management Division Chief, Sector Hampton Roads, U.S. Coast Guard; telephone 757-668-5580, email HamptonRoadsWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On March 27, 2018, the Hopewell Recreation and Parks Department notified the Coast Guard that it will be conducting a fireworks display from approximately 9:30 to 9:45 p.m. on June 30, 2018, to serve as the city of Hopewell's Fourth of July celebration. The fireworks are to be launched from a barge in the Appomattox River near City Point. Potential hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Hampton Roads (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 234-yard radius of the barge. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 234-yard radius of the fireworks barge before, during, and after the scheduled event. The Coast Guard proposes this

rulemaking under authority in 33 U.S.C. 1231.

### III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 9 to 11 p.m. on June 30, 2018. The safety zone would cover all navigable waters within 234 yards of a barge in the Appomattox River at approximate coordinates: 37°18'52.20" N, 077°17'12.52" W. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:30 to 9:45 p.m. fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

### IV. Regulatory Analyses

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

#### A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the Appomattox River at confluence with the James River in Hopewell, VA, for 2 hours. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to seek permission on-scene to enter the zone.

#### B. Impact on Small Entities

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

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

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

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

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

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

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 2 hours that would prohibit entry within 234 yards of a fireworks barge. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

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

jeopardizing the safety or security of people, places, or vessels.

## V. Public Participation and Request for Comments

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

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

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

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

### List of Subjects in 33 CFR Part 165

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0330 to read as follows:

### § 165.T05–0330 Safety Zone, Appomattox River; Hopewell, VA.

(a) Definitions. The following definitions apply to this section: (1) *Captain of the Port* means the Commander, Sector Hampton Roads.

(2) *Representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(3) *Participants* mean individuals and vessels involved in the fireworks display.

(b) Location. The following area is a safety zone: All navigable waters in the vicinity of the Appomattox River at confluence with the James River, within a 234 yard radius of the fireworks display barge in approximate position 37°18'52.20" N, 077°17'12.52" W. (NAD 1983).

(c) Regulations. (1) Except as provided in paragraph (c)(4) of this section, all persons are required to comply with the general regulations governing safety zones of subpart C of this part.

(2) With the exception of participants, entry into or remaining in this safety zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives. All vessels within this safety zone at the time it is implemented are to depart the zone immediately.

(3) The Captain of the Port, Hampton Roads or his representative can be contacted at telephone number (757) 668–5555. The Coast Guard and designated security vessels enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz), or by visual or verbal hailing on-scene.

(4) This section does not apply to participants and vessels that are engaged in the following operations:

- (i) Enforcing laws;
- (ii) Servicing aids to navigation, and
- (iii) Emergency response vessels.

Dated: May 24, 2018.

**Richard J. Wester,**

*Captain of the Port, Hampton Roads.*

[FR Doc. 2018–11645 Filed 5–30–18; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2018–0221, FRL–9978–81—Region 9]

### Approval and Promulgation of Air Quality Implementation Plans; Nevada; Rescission of Regional Haze Federal Implementation Plan for the Reid Gardner Generating Station

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to rescind the Regional Haze Federal Implementation Plan (FIP) that we promulgated on August 23, 2012, to regulate air pollutant emissions from Reid Gardner Generating Station Units 1, 2, and 3 (RGGS), previously located in Clark County, Nevada. The EPA is proposing this action in response to the Nevada Division of Environmental Protection's (NDEP) request dated January 16, 2018. The request seeks rescission of the FIP because RGGS Units 1–3 have been permanently decommissioned and are being dismantled and demolished, as demonstrated by the supporting documentation provided by NDEP.

**DATES:** Any comments on this proposal must arrive by July 16, 2018. Requests for a public hearing must be received on or before June 15, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–R09–OAR–2018–0221, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the Web, cloud, or other file sharing system). For additional submission methods, the EPA's full public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit



<http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Krishna Viswanathan, EPA Region IX, (520) 999-7880, [viswanathan.krishna@epa.gov](mailto:viswanathan.krishna@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us,” and “our” refer to the EPA.

**Table of Contents**

- I. Background
- II. Proposed Action
- III. Solicitation of Comments
- IV. Statutory and Executive Order Reviews

**I. Background**

Congress created a program for protecting visibility in the nation’s national parks and wilderness areas in 1977 by adding section 169A to the Clean Air Act (CAA). In the 1990 CAA Amendments, Congress amended the visibility provisions in the CAA to focus attention on the problem of regional haze, which is visibility impairment produced by a multitude of sources and activities located across a broad geographic area.<sup>1</sup> We promulgated the initial Regional Haze Rule (RHR) in 1999, and updated it in 2017. The RHR requires states to develop and implement State Implementation Plans (SIPs) to ensure reasonable progress toward improving visibility in mandatory Class I Federal areas by reducing emissions that cause or contribute to regional haze.<sup>2</sup> Under the RHR, states are directed to conduct Best Available Retrofit Technology (BART) determinations for BART-eligible sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area.<sup>3</sup>

On March 26, 2012, we had approved all portions of Nevada’s Regional Haze State Implementation Plan (“Nevada RH SIP”), except the BART determination at RGGGS for nitrogen oxides (NO<sub>x</sub>).<sup>4</sup> On August 23, 2012, we partially approved and partially disapproved a portion of the Nevada RH SIP.<sup>5</sup> Specifically, the EPA approved Nevada’s selection of a NO<sub>x</sub> emissions limit of 0.20 pounds per million British thermal units (lb/MMBtu) as BART for RGGGS Units 1 and 2. We disapproved two provisions of Nevada’s BART determination for NO<sub>x</sub> at RGGGS: The NO<sub>x</sub> emissions limit for Unit 3 and the compliance method for all three units. As a result, the EPA promulgated a FIP, which replaced the

disapproved SIP provisions by establishing a BART emissions limit for NO<sub>x</sub> of 0.20 lb/MMBtu at Unit 3, and a 30-day averaging period for compliance on a heat input-weighted basis across all three units (“RGGGS RH FIP”).<sup>6</sup>

On January 16, 2015, NV Energy, the owner of RGGGS, informed NDEP of the retirement of RGGGS Units 1–3 as of December 31, 2014, to comply with state law,<sup>7</sup> and by order of the Nevada Public Utilities Commission.<sup>8</sup> In March of 2017, RGGGS Unit 4, which was not subject to the RGGGS RH FIP because it was not BART-eligible, was also shut down,<sup>9</sup> and NV Energy began preparations for the permanent decommissioning of RGGGS. On August 17, 2017, NDEP discontinued the Class I (Title V) operating permit for the RGGGS facility (permit number AP49110897.02). On January 16, 2018, NDEP submitted a request to us asking that we rescind the RGGGS FIP.<sup>10</sup>

Section 307(d) of the CAA applies to the RGGGS FIP rescission; this rulemaking is being conducted in accordance with those provisions.

The proposed action relies on documents, information, and data that are listed in the index on <http://www.regulations.gov> under docket number EPA–R09–OAR–2018–0221. Publicly available docket materials are available electronically at <http://www.regulations.gov>.

**II. Proposed Action**

Based on our review of the information submitted with the January 16, 2018 letter from NDEP, we are proposing to grant NDEP’s request to rescind the RGGGS FIP because Units 1–3 have been permanently decommissioned and are being dismantled and demolished.

**III. Solicitation of Comments**

The EPA solicits comments on any issues associated with rescinding the RGGGS FIP. In addition, if anyone contacts the EPA by June 15, 2018 requesting to speak at a public hearing, the EPA will schedule a public hearing and announce the hearing in the **Federal Register**. Contact Krishna Viswanathan at 520–999–7880 or

[viswanathan.krishna@epa.gov](mailto:viswanathan.krishna@epa.gov) to request a hearing or to find out if a hearing will be held.

**IV. Statutory and Executive Order Reviews**

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

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

This action is exempt from review by the Office of Management and Budget (OMB) because it will rescind a rule of particular applicability.

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

This action is not an Executive Order 13771 regulatory action because rules of particular applicability are exempted under Executive Order 12866.

*C. Paperwork Reduction Act (PRA)*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

*D. Regulatory Flexibility Act (RFA)*

I certify that this proposed action will not have a significant economic impact on a substantial number of small entities. This action will not impose any requirements on small entities because the rule merely rescinds a FIP covering a generating station that has been permanently decommissioned and is being dismantled and demolished.

*E. Unfunded Mandates Reform Act (UMRA)*

This action 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.

*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. This action merely rescinds a FIP covering a generating station that has been permanently decommissioned and is being dismantled and demolished.

<sup>6</sup> In response to a petition for reconsideration, we later extended the compliance deadline. 78 FR 53033 (August 28, 2013) (codified at 40 CFR 52.1488(f)).

<sup>7</sup> See Nev. Rev. Stat. section 704.7316(2)(a)(1).

<sup>8</sup> Letter from Greg Lovato, Administrator, NDEP, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, dated January 16, 2018.

<sup>9</sup> See Nev. Rev. Stat. section 704.7316(2)(a)(2).

<sup>10</sup> Letter from Greg Lovato, Administrator, NDEP, to Alexis Strauss, Acting Regional Administrator, EPA Region IX, dated January 16, 2018, and attachments.

<sup>1</sup> See CAA section 169B, 42 U.S.C. 7492.

<sup>2</sup> See generally 40 CFR 51.308.

<sup>3</sup> 40 CFR 51.308(e).

<sup>4</sup> 77 FR 17334 (March 26, 2012).

<sup>5</sup> See 77 FR 21896 (April 12, 2012) (proposed rule); 77 FR 50936 (August 23, 2012) (final rule).

*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 proposed action will not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes. This action merely rescinds a FIP covering a generating station that has been permanently decommissioned and is being dismantled and demolished. 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 E.O. 13045 as applying only to those regulatory actions that concern 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 merely rescinds a FIP covering a generating station that has been permanently decommissioned and is being dismantled and demolished.

*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*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, the EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS because it merely rescinds a FIP covering a generating station that has been permanently decommissioned and is being dismantled and demolished.

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

The EPA believes that this proposed rule 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 level of protection provided to human health or the environment. Because this proposed rule merely rescinds a FIP covering a generating station that has been permanently decommissioned and is being dismantled and demolished, this proposal will not cause any emissions increases.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Nitrogen dioxide, Incorporation by reference.

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

Dated: May 18, 2018.

**Deborah Jordan,**

*Acting Regional Administrator, EPA Region IX.*

Chapter I, Title 40, of the Code of Federal Regulations is proposed to be amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:

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

**Subpart DD—Nevada**

- 2. Section 52.1488 is amended by removing and reserving paragraph (f).

[FR Doc. 2018–11752 Filed 5–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R10–OAR–2018–0001; FRL–9978–75—Region 10]**

**Air Plan Approval; Washington; Regional Haze Progress Report**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a revision to the regional haze State Implementation Plan (SIP), submitted by Washington on November 6, 2017.

Washington submitted its *Regional Haze 5-Year Progress Report* (progress report or report) and a negative declaration stating that further revision of the existing regional haze implementation plan is not needed at this time. Washington submitted both the progress report and the negative declaration in the form of implementation plan revisions as required by federal regulations. The progress report addresses the federal Regional Haze Rule requirements under the Clean Air Act to submit a report describing progress in achieving reasonable progress goals established for regional haze and a determination of the adequacy of the existing plan addressing regional haze.

**DATES:** Comments must be received on or before July 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R10–OAR–2018–0001 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Jeff Hunt, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency—Region 10, 1200 Sixth Ave., Seattle, WA 98101; telephone number: (206) 553–0256, email address: [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

**I. Background**

Washington submitted its initial regional haze SIP to the EPA on December 22, 2010, and supplemental

information on December 29, 2011. The EPA approved portions of the Washington regional haze SIP on December 6, 2012, and June 11, 2014.<sup>1</sup> In the same June 11, 2014, action, the EPA disapproved certain elements related to best available retrofit technology (BART), discussed in more detail in section III.A. below, and promulgated a Federal Implementation Plan (FIP) for the disapproved elements of the SIP. With the exception of the disapproved BART elements, the EPA approved all remaining portions of Washington's regional haze SIP, including: The identification of affected Class I Federal areas<sup>2</sup> (Class I area or areas); the determination of baseline conditions, natural conditions, and uniform rate of progress (URP) for each Class I area; the emissions inventories; the sources of visibility impairment in Washington's Class I areas; the state's monitoring strategy; the state's consultation with other states and Federal Land Managers; the reasonable progress goals (RPGs); the long-term strategy; and the state's remaining BART determinations.

Five years after submission of the initial regional haze plan, states are required to submit reports that evaluate progress towards the RPGs for each Class I area within the state and in each Class I area outside the state which may be affected by emissions from within the state. 40 CFR 51.308(g). States are also required to submit, at the same time as the progress report, a determination of the adequacy of the state's existing regional haze plan. 40 CFR 51.308(h). On November 6, 2017, the Washington State Department of Ecology (Ecology) submitted as a SIP revision a report on the progress made in the first implementation period towards the RPGs for Class I areas.

The Regional Haze Rule requires states to provide in the progress report an assessment of whether the current "implementation plan" is sufficient to enable the states to meet all established RPGs under 40 CFR 51.308(g). The term "implementation plan" is defined for purposes of the Regional Haze Rule to mean any SIP, FIP, or Tribal Implementation Plan. See 40 CFR 51.301. The EPA is, therefore, proposing to determine that the Agency may consider measures in any issued FIP as well as those in a state's regional haze plan in assessing the adequacy of the

"existing implementation plan" under 40 R 51.308(g)(6) and (h). As discussed below, the EPA is proposing to approve Washington's progress report on the basis that it satisfies the requirements of 40 CFR 51.308. We also propose to find that Washington's long-term strategy and emission control measures in the existing regional haze implementation plan are sufficient to meet all established RPGs for 2018.

## II. Context for Understanding Washington's Progress Report

To facilitate a better understanding of Washington's progress report as well as the EPA's evaluation of it, this section provides background on the regional haze program in Washington.

### A. Framework for Measuring Progress

The EPA established a metric for determining visibility conditions at Class I areas referred to as the "deciview index," measured in deciviews (dv), as defined in 40 CFR 51.301. The deciview index is calculated using monitoring data collected from the Interagency Monitoring of Protected Visual Environments (IMPROVE) network monitors. Washington has eight Class I areas within its borders: Alpine Lakes Wilderness Area, Glacier Peak Wilderness Area, Goat Rocks Wilderness Area, Mount Adams Wilderness Area, Mount Rainier National Park, North Cascades National Park, Olympic National Park, and Pasayten Wilderness Area. Monitoring data representing visibility conditions in Washington's eight Class I areas is based on the six IMPROVE monitors identified in Table 1. As shown in the table, the NOCA1 monitoring site represents two Class I areas, the WHPA1 site represents two other Class I areas, and the remaining four sites represent individual Class I areas.

TABLE 1—WASHINGTON IMPROVE MONITORING SITES AND REPRESENTED CLASS I AREAS

Site code	Class I area
OLYM1 ...	Olympic National Park.
NOCA1 ..	North Cascades National Park, Glacier Peak Wilderness.
PASA1 ...	Pasayten Wilderness.
SNPA1 ...	Alpine lakes Wilderness.
MORA1 ..	Mt. Rainier National Park.
WHPA1 ..	Goat Rocks Wilderness, Mt. Adams Wilderness.

Under the Regional Haze Rule, a state's initial regional haze SIP must establish two RPGs for each of its Class I areas: One for the 20 percent least impaired days and one for the 20 percent most impaired days. The RPGs

must provide for an improvement in visibility on the 20 percent most impaired days and ensure no degradation in visibility on the 20 percent least impaired days, as compared to visibility conditions during the baseline period. In establishing the RPGs, a state must consider the uniform rate of visibility improvement from the baseline to natural conditions in 2064 and the emission reductions measures needed to achieve it. Washington set the RPGs for its eight Class I areas based on regional atmospheric air quality modeling conducted by the Western Regional Air Partnership (WRAP) using projected emission reductions in western states from federal and state control strategies expected to be in place before 2018.

As part of the WRAP coordination and joint modeling, Washington worked closely with other western states to ensure that control measures put in place to meet RPGs for Washington Class I areas were also sufficient to address Washington's impact on Class I areas in other states. The EPA, in our approval of Washington's 2010 regional haze SIP, stated that Washington's control measures coordinated through the WRAP would enable it to achieve the RPGs established for the mandatory Class I areas in Washington, as well as the RPGs established by other states for the Class I areas where Washington sources are reasonably anticipated to contribute to visibility impairment.<sup>3</sup> The progress report provided an update using the Mt. Hood Wilderness Area in Oregon as an example. The coordinated WRAP projected emissions inventories and modeling, approved as part of the 2010 regional haze SIP, showed that in 2002 Washington contributed 33.5% of the nitrate and 21.6% of the sulfate on the worst days at Mount Hood Wilderness Area. However, by 2018, Washington's contribution on the worst days was projected to decrease to 25.9% and 17.5%, respectively. The EPA notes that the Mount Hood Wilderness Area is currently meeting the 2018 reasonable progress goals for best and worst days based on 2012–2016 data,<sup>4</sup> further supporting Washington's view that coordination through the WRAP is an effective means of meeting reduction targets in neighboring western states.

### B. Data Sources for Washington's Progress Report

Washington relied on the WRAP technical data and analyses in a report

<sup>3</sup> 77 FR 76174, 76205; 79 FR 33438.

<sup>4</sup> See the EPA's proposed approval of the Oregon regional haze progress report (83 FR 11927, March 19, 2018).

<sup>1</sup> See 77 FR 72742 and 79 FR 33438.

<sup>2</sup> Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). Listed at 40 CFR part 81, subpart D.

titled “Western Regional Air Partnership Regional Haze Rule Reasonable Progress Summary Report” (WRAP Report), dated June 28, 2013, included as Appendix A of the progress report, in the docket for this action. The WRAP report was prepared for the 15 western state members to provide the technical basis for the first of their individual progress reports. Data is presented in this report on a regional, state, and Class I area-specific basis that characterize the difference between baseline conditions (2000–2004) and the first 5-year progress period (2005–2009). Washington also evaluated visibility conditions in its eight Class I areas based on the most recent 5-year data available at the time Washington developed the progress report (2010–2014).

### III. The EPA’s Evaluation of Washington’s Progress Report

This section describes the contents of Washington’s progress report and the EPA’s evaluation of the report, as well as the EPA’s evaluation of the determination of adequacy required by 40 CFR 51.308(h) and the requirement for state and Federal Land Manager coordination in 40 CFR 51.308(i).

#### A. Status of All Measures Included in the Regional Haze Implementation Plan

In its progress report, Washington provided a description of the control measures that the state relied on to implement the regional haze program and make projections of expected emissions reductions from the 2002 base year to 2018. Washington’s regional haze SIP noted that many of the control measures were already-adopted federal and state provisions such as: The Heavy Duty Diesel (2007) Engine Standard, Tier 2 Tailpipe Standards, Large Spark Ignition and Recreational Vehicle Rule, Non-road Diesel Rule, low sulfur fuel requirements for gasoline engines, on-road diesel engines, off-road diesel engines, and locomotives, as well as Washington’s decision to adopt the California low emission vehicle requirements. Other control measures were originally adopted to reduce ozone or particulate matter (PM) with the co-benefit of reducing visibility impairment, such as the smoke management and agriculture burning programs. Because these other state and federal control measures with the expected co-benefit of reducing visibility impairment were generally already in place, the most significant focus of Washington’s initial regional haze SIP was implementation of BART, as summarized below.

#### 1. British Petroleum Cherry Point Refinery

The British Petroleum (BP) Cherry Point Refinery is located near Ferndale, Washington. Washington issued BART Order 7836, with emissions limitations for nitrogen oxides (NO<sub>x</sub>) and sulfur oxides (SO<sub>x</sub>) from process heaters, as well as limitations on total sulfur content of the refinery fuel gas used in all process heaters and boilers. In the progress report Washington noted that all emission reductions required by the BART order have been implemented. On February 16, 2016, the EPA approved the most recent modification to the BART order which coordinated emission limitations with more recent minor source new source review approvals, and to accommodate future equipment replacement projects (81 FR 7710).

#### 2. Intalco Aluminum Corporation

The Intalco Aluminum Corporation (Intalco) is a primary aluminum smelter also located at Cherry Point near Ferndale, Washington. Washington issued BART Order 7837, Revision 1, to Intalco on November 15, 2010. The revised order imposed Washington’s determined BART control technology, pollution prevention measures, emission limits, compliance dates, monitoring, and recordkeeping requirements. On June 11, 2014, the EPA finalized a limited approval and limited disapproval of Washington’s sulfur dioxide (SO<sub>2</sub>) BART determination for Intalco.<sup>5</sup> Concurrent with the limited disapproval, the EPA promulgated a FIP imposing a SO<sub>2</sub> “Better than BART” alternative on Intalco.<sup>6</sup> This alternative, as requested by Intalco in a letter dated June 22, 2012, consisted of a 5,240 tons per year annual SO<sub>2</sub> emission limit on the potlines. The progress report noted that Intalco has complied with the requirements of the BART order, the FIP, and all other regulatory requirements contained in the plant’s air operating permit. The progress report also showed that while emissions have increased due to increased aluminum production, levels remain below the SO<sub>2</sub> emission limit.

#### 3. Tesoro Refining and Marketing Company

The Tesoro Refining and Marketing Company (Tesoro) operates a refinery near Anacortes, Washington, that processes crude oil into refined oil products, including ultra-low sulfur

diesel oil, jet fuel, #6 fuel oil, and gasoline. The primary emission units of concern were the process heaters, boiler, and flares. On July 7, 2010, Ecology issued BART Order 7838 requiring specific fuel gas sulfur content limits, a wet scrubber system on the catalyst regeneration/carbon monoxide boiler exhaust, and NO<sub>x</sub> limits on two process heaters. The EPA approved portions of BART Order 7838 but disapproved the NO<sub>x</sub> BART determination for five BART emission units and promulgated a FIP imposing a “Better than BART” alternative. The federal “Better than BART” alternative was based on Tesoro’s request to the EPA on November 5, 2012. In the request, Tesoro identified seven non-BART units at the facility that achieve substantially more SO<sub>2</sub> emission reductions compared to the NO<sub>x</sub> emission reductions that would be achieved from BART on the five BART subject units. Tesoro requested SO<sub>2</sub> emission limitations on those non-BART units as an alternative to emission limits for NO<sub>x</sub> on the BART subject units. The EPA determined that the visibility improvement would be greater under the alternative than under BART, and promulgated the federal “Better than BART” alternative under the FIP.<sup>7</sup> The progress report noted that Tesoro continues to demonstrate compliance with the requirements of the BART order, the FIP, and all other regulatory requirements contained in the plant’s air operating permit. The progress report also showed that SO<sub>2</sub> emissions have declined significantly over the past ten years, while NO<sub>x</sub> and PM emissions have remained stable.

#### 4. Alcoa Wenatchee Works

In our June 11, 2014, final action, the EPA disapproved Washington’s BART exemption for the Alcoa Wenatchee Works located in Malaga, Washington (Wenatchee Works), and promulgated a federal BART FIP for all emission units subject to BART at the facility.<sup>8</sup> After evaluating various control technologies, we determined that the costs of compliance and the anticipated visibility benefits did not warrant new controls at the facility. We therefore determined that the existing controls at the facility were BART and adjusted some emission limits in the facility’s air operating permit to reflect the level of emission reductions achievable by those existing controls.<sup>9</sup> The progress report noted that Alcoa decided to curtail

<sup>5</sup> See 79 FR 33438, 33452; See also proposed rulemaking, 77 FR 76174, at pages 76188–76192.

<sup>6</sup> See 40 CFR 52.2500.

<sup>7</sup> See 40 CFR 52.2501. See also proposed rulemaking 77 FR 76174, at pages 76196–76198.

<sup>8</sup> See 40 CFR 52.2502.

<sup>9</sup> See 79 FR 33438, page 33440.

operations at this plant at the end of 2015, until market prices of aluminum recover sufficiently to restart the plant.

5. Lafarge North America

Lafarge North America (Lafarge) is located in Seattle, Washington and produces Portland cement by the wet kiln process. The largest BART sources of concern were the rotary kiln and the clinker cooler. The other BART units included raw material handling, finished product storage bins, finish mill conveying system, bagging system, and bulk loading/unloading system baghouses, with a total of just 480 tons per year of PM emissions. Washington issued, and the EPA approved, BART Order 7841 to implement emission controls for NO<sub>x</sub> and SO<sub>x</sub>. The progress report noted that prior to the compliance date in the BART order, the company ceased cement production at this facility. The plant must meet all requirements, including NO<sub>x</sub> and SO<sub>x</sub> emission controls identified in the BART order, prior to restarting the plant.

6. TransAlta Centralia Power Plant

In a final action on December 6, 2012, the EPA approved Washington's BART determination for the TransAlta Centralia Generation LLC coal-fired power plant in Centralia, Washington (TransAlta).<sup>10</sup> The BART determination and compliance order established a NO<sub>x</sub> emission limit of 0.21 pounds per million British Thermal Units, and among other things, required selective noncatalytic reduction (SNCR) to be installed by January 1, 2013. The BART order also required one coal fired unit to permanently cease burning coal no later than December 31, 2020, and the second coal fired unit to permanently cease burning coal no later than December 31, 2025, unless Washington determines that state or federal law requires that selective catalytic

reduction must be installed on either unit.

The progress report noted that TransAlta installed SNCR, along with other associated controls, and demonstrated compliance with the initial emission limitation in the order. However, the progress report noted that the plant is also required to determine if it could reliably comply with a lower emission limitation. At the time of the progress report submission, Washington explained that this work had not been completed due to a number of factors, primarily inconsistent plant operation and difficulties with the in situ ammonia slip monitors. With respect to inconsistent plant operation, Washington noted that plant operation has reduced to 50%–60% of full annual capacity compared to greater than 80% when the BART order was issued, with NO<sub>x</sub> emissions in 2015 approximately half the amount emitted in 2010.

7. Weyerhaeuser Corporation, Longview

Weyerhaeuser Corporation (Weyerhaeuser) operates a Kraft pulp and paper mill in Longview, Washington. The facility has three emission units subject to BART: No. 10 recovery furnace; No. 10 smelt dissolver tank; and No. 11 power boiler. On July 7, 2010, Washington issued BART Order 7840. As described in the EPA's proposed approval of BART for this facility, Washington determined that the existing controls, techniques, and emission limits, already in place to meet prior new source review and national emission standards for hazardous air pollutants (NESHAP) requirements, constituted BART for NO<sub>x</sub>, SO<sub>2</sub>, and PM.<sup>11</sup> Specifically, these controls were an electrostatic precipitator and a staged combustion system for the recovery furnace and a high efficiency wet scrubber for the smelt dissolver tank. The No. 11 power boiler controls were: (1) A multiclone to remove large particulate, (2) dry trona injection to

remove SO<sub>2</sub>, (3) a dry electrostatic precipitator for additional particulate control, and (4) good combustion practices for NO<sub>x</sub> emission control. The progress report noted that Weyerhaeuser continues to comply with the BART order.

8. Port Townsend Paper Company

Port Townsend Paper Company operates a kraft pulp and paper mill in Port Townsend, Washington that manufactures kraft pulp, kraft papers, and lightweight liner board. The four BART eligible emission units identified in the 2010 regional haze SIP were the recovery furnace, smelt dissolving tank, No. 10 power boiler, and lime kiln. On October 20, 2010, Washington issued Order 7839, Revision 1, which established emission limits for the existing controls at the facility as BART. The controls under the BART order are an electrostatic precipitator to control PM from the recovery furnace, a wet scrubber to control PM and SO<sub>2</sub> from the smelt dissolving tank, a multiclone and wet scrubber to control PM emissions from the No. 10 power boiler, and a Venturi wet scrubber to control PM and SO<sub>2</sub> from the lime kiln. The progress report noted that the facility continues to comply with the BART order.

B. Summary of Visibility Conditions

In the progress report, Washington documented the differences between the visibility conditions during the baseline period (2000–2004) and the most current five year averaging period available at the time Washington developed the progress report (2010–2014).<sup>12</sup> Washington demonstrated that all Class I areas experienced improvements in visibility for the 20% most and least impaired days between the baseline (2000–2004) and current (2010–2014) visibility periods, meeting all the 2018 reasonable progress goals established in the regional haze SIP.

TABLE 2—VISIBILITY CONDITIONS ON THE 20% MOST AND LEAST IMPAIRED DAYS

Monitor	Class I area	20% Most impaired days			20% Least impaired days		
		2000–04 Baseline (dv)	2010–14 Current period (dv)	2018 RPGs (dv)	2000–04 Baseline (dv)	2010–14 Current period (dv)	2018 RPGs (dv)
OLYM1 .....	Olympic Nat'l Park .....	16.7	13.8	16.4	6.0	3.7	6.0
NOCA1 .....	North Cascades National Park, Glacier Peak Wilderness.	16.0	13.0	15.6	3.4	2.7	3.4
SNPA1 .....	Alpine Lakes Wilderness .....	17.8	15.6	16.3	5.5	3.4	5.5
MORA1 .....	Mount Rainier National Park .....	18.2	15.2	16.7	5.5	3.9	5.5
WHPA1 .....	Goat Rocks Wilderness, and Mount Adams Wilderness.	12.8	11.8	11.8	1.7	0.9	1.7

<sup>10</sup> 77 FR 72742, 72744.

<sup>11</sup> 77 FR 76174, at page 76201.

<sup>12</sup> Additional in-depth analysis for the 2005–2009 progress period conducted by the WRAP was also included as an appendix to the progress report.

TABLE 2—VISIBILITY CONDITIONS ON THE 20% MOST AND LEAST IMPAIRED DAYS—Continued

Monitor	Class I area	20% Most impaired days			20% Least impaired days		
		2000–04 Baseline (dv)	2010–14 Current period (dv)	2018 RPGs (dv)	2000–04 Baseline (dv)	2010–14 Current period (dv)	2018 RPGs (dv)
PASA1 .....	Pasayten Wilderness .....	15.2	13.1	15.1	2.7	1.8	2.7

Washington’s progress report included an analysis of progress and impediments to progress. With respect to impediments to progress, Washington cited wildfire smoke originating in the state or transported from outside the state, offshore and ocean-going vessel emissions, mobile source emissions (on-road and non-road sources under federal emission control), and international emissions as factors largely beyond state control that can interfere with progress toward improved visibility in Class I areas. Further detail on many of these source categories is included in the emissions inventory discussion below.

The progress report also contained a review of Washington’s visibility monitoring strategy, concluding that the IMPROVE network continues to comply with the monitoring requirements in the Regional Haze Rule. Washington will continue to rely on the IMPROVE network to collect and analyze the visibility data and suggested additional sites for consideration should additional federal or state funding become

available. These proposed sites include the southwest portion of Olympic National Park, and Stevens Pass or Stehekin to better reflect conditions at Glacier Peak Wilderness.

C. Summary of Emissions Reductions

The Washington progress report also included a summary of the emissions reductions achieved throughout the state from the control measures discussed above. The progress report included the 2002 WRAP inventory used for baseline condition modeling, Ecology’s periodic comprehensive inventory submitted to the EPA for the national emission inventories for the years 2005 and 2011, and the WRAP’s projected emissions inventory for 2018. The progress report highlighted significant differences between the inventories due to methodology changes over the years. First, mobile source emission estimates are not directly comparable because they are based on different emissions models. Starting in 2007, the EPA required the use of the MOVES model for mobile source

emissions modeling. The progress report noted that the model transition resulted in significant changes, especially for NO<sub>x</sub> emissions when comparing prior year estimates and projections based on those estimates, including the WRAP’s 2018 projections calculated with Mobile 6.2. Second, the WRAP did not estimate direct PM<sub>2.5</sub> from mobile sources, only dust from road surfaces, representing a large difference between the WRAP inventories and Ecology’s 2005 and 2011 inventories. Third, the WRAP emission inventories did not separately report emissions from locomotives or marine vessels. These emissions are included in the mobile source segment. Lastly, the progress report noted that Washington recently updated its inventory to reflect revised emission factors for some area source categories and fires, compared to what was used by the WRAP. Factoring in these differences in the emissions inventory methodology, Washington concluded that emissions have declined for most source categories.

TABLE 3—SULFUR OXIDES EMISSIONS BY CATEGORY

Category	WRAP 2002	2005	2011	WRAP 2018
Stationary sources .....	52,885	23,367	13,832	37,444
Area sources .....	7,311	1,562	1,472	8,667
Wildfires .....	1,641	1,563	348	1,641
Anthropogenic fires .....	1,411	.....	.....	1,043
Mobile sources .....	19,436	7,505	1,059	941
Locomotives .....	.....	1,546	95	.....
Marine vessels .....	.....	15,774	11,529	.....
Total .....	82,684	51,317	28,335	49,736

TABLE 4—NITROGEN OXIDES EMISSIONS BY CATEGORY

Category	WRAP 2002	2005	2011	WRAP 2018
Stationary sources .....	43,355	43,386	26,565	49,456
Area sources .....	17,587	8,581	8,599	22,746
Wildfires .....	5,997	5,714	679	5,997
Anthropogenic fires .....	6,821	.....	.....	4,971
Mobile sources .....	286,701	198,168	202,436	102,440
Locomotives .....	.....	18,973	15,026	.....
Marine vessels .....	.....	29,142	20,486	.....
Biogenic .....	17,923	.....	.....	17,923
Total .....	378,384	303,964	273,791	203,533

TABLE 5—FINE PARTICLE EMISSIONS BY CATEGORY

Category	WRAP 2002	2005	2011	WRAP 2018
Stationary sources .....	2,257	5,773	3,958	2,625
Area sources .....	12,708	39,822	55,060	17,234
Wildfires .....	1,139	22,196	3,706	1,139
Anthropogenic fires .....	3,869	.....	.....	2,691
Mobile sources .....	2,819	6,944	8,757	2,910
Locomotives .....	.....	583	428	.....
Marine vessels .....	.....	1,440	1,021	.....
Fugitive and windblown dust .....	18,358	.....	.....	22,767
<b>Total .....</b>	<b>41,150</b>	<b>76,758</b>	<b>72,930</b>	<b>49,366</b>

In its progress report, Washington concluded that the state is making adequate progress in improving visibility as a result of control measures in the regional haze implementation plan. The state also identified more recent federal and international control measures not included in 2018 emission projections. These measures include the International Maritime Organization NO<sub>x</sub> and fuel sulfur requirements, the more stringent Emission Control Area (ECA) requirements for the United States and Canadian west coasts, updated federal Maximum Achievable Control Technology (MACT) standards, and more stringent federal mobile source standards promulgated since Washington's submission of the original regional haze SIP.

#### D. Determination of Adequacy (40 CFR 51.308(h))

In accordance with 40 CFR 51.308(h)(1), if the state determines that the existing implementation plan requires no further substantive revision at this time in order to achieve established goals for visibility improvement and emissions reductions, the state must provide to the EPA a negative declaration that further revision of the existing implementation plan is not needed at this time. Within the progress report, Washington provided a negative declaration stating that further revision of the existing implementation plan is not needed. The basis for the state's negative declaration is the finding that visibility on the 20% most and least impaired days has improved, and Washington has attained the 2018 RPGs at all Washington IMPROVE monitors. Accordingly, the EPA proposes to find that Washington adequately addressed the requirements in 40 CFR 51.308(h) in its determination that the existing Washington regional haze implementation plan requires no substantive revisions at this time to achieve the established RPGs for Class I areas.

#### E. Consultation With Federal Land Managers (40 CFR 51.308(i))

In accordance with 40 CFR 51.308(i), the state provided the Federal Land Managers with an opportunity for consultation at least 60 days prior to holding any public hearings on an implementation plan (or plan revision). The state also included a description of how it addressed the comments provided by the Federal Land Managers, presented in Appendix E of the progress report. The EPA proposes to find that Washington has addressed the requirements in 40 CFR 51.308(i).

#### IV. The EPA's Proposed Action

The EPA proposes to approve the *Regional Haze 5-Year Progress Report*, submitted by Washington to the EPA on November 6, 2017, as meeting the applicable requirements of the Clean Air Act and Regional Haze Rule, as set forth in 40 CFR 51.308(g). The EPA proposes to find that the existing regional haze implementation plan is adequate to meet the state's visibility goals and requires no substantive revision at this time, as set forth in 40 CFR 51.308(h). We propose to find that Washington fulfilled the requirements in 40 CFR 51.308(i) regarding state coordination with Federal Land Managers.

#### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable federal regulations.<sup>13</sup> Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting federal requirements, and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
  - Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because actions such as SIP approvals are exempted under Executive Order 12866;
  - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
  - Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this rulemaking does not involve technical standards; and
  - Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this proposed action does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of

<sup>13</sup> 42 U.S.C. 7410(k); 40 CFR 52.02(a).

Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Nevertheless, the EPA offered consultation and coordination to Washington tribes in letters dated July, 6, 2017.

#### List of Subjects in 40 CFR Part 52

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

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

Dated: May 17, 2018.

**Chris Hladick,**

*Regional Administrator, Region 10.*

[FR Doc. 2018–11572 Filed 5–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[EPA–R04–OAR–2018–0186; FRL–9978–94–Region 4]

#### Approval of TN Plan for Control of Emissions From Commercial and Industrial Solid Waste Incineration Units

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state plan submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC) on May 12, 2017, and supplemented on February 9, 2018, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Commercial and Industrial Solid Waste Incineration (CISWI) units. The state plan provides for implementation and enforcement of the EG, as finalized by EPA on June 23, 2016, applicable to existing CISWI units for which construction commenced on or before June 4, 2010, or for which modification or reconstruction commenced after June 4, 2010, but no later than August 7, 2013. The state plan establishes emission limits, monitoring, operating, recordkeeping, and reporting requirements for affected CISWI units. Since all the CISWI units in the State are located at the Eastman Chemical Company in Kingsport, Tennessee, the State has issued the facility an operating permit the terms of which are the

relevant provisions of the EG and has submitted the permit as part of its state plan.

**DATES:** Comments must be received on or before July 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. [EPA–R04–OAR–2018–0186] at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Mark Bloeth, South Air Enforcement and Toxics Section, Air Enforcement and Toxics Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303. Mr. Bloeth can be reached via telephone at 404–562–9013 and via email at [bloeth.mark@epa.gov](mailto:bloeth.mark@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 129 of the Clean Air Act (CAA or the Act) directs the Administrator to develop regulations under section 111(d) of the Act limiting emissions of nine air pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) from four categories of solid waste incineration units: Municipal solid waste; hospital, medical, and infectious solid waste; commercial and industrial solid waste; and other solid waste.

On December 1, 2000, EPA promulgated new source performance standards (NSPS) and EG to reduce air pollution from CISWI units, which are codified at 40 CFR part 60, subparts CCCC and DDDD, respectively. *See* 65 FR 75338. EPA revised the NSPS and

EG for CISWI units on March 21, 2011. *See* 76 FR 15704. Following promulgation of the 2011 CISWI rule, EPA received petitions for reconsideration requesting that EPA reconsider numerous provisions in the rule. EPA granted reconsideration on certain issues and promulgated a CISWI reconsideration rule on February 7, 2013. *See* 78 FR 9112. Subsequently, EPA received petitions to further reconsider certain provisions of the 2013 NSPS and EG for CISWI units. On January 21, 2015, EPA granted reconsideration on four specific issues and finalized reconsideration of the CISWI NSPS and EG on June 23, 2016. *See* 81 FR 40956.

Section 129(b)(2) of the CAA requires states to submit to EPA for approval state plans and revisions that implement and enforce the EG—in this case, 40 CFR part 60, subpart DDDD. State plans and revisions must be at least as protective as the EG, and become federally enforceable upon approval by EPA. The procedures for adoption and submittal of state plans and revisions are codified in 40 CFR part 60, subpart B.

##### II. Review of Tennessee's CISWI State Plan Submittal

Tennessee submitted a state plan to implement and enforce the EG for existing CISWI units in the state<sup>1</sup> on May 12, 2017, and supplemented its submittal on February 9, 2018. EPA has reviewed the plan for existing CISWI units in the context of the requirements of 40 CFR part 60, subparts B and DDDD. State plans must include the following nine essential elements: identification of legal authority; identification of mechanism for implementation; inventory of affected facilities; emissions inventory; emissions limits; compliance schedules; testing, monitoring, recordkeeping, and reporting; public hearing records; and annual state progress reports on facility compliance. Since all the CISWI units identified in the State are located at Eastman Chemical Company's facility in Kingsport, Tennessee ("Eastman"), the State has issued the facility an operating permit (permit number 072397) the terms of which are the relevant provisions of the EG and has submitted the permit as the legal mechanism to implement its state plan.

##### A. Identification of Legal Authority

Under 40 CFR 60.26 and 60.2515(a)(9), an approvable state plan must demonstrate that the State has

<sup>1</sup> The submitted state plan does not apply in Indian country located in the state.



legal authority to adopt and implement the EG's emission standards and compliance schedule. In its submittal, Tennessee cites the following State law provisions and/or subsections thereof, among other provisions, for its authority to implement and enforce the plan: Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.03(8) (authority to include CAA requirements and federal regulations in permits); T.C.A. 68-201-111 (authority to bring civil action for injunction relief to prevent violations), 68-201-116(a) (authority to issue orders to correct violations), 68-201-105(b)(2) (authority to collection information from sources), 68-201-105(b)(3) (inspection authority), and 68-201-105(b)(8) (authority to institute judicial proceedings to compel compliance). EPA has reviewed the cited authorities and has preliminarily concluded that the State has adequately demonstrated legal authority to implement and enforce the CISWI state plan in Tennessee.

#### *B. Identification of Enforceable State Mechanisms for Implementing the Plan*

Under 40 CFR 60.24(a), a state plan must include emission standards, defined at 40 CFR 60.21(f) as "a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions." See also 40 CFR 60.2515(a)(8). The State has adopted enforceable emission standards for affected CISWI units via state operating permit number 072397, issued to Eastman on May 10, 2017. EPA has preliminarily concluded that the permit terms meet the emission standard requirement under 40 CFR 60.24(a).

#### *C. Inventory of Affected Units*

Under 40 CFR 60.25(a) and 60.2515(a)(1), a state plan must include a complete source inventory of all CISWI units. Tennessee has identified seven affected units at one facility: Boilers 18-24 at Eastman. Omission from this inventory of CISWI units does not exempt an affected facility from the applicable section 111(d)/129 requirements. EPA has preliminarily concluded that Tennessee has met the affected unit inventory requirements under 40 CFR 60.25(a) and 60.2515(a)(1).

#### *D. Inventory of Emissions From Affected CISWI Units*

Under 40 CFR 60.25(a) and 60.2515(a)(2), a state plan must include an emissions inventory of the pollutants regulated by the EG. Emissions from CISWI units may contain cadmium,

carbon monoxide, dioxins/furans, hydrogen chloride, lead, mercury, nitrogen oxides, particulate matter, and sulfur dioxide. Tennessee submitted, and later supplemented, an emissions inventory of CISWI units as part of its state plan. This emissions inventory contains CISWI unit emissions rates for each regulated pollutant. EPA has preliminarily concluded that Tennessee has met the emission inventory requirements of 40 CFR 60.25(a) and 60.2515(a)(2).

#### *E. Emission Limitations, Operator Training and Qualification, Waste Management Plan, and Operating Limits for CISWI Units*

Under 40 CFR 60.24(c) and 60.2515(a)(4), the state plan must include emission standards that are no less stringent than the EG. 40 CFR 60.2515(a)(4) also requires a state plan to include operating training and qualifications requirements, a waste management plan, and operating limits that are at least as protective as the EG. Since all of the CISWI units identified in the State are located at Eastman, the State has issued the facility an operating permit the terms of which are the relevant provisions of the EG. EPA has preliminarily concluded that Tennessee's CISWI plan satisfies the requirements of 40 CFR 60.24(c) and 60.2515(a)(4).

#### *F. Compliance Schedules*

Under 40 CFR 60.24(a), (c), and (e) and 40 CFR 60.2515(a)(3), each state plan must include a compliance schedule, which requires affected CISWI units to expeditiously comply with the state plan requirements. In Eastman's state operating permit number 072397, Eastman is required to comply with the EG initial compliance requirements for CISWI units, which EPA has codified at 40 CFR 60.2700 through 60.2706. EPA has preliminarily concluded that Tennessee's CISWI plan satisfies the requirements of 40 CFR 60.24(a), (c), and (e) and 40 CFR 60.2515(a)(3).

#### *G. Testing, Monitoring, Recordkeeping, and Reporting Requirements*

Under 40 CFR 60.24(b)(2), 60.25(b), and 60.2515(a)(5), an approvable state plan must require that sources conduct testing, monitoring, recordkeeping, and reporting. Tennessee's state plan incorporates the model rule provisions of the EG in state operating permit number 072397. EPA has preliminarily concluded that Tennessee's CISWI plan satisfies the requirements of 40 CFR 60.24(b)(2), 60.25(b), and 60.2515(a)(5).

#### *H. A Record of Public Hearing on the State Plan Revision*

40 CFR 60.23 sets forth the public participation requirements for each state plan. The State must conduct a public hearing, make all relevant plan materials available to the public prior to the hearing, and provide notice of such hearing to the public, the Administrator of EPA, each local air pollution control agency, and, in the case of an interstate region, each state within the region. 40 CFR 60.2515(a)(6) requires that each state plan include certification that the hearing was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission. In its submittal, Tennessee submitted records, including transcripts, of a public hearing held on April 19, 2017. Tennessee provided notice and made all relevant plan materials available prior to the hearing. Tennessee certifies in its submittal that a hearing was held and that the State received no oral comments on the plan, and it describes the written submissions received. Thus, EPA has preliminarily concluded that Tennessee's CISWI plan satisfies the requirements of 40 CFR 60.23 and 60.2515(a)(6).

#### *I. Annual State Progress Reports to EPA*

Under 40 CFR 60.25(e) and (f) and 40 CFR 60.2515(a)(7), the State must provide in its state plan for annual reports to EPA on progress in enforcement of the plan. Accordingly, Tennessee provides in its plan that it will submit reports on progress in plan enforcement to EPA on an annual (calendar year) basis, commencing with the first full reporting period after plan revision approval. EPA has preliminarily concluded that Tennessee's CISWI plan satisfies the requirements of 40 CFR 60.25(e) and (f) and 40 CFR 60.2515(a)(7).

### **III. Proposed Action**

Pursuant to CAA section 111(d), CAA section 129, and 40 CFR part 60, subparts B and DDDD, EPA is proposing to approve Tennessee's state plan for regulation of CISWI units as submitted on May 21, 2017. In addition, EPA is proposing to amend 40 CFR part 62, subpart RR to reflect this action.

### **IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a 111(d)/129 plan submission that complies with the provisions of the CAA and applicable Federal regulations. In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided

they meet the criteria and objectives of the CAA and EPA's implementing regulations. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001).

In addition, this rule is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA. It also does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). And it does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because EPA is not proposing to approve the submitted rule to apply in Indian country located in the state, and because the submitted rule will not impose substantial direct costs on Tribal governments or preempt Tribal law.

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Manufacturing, Phosphate,

Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

**Authority:** 42 U.S.C. 7411.

Dated: May 15, 2018.

**Onis "Trey" Glenn, III,**  
Regional Administrator, Region 4.

[FR Doc. 2018-11754 Filed 5-30-18; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**49 CFR Parts 571, 580, 581, 582, 583, 585, 587, 588, 591, 592, 593, 594, and 595**

[Docket No. NHTSA-2018-0064]

#### Federal Motor Vehicle Safety Standards; Plain Language and Small Business Impacts of Motor Vehicle Safety

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notification of regulatory review; request for comments.

**SUMMARY:** NHTSA seeks comments on the economic impact of its regulations on small entities. As required by Section 610 of the Regulatory Flexibility Act, we are attempting to identify rules that may have a significant economic impact on a substantial number of small entities. We also request comments on ways to make these regulations easier to read and understand. The focus of this notification is rules that specifically relate to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, motorcycles, and motor vehicle equipment.

**DATES:** You should submit comments early enough to ensure that Docket Management receives them not later than July 30, 2018.

**ADDRESSES:** You may submit comments [identified by Docket Number NHTSA-2018-0064] by any of the following methods:

- **Internet:** To submit comments electronically, go to the U.S. Government regulations website at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail:** Send comments to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590.

- **Hand Delivery:** If you plan to submit written comments by hand or courier, please do so at 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except federal holidays.

- **Fax:** Written comments may be faxed to 202-493-2251.

- You may call Docket Management at 1-800-647-5527.

**Instructions:** For detailed instructions on submitting comments and additional Information, see the COMMENTS heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Roth, Office of Regulatory Analysis and Evaluation, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202-366-0818, fax 202-366-3189).

#### SUPPLEMENTARY INFORMATION:

##### I. Section 610 of the Regulatory Flexibility Act

###### A. Background and Purpose

Section 610 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), requires agencies to conduct periodic reviews of final rules that have a significant economic impact on a substantial number of small business entities. The purpose of the reviews is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the objectives of applicable statutes, to minimize any significant economic impact of the rules on a substantial number of such small entities.

###### B. Review Schedule

On December 1, 2008, NHTSA published in the **Federal Register** (73 FR 72758) a 10-year review plan for its existing regulations. The National Highway Traffic Safety Administration (NHTSA, "we") has divided its rules into 10 groups by subject area. Each group will be reviewed once every 10 years, undergoing a two-stage process—an Analysis Year and a Review Year. For purposes of these reviews, a year

will coincide with the fall-to-fall publication schedule of the Semiannual Regulatory Agenda, see <http://www.regulations.gov>. Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010; and so on.

During the Analysis Year, we will request public comment on and analyze each of the rules in a given year's group to determine whether any rule has a significant impact on a substantial number of small entities and, thus, requires review in accordance with section 610 of the Regulatory Flexibility

Act. In each fall's Regulatory Agenda, we will publish the results of the analyses we completed during the previous year. For rules that have subparts, or other discrete sections of rules that do have a significant impact on a substantial number of small entities, we will announce that we will be conducting a formal section 610 review during the following 12 months.

The section 610 review will determine whether a specific rule should be revised or revoked to lessen its impact on small entities. We will consider: (1) The continued need for the rule; (2) the nature of complaints or

comments received from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other federal rules or with state or local government rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. At the end of the Review Year, we will publish the results of our review. The following table shows the 10-year analysis and review schedule:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
SECTION 610 REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1 .....	49 CFR 571.223 through 571.500, and parts 575 and 579 .....	2008	2009
2 .....	23 CFR parts 1200 and 1300 .....	2009	2010
3 .....	49 CFR parts 501 through 526 and 571.213 .....	2010	2011
4 .....	49 CFR 571.131, 571.217, 571.220, 571.221, and 571.222 .....	2011	2012
5 .....	49 CFR 571.101 through 571.110, and 571.135, 571.138 and 571.139 .....	2012	2013
6 .....	49 CFR parts 529 through 578, except parts 571 and 575 .....	2013	2014
7 .....	49 CFR 571.111 through 571.129 and parts 580 through 588 .....	2014	2015
8 .....	49 CFR 571.201 through 571.212 .....	2015	2016
9 .....	49 CFR 571.214 through 571.219, except 571.217 .....	2016	2017
10 .....	49 CFR parts 591 through 595 and new parts and subparts .....	2017	2018

C. Regulations Under Analysis

NHTSA did not publish a **Federal Register** notification for year 9, opting

instead to publish years 9 and 10 simultaneously. During this year, we will continue to conduct a preliminary assessment of the following sections of

49 CFR 571.214 through 571.219, except 571.217, and also 49 CFR parts 591 through 595 and new parts and subparts.

YEAR 9

Section	Title
571.214 .....	Side impact protection.
571.215 .....	[RESERVED].
571.216 .....	Roof crush resistance; Applicable unless a vehicle is certified to § 571.216a.
571.216a .....	Roof crush resistance; Upgraded Standard.
571.218 .....	Motorcycle Helmets.
571.219 .....	Windshield zone intrusion.

YEAR 10

Section	Title
591 .....	Importation of Vehicles and Equipment.
592 .....	Registered Importers of Vehicles not originally manufactured to meet FMVSSs.
593 .....	Determination that a vehicle not originally manufactured to meet FMVSS is eligible for importation.
594 .....	Schedule of Fees Authorized by 49 U.S.C. 30141.
595 .....	"Make Inoperative" Exemptions.
571.141 .....	Sound Alerts.
571.136 .....	ESC for Heavy Trucks.
571.111 .....	Rear Visibility.
571.208, 571.210 .....	Occupant Crash Protection.
571.214 .....	Ejection Mitigation.
571.218 .....	Motorcycle Helmets.
571.121 .....	Air Brake Systems.
571.216 .....	Roof Crush Resistance.
571.3, 571.5, 571.10, 571.210 .....	Designated Seating Positions and Seat Belt Assembly Anchorages.
571.126 .....	ESC Systems; Controls and Displays.

YEAR 10—Continued

Section	Title
571.214 .....	Occupant Protection in Interior Impact; Side Impact Protection; Fuel System Integrity, Electric Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection, Side Impact Phase in Reporting Requirements.

We are seeking comments on whether any requirements in 49 CFR 571.214 through 571.219, except 571.217, and 49 CFR 591 through 595, and all new parts and subparts added since 2008 have a significant economic impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. Business entities are generally defined as small businesses by Standard Industrial Classification (SIC) code, for the purposes of receiving Small Business Administration (SBA) assistance. Size standards established by SBA in 13 CFR 121.201 are expressed either in number of employees or annual receipts in millions of dollars, unless otherwise specified. The number of employees or annual receipts indicates the maximum allowed for a concern and its affiliates to be considered small. If your business or organization is a small entity and if any of the requirements in 49 CFR 571.214 through 571.219, except 571.217, and 49 CFR 591 through 595, and all new parts and subparts added since 2008 have a significant economic impact on your business or organization, please submit a comment to explain how and to what degree these rules affect you, the extent of the economic impact on your business or organization, and why you believe the economic impact is significant.

If the agency determines that there is a significant economic impact on a substantial number of small entities, it will ask for comment in a subsequent notification during the Review Year on how these impacts could be reduced without reducing safety.

**II. Plain Language**

*A. Background and Purpose*

Executive Order 12866 and the President’s memorandum of June 1, 1998, require each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public’s needs?

- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
  - Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
  - Would more (but shorter) sections be better?
  - Could we improve clarity by adding tables, lists, or diagrams?
  - What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this document.

*B. Review Schedule*

In conjunction with our section 610 reviews, we will be performing plain language reviews over a ten-year period on a schedule consistent with the section 610 review schedule. We will review 49 CFR 571.214 through 571.219, except 571.217, and 49 CFR 591 through 595, and all new parts and subparts added since 2008, determine if these regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as for putting information in tables that may make the regulations easier to use.

**Comments**

*How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21.) We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit one copy of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB’s guidelines may be accessed at [http://www.whitehouse.gov/omb/fedreg\\_reproducible](http://www.whitehouse.gov/omb/fedreg_reproducible). DOT’s guidelines may be accessed at <http://dmses.dot.gov/submit/DataQualityGuidelines.pdf>.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <http://www.regulations.gov>.

*How can I be sure that my comments were received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

*How do I submit confidential business information?*

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our

confidential business information regulation. (49 CFR part 512.)

*Will the Agency consider late comments?*

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

*How can I read the comments submitted by other people?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the internet. To read the comments on the internet, take the following steps:

(1) Go to the Federal Docket Management System (FDMS) at <http://www.regulations.gov>.

(2) FDMS provides two basic methods of searching to retrieve docket and docket materials that are available in the system: (a) "Quick Search" to search using a full-text search engine, or (b) "Advanced Search," which displays various indexed fields such as the docket name, docket identification number, phase of the action, initiating office, date of issuance, document title, document identification number, type of document, **Federal Register** reference, CFR citation, etc. Each data field in the advanced search may be searched independently or in combination with other fields, as desired. Each search yields a simultaneous display of all available information found in FDMS that is relevant to the requested subject or topic.

(3) You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the "pdf" versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

**Authority:** 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.95 and 501.8.

Issued in Washington, DC.

**Terry T. Shelton,**

*Associate Administrator for the National Center for Statistics and Analysis.*

[FR Doc. 2018-11671 Filed 5-30-18; 8:45 am]

**BILLING CODE 4910-59-P**

# Notices

Federal Register

Vol. 83, No. 105

Thursday, May 31, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### Notice of Intent To Renew a Currently Approved Information Collection

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act and Office of Management and Budget (OMB) regulations, this notice announces the Agricultural Research Service's (ARS) intention to seek approval to collect information in support of research and related activities.

**DATES:** Comments on this notice must be received on or before July 30, 2018 to be assured of consideration.

**ADDRESSES:** Address all comments concerning this notice to Jill Lake, ARS Webmaster, 5601 Sunnyside Avenue, Beltsville, Maryland 20705.

**FOR FURTHER INFORMATION CONTACT:** Jill Lake, ARS Webmaster, [jill.lake@ars.usda.gov](mailto:jill.lake@ars.usda.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Web Forms for Research Data, Models, Materials, and Publications as well as Study and Event Registration.

*Type of Request:* Extension and Revision of a Currently Approved Information Collection.

*OMB Number:* 0518-0032.

*Expiration Date:* December 31, 2018.

*Abstract:* Sections 1703 and 1705 of the Government Paperwork Elimination Act (GPEA), (Pub. L. 105-277) Title XVII, require agencies by October 21, 2003, to provide for the option of electronic submission of information by the public. To advance GPEA goals, online forms are needed to allow the public to request from ARS research data, models, materials, and publications and to register for scientific studies and events. For the convenience

of the public, the forms itemize the information we need to provide a timely response. Information from forms will only be used by ARS for the purposes identified.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 3 minutes per response (range: 1-5 minutes).

*Respondents:* Agricultural researchers, students, teachers, business people, members of service organizations, community groups, other Federal and local government agencies, and the general public.

*Estimated Number Respondents:* 8,750. This is an increase of 3,750 from the 5,000 estimated respondents in the previous Approved Information Collection due to more actual annual respondents than originally estimated in 2015 when fewer software models were available for download. As of May 2018, 147 software models were available for download through the ARS website <https://www.ars.usda.gov/research/software/>.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 437.5 hours.

Copies of forms used in this information collection can be obtained from Jill Lake, ARS Webmaster, [jill.lake@ars.usda.gov](mailto:jill.lake@ars.usda.gov).

The information collection extension requested by ARS is for a period of 3 years. Comments: Are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 17, 2018.

**Chavonda Jacobs-Young,**  
*Administrator, Agricultural Research Service.*

[FR Doc. 2018-11598 Filed 5-30-18; 8:45 am]

**BILLING CODE 3410-03-P**

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### Information Collection Request; Direct Loan Servicing-Special Programs

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Notice; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on a revision and an extension of a currently approved information collection request that supports Direct Loan Servicing-Special Programs. The information is used in eligibility and feasibility determinations on borrower requests for disaster set-aside, primary loan servicing, buyout at market value, and homestead protection, as well as liquidation of security.

**DATES:** We will consider comments that we receive by July 30, 2018.

**ADDRESSES:** We invite you to submit comments on this notice. In your comments, include date, volume, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.

- *Mail, hand delivery, or courier:* J. Lee Nault, Senior Loan Officer, USDA/FSA/FLP, STOP 0523, 1400 Independence Avenue SW, Washington, DC 20250-0503.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting J. Lee Nault at the above address.

**FOR FURTHER INFORMATION CONTACT:** J. Lee Nault, (202) 720-6834. Persons with disabilities who require alternative mean for communication (Braille, large print, audio tape, and so on) should contact the USDA's TARGET Center at (202) 720-2600 (Voice).

**SUPPLEMENTARY INFORMATION:**

*Title:* Farm Loan Programs, Direct Loan Servicing—Special.

*OMB Control Number:* 0560–0233.

*OMB Expiration Date:* 08/31/2018.

*Type of Request:* Extension with a revision.

*Abstract:* The Farm Loan Programs provide loans to family farmers to purchase real estate and equipment and finance agricultural production. 7 CFR 766, Direct Loan Servicing-Special, provides the requirements for servicing financially distressed and delinquent direct loan borrowers. The loan servicing options include disaster set-aside, primary loan servicing (including reamortization, rescheduling, deferral, write down and conservation contracts), buyout at market value, and homestead protection. FSA also services borrowers who file bankruptcy or liquidate security when available servicing options are not sufficient to produce a feasible plan. The information collections contained in the regulation are necessary to evaluate a borrower's request for consideration of the special servicing actions.

The numbers of respondents and responses increased because the loan servicing activities increased by 15 percent to reflect the current numbers since the last OMB approval. The annual burden hours decreased due to removal of travel times from the request. The respondents are going to the County office to do regular and customary (or normal) business for the Farm Loan Programs.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per response multiplied by the estimated total annual responses.

*Estimate of Respondent Burden:* Public reporting burden for this information collection is estimated to average 0.374 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collections of information.

*Type of Respondents:* Individuals or households, businesses or other for profit farms.

*Estimated Annual Number of Respondents:* 17,174.

*Estimated Number of Responses per Respondent:* 1.869.

*Estimated Total Annual Responses:* 32,114.

*Estimated Average Time per Response:* 0.374.

*Estimated Total Annual Burden on Respondents:* 12,036.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of the FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected;

(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.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

**Richard Fordyce,**

*Administrator, Farm Service Agency.*

[FR Doc. 2018–11694 Filed 5–30–18; 8:45 am]

**BILLING CODE 3410–05–P**

**DEPARTMENT OF AGRICULTURE****National Agricultural Library****Agricultural Research Service****Notice of Intent To Renew a Currently Approved Information Collection**

**AGENCY:** National Agricultural Library, Agricultural Research Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations, dated August 29, 1995, this notice announces the Agricultural Research Service's (ARS) intention to request an extension of a currently approved information collection, Information Collection for Document Delivery Services at the National Agricultural Library (NAL), which expires November 30, 2018.

**DATES:** Comments must be submitted on or before July 30, 2018.

**ADDRESSES:** Send comments to: USDA, ARS, NAL, Digitization and Access Branch, 10301 Baltimore Avenue, Room 305–D, Beltsville, Maryland 20705–2351.

**FOR FURTHER INFORMATION CONTACT:** Kay Derr, Librarian, telephone: 301–504–5879; email: [kay.derr@ars.usda.gov](mailto:kay.derr@ars.usda.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Information Collection for Document Delivery Services.

*OMB Number:* 0518–0027.

*Expiration Date of Approval:* November 30, 2018.

*Type of Request:* To extend a currently approved information collection process.

*Abstract:* In its role as both a preeminent agricultural research library and a national library of the United States, NAL (part of the USDA's ARS) provides loans and copies of materials from its collections to libraries and other institutions and organizations. NAL follows applicable copyright laws and interlibrary loan guidelines, standards, codes, and practices when providing loans and copies and charges a fee, if applicable, for this service. To request a loan or copy, institutions must provide a formal request to NAL using either NAL's web-based online request system or an interlibrary loan request system such as the Online Computer Library Center or the National Library of Medicine's Docline. Information in these requests includes the name, mailing address, email address, and telephone number of the party requesting the material. The requestor must also provide a statement acknowledging copyright compliance, bibliographic information for the material they are requesting, and the maximum dollar amount they are willing to pay for the material. The collected information is used to deliver the material to the requestor, bill for and track payment of applicable fees, monitor the return of loaned material to NAL, identify and locate the requested material in NAL collections, and determine whether the requesting party consents to the fees charged by NAL.

*Estimate of Burden:* Average 1.00 minute per response.

*Description of Respondents:* Respondents to the collection of information are those libraries, institutions, or organizations that request interlibrary loans or copies of material in the NAL collections. Each respondent must furnish the information for each loan or copying request.

*Estimated Number of Respondents:* 590.

*Frequency of Responses:* Average 7 per respondent.

*Estimated Total Annual Burden on Respondents:* 69 hours.

*Comments:* Comments are invited on (a) whether the proposed collection of

information is necessary for the proper performance of the functions of the Agency, including whether the information will have a practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques. Comments may be sent to Kay Derr at the address listed above within 60 days of the date of publication. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 17, 2018.

**Chavonda Jacobs-Young,**

*Administrator, Agricultural Research Service.*

[FR Doc. 2018-11582 Filed 5-30-18; 8:45 am]

**BILLING CODE 3410-03-P**

## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

#### Solicitation of Commodity Board Topics and Contribution of Funding Under the Agriculture and Food Research Initiative Competitive Grants Program

**AGENCY:** National Institute of Food and Agriculture, USDA.

**ACTION:** Notice of opportunity for commodity boards to submit topics and contribute funding under the Agriculture and Food Research Initiative Competitive Grants Program.

**SUMMARY:** NIFA is soliciting topics from eligible commodity board entities (Federal and State- level commodity boards, as defined below) that the entities are willing to co-fund equally with NIFA. To be considered for inclusion in future Agriculture and Food Research Initiative (AFRI) competitive grants program Requests for Applications (RFAs), topics must relate to the established priority areas of AFRI.

Commodity boards are those entities established under a commodity promotion law, as such term is defined under the Federal Agriculture Improvement and Reform Act of 1996, or a State commodity board or other equivalent State entity. See the **SUPPLEMENTARY INFORMATION** section of

this Notice under the heading "Eligibility for Submitting Topics" for further information.

If, after NIFA's evaluation, proposed topics are accepted for inclusion, they will be incorporated into AFRI competitive grants program RFAs. As a condition of funding grants pertaining to a topic, NIFA will require an agreement with the commodity board to provide funds equal to the amount NIFA is contributing under the agreed upon topic.

This Notice invites topic submissions from commodity boards as defined above, outlines the process NIFA will use to evaluate the appropriateness of these topics for inclusion in AFRI RFAs, and describes the commitment required of commodity boards for NIFA to jointly fund competitively selected AFRI awards within a topic area submitted by the commodity boards.

**DATES:** Commodity boards may submit topics at any time; however, all topics received by 5:00 p.m. EDT on July 30, 2018 will be considered for the fiscal year 2019 AFRI RFAs. Topics submitted by eligible commodity board entities after this date are not guaranteed review for fiscal year 2019, but will be considered for RFAs to be issued in future years. Frequently asked questions about commodity board topics are available on the NIFA Website (<https://nifa.usda.gov/commodity-boards-frequently-asked-questions>).

**ADDRESSES:** You may submit topics by the following method: Website: <https://nifa.usda.gov/webform/commodity-board-topic-submission/> Instructions: The topic submission must be through the website form; emailed topics will not be accepted.

Required fields are marked. Topics submitted through this form will not be posted to a public site.

**FOR FURTHER INFORMATION CONTACT:** Mark Mirando; Phone: (202) 401-4336, or Email: [commodityboards@nifa.usda.gov](mailto:commodityboards@nifa.usda.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background and Purpose**

This Notice begins the fourth topic submission cycle to implement section 2(b)(4)(F) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b)(4)(F)), as added by section 7404 of the Agricultural Act of 2014, Public Law 113-79, which requires NIFA to "establish procedures, including timelines, under which an entity established under a commodity promotion law (as such term is defined under section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a))) or a State

commodity board (or other equivalent State entity) may directly submit to [NIFA] for consideration proposals for requests for applications" within the AFRI Program.

Stakeholder feedback gathered in previous years informed this Notice and the process NIFA is using to implement section 7404. This Notice invites entities established under a commodity promotion law or State commodity boards (or other equivalent State entities) to submit topics they are proposing for inclusion in fiscal year 2019 AFRI RFAs. Topics must relate to the established AFRI priority areas, which were authorized in the 2014 Farm Bill and described in 7 CFR 3430.309 as: Plant health and production and plant products; animal health and production and animal products; food safety, nutrition, and health; bioenergy, natural resources, and environment; agriculture systems and technology; and agriculture economics and rural communities. The AFRI priorities are subject to change based on future Farm Bills, and any changes will be reflected on the NIFA website. A summary statement on AFRI is included below. To learn more about AFRI programs, including program priorities, typical award budget amounts, and examples of RFAs, please visit: <http://nifa.usda.gov/commodity-boards/>.

#### **AFRI Program Overview**

The AFRI program is the largest agricultural competitive grants program in the United States and a primary funding source for research, education, and extension projects that bring practical solutions to some of today's most critical societal challenges. AFRI programs impact all components of agriculture, including farm and ranch efficiency and profitability, bioenergy, forestry, aquaculture, rural communities, human nutrition, food safety, biotechnology, and genetic improvement of plants and animals.

In FY 2019, NIFA plans to solicit applications for AFRI funding opportunities in the AFRI priority areas authorized in the Farm Bill and described in 7 CFR 3430.309. It is anticipated these will include the AFRI Foundational and Applied Science Program RFA and the AFRI Education and Workforce Development RFA. The annual AFRI Foundational and Applied Science Program RFA solicits grant applications focused predominately, but not exclusively, on fundamental scientific research addressing statutory priorities. The AFRI Education and Workforce Development RFA solicits grant applications for training K-14 teachers and administrators,



undergraduate research and extension experiential learning fellowships, and pre- and post-doctoral fellowships. Any additional AFRI RFAs made available in FY 2019 may be included in this solicitation.

#### Eligibility for Submitting Topics

Eligible commodity board entities are those established under a commodity promotion law, as such term is defined under 7 U.S.C. 7401(a), or a State commodity board (or other equivalent State entity). Language in 7 U.S.C. 7401(a) defines a “commodity promotion law” as “a Federal law that provides for the establishment and operation of a promotion program regarding an agricultural commodity that includes a combination of promotion, research, industry information, or consumer information activities, is funded by mandatory assessments on producers or processors, and is designed to maintain or expand markets and uses for the commodity (as determined by the Secretary).” 7 U.S.C. 7401(a) includes a list of such Federal laws.

A current list of approved entities is maintained at (<http://nifa.usda.gov/commodity-boards/>). Additionally, entities eligible to submit topics include State commodity boards (or other equivalent State entities). This includes commodity boards authorized by State law; commodity boards that are not authorized by State law, but are organized and operate within a State and meet the requirements of their authorizing statute; and commodity boards that are authorized by a State and operate within the State for commodities that have no Federal program or oversight.

#### Topic Submission Guidance and Procedures

Topics may be submitted at any time and will be evaluated by NIFA on an annual basis. However, to guarantee consideration for the proposed fiscal year 2019 AFRI RFAs, topics must be received by 5:00 p.m. EDT on July 30, 2018.

Each topic proposed must be submitted using the online topic submission form provided at: <https://nifa.usda.gov/webform/commodity-board-topic-submission/>. Commodity boards may propose support for multiple awards for each topic proposed. For each topic the commodity board proposes to support, the minimum amount contributed by the commodity board must align with budget guidance for each AFRI area (<http://nifa.usda.gov/commodity-boards/>) and comply with the maximum

amount of \$2.5 million allowed per topic. NIFA does not intend to match funding from a single commodity board in excess of \$10 million in any year. Commodity boards should only submit topics that have a strong economic impact on their industry and U.S. agriculture, as a whole. Examples of topics typically supported by AFRI can be found at <http://nifa.usda.gov/commodity-boards/>.

If topics are accepted for funding, they will be incorporated into AFRI RFAs, and grants supporting the topic area may be awarded to AFRI eligible entities based on a competitive peer review process. As a condition of funding grants in a topic, NIFA will require an agreement by the commodity board to provide funds in an amount equal to the amount NIFA is contributing under the agreed upon topic. If a topic is selected for inclusion in an RFA, the commodity board submitting the topic will be required to maintain the confidentiality of the topic until the RFA is issued by NIFA. All commodity board funds and NIFA funds must be available at the time projects are selected for funding; awards are fully funded at the beginning of the award. Applications submitted under topics provided by commodity boards will be required to include a letter of support for co-funding from the the commodity board that proposed the topic.

#### Evaluation and Notification Process

NIFA will screen proposed research topics to ensure eligibility of the submitting commodity boards. NIFA will also consult with USDA's Agricultural Marketing Service (AMS) to determine that submissions and proposed financial contributions are consistent with commodity promotion laws and commodity boards' charters, as applicable.

Commodity board topics are reviewed by an internal panel based on evaluation criteria developed using stakeholder input from commodity boards and other stakeholders from government, industry, and academe. Each topic will be evaluated based on alignment with one or more of the statutory AFRI priority areas (AFRI priority areas authorized in the Farm Bill and described in 7 CFR 3430.309); alignment with the President's budget proposal for NIFA, as identified in the Department of Agriculture's annual budget submission; and alignment with the priority areas in the AFRI RFAs to be released by NIFA during the fiscal year for which the commodity board is proposing a topic for funding (for example, within the AFRI Foundational and Applied

Science RFA, the AFRI Animal Health and Production and Animal Products' “Animal Reproduction” priority area).

From those topics received by 5:00 p.m. EDT on July 30, 2018, NIFA will select the topic(s) that were evaluated favorably for inclusion in the appropriate FY 2019 AFRI RFA. NIFA will notify commodity boards as to whether their topics will be included by August 29, 2018. Based on the evaluation, NIFA reserves the right to negotiate with commodity boards should changes be required to accept topics and funding amounts. Any changes to topics and funding amounts will be reviewed by USDA's AMS to determine if such changes are consistent with applicable commodity promotion laws.

NIFA will evaluate topics submitted after the July 30, 2018 deadline on an annual basis and notify commodity boards whether their topics will be included in subsequent RFAs within two weeks following the meeting of the internal evaluation panel, the date of which will be published on NIFA's Commodity Boards web page at (<http://nifa.usda.gov/commodity-boards/>).

Done at Washington, DC, on May 21, 2018.

**Thomas Shanower,**

*Acting Director, National Institute of Food and Agriculture.*

[FR Doc. 2018–11634 Filed 5–30–18; 8:45 am]

**BILLING CODE 3410–22–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the West Virginia Advisory Committee

**AGENCY:** 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 West Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Friday, June 1, 2018. The purpose of the meeting is to discuss the upcoming SAC briefing to be held in July 2018.

**DATES:** Friday, June 1, 2018, at 12:00 p.m. EST.

*Public Call-In Information:*

Conference call-in number: 1–800–474–8920 and conference call ID number: 8310490.

**FOR FURTHER INFORMATION CONTACT:** Ivy Davis at [ero@usccr.gov](mailto:ero@usccr.gov) or by phone at 202–376–7533.

**SUPPLEMENTARY INFORMATION:** Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1-800-474-8920 and conference call ID number: 8310490. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1-888-364-3109 and providing the operator with the toll-free conference call-in number: 1-800-474-8920 and conference call ID number: 8310490.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376-7548, or emailed to Corrine Sanders at [ero@usccr.gov](mailto:ero@usccr.gov). Persons who desire additional information may contact the Eastern Regional Office at (202) 376-7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at <https://database.faca.gov/committee/meetings.aspx?cid=279>, click the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Eastern Regional Office at the above phone numbers, email or street address.

**Agenda: Wednesday, June 1, 2018**

- I. Rollcall
- II. Welcome
- III. Discuss Briefing Meeting Plans
- IV. New Business
- V. Adjourn

Dated: May 24, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018-11624 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the Virginia Advisory Committee**

**AGENCY:** 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 Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Wednesday, June 20, 2018. The purpose of the meeting is discuss plans for a briefing meeting to be scheduled in August 2018.

**DATES:** Wednesday, June 20, 2018, at 12:00 p.m. EST.

*Public Call-In Information:*

Conference call-in number: 1-800-474-8920 and conference call ID number: 8310490.

**FOR FURTHER INFORMATION CONTACT:** Ivy Davis at [ero@usccr.gov](mailto:ero@usccr.gov) or by phone at 202-376-7533.

**SUPPLEMENTARY INFORMATION:** Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1-800-474-8920 and conference call ID number: 8310490. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1-800-877-8339 and providing the operator with the toll-free conference call-in number: 1-800-474-8920 and conference call ID number: 8310490.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days

after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue Suite 1150, Washington, DC 20425, faxed to (202) 376-7548, or emailed to Corrine Sanders at [ero@usccr.gov](mailto:ero@usccr.gov). Persons who desire additional information may contact the Eastern Regional Office at (202) 376-7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at <https://database.faca.gov/committee/meetings.aspx?cid=279>, click the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Eastern Regional Office at the above phone numbers, email or street address.

**Agenda: Wednesday, June 20, 2018**

- I. Rollcall
- II. Welcome
- III. Discuss Plans for Briefing Meeting
- IV. New Business
- V. Adjourn

Dated: May 24, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018-11623 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the Mississippi Advisory Committee**

**AGENCY:** 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 Mississippi Advisory Committee to the Commission will convene by conference call at 1:00 p.m. (CST) on Friday, June 1, 2018. The purpose of the meeting is for the SAC members to discuss potential topics of study.

**DATES:** Friday, June 1, 2018, at 1:00 p.m. CST

*Public Call-In Information:*

Conference call-in number: 1-888-572-7033 and conference call 9333138.

**FOR FURTHER INFORMATION CONTACT:**

David Mussatt at [dmussatt@usccr.gov](mailto:dmussatt@usccr.gov) or by phone at (312)-353-8312.

**SUPPLEMENTARY INFORMATION:** Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1-888-572-7033 and conference call 9333138. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1-888-364-3109 and providing the operator with the toll-free conference call-in number: 1-888-572-7033 and conference call 9333138.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S.

Dearborn Street, Suite 2120, Chicago, IL, faxed to (312) 353-8324, or emailed to Corrine Sanders at [csanders@usccr.gov](mailto:csanders@usccr.gov). Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Records and documents discussed during the meeting will be available for public viewing as they become available at <https://database.faca.gov/committee/meetings.aspx?cid=279>, click the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Midwestern Regional Office at the above phone numbers, email or street address.

**Agenda: Friday, June 1, 2018**

- I. Rollcall
- II. Welcome and Introductions
- III. SAC Discussion on Civil Rights Issues in MS
- IV. Adjourn

Dated: May 24, 2018.

**David Mussatt,**  
*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018-11625 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE**

**Economic Development Administration**

**Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance**

**AGENCY:** Economic Development Administration, U.S. Department of Commerce.

**ACTION:** Notice and opportunity for public comment.

**SUMMARY:** The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

**SUPPLEMENTARY INFORMATION:**

**LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE**

[05/14/2018 through 05/22/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
Long-Stanton Manufacturing Company, Inc.	9388 Sutton Place, West Chester Township, OH 45011.	5/16/2018	The firm manufactures miscellaneous steel stampings, assemblies and other metal parts.
Micro Dimensions, Inc .....	617 South 6th Way, Ridgefield, WA 98642.	5/17/2018	The firm manufactures precision parts for the steel, aluminum, plastics, aerospace, sawmills, and medical industries.
Spika Design & Manufacturing, Inc.	254 Cottonwood Creek Road, Lewiston, MT 59457.	5/17/2018	The firm manufactures aluminum structures.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

**Irette Patterson,**  
*Program Analyst.*  
[FR Doc. 2018-11635 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-WH-P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting**

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet June 12, 2018, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW, Washington, DC. The Committee

advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

### Agenda

#### Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Presentation of papers or comments by the Public
4. Export Enforcement update
5. Regulations update
6. Working group reports
7. Automated Export System update

#### Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov) no later than June 5, 2018.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 23, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2, 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2, 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

### Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2018-11621 Filed 5-30-18; 8:45 am]

BILLING CODE 3510-JT-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-849, A-552-812]

#### Steel Wire Garment Hangers From Taiwan and Vietnam: Continuation of Antidumping Duty Orders

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty orders on steel wire garment hangers (hangers) from Taiwan and Vietnam would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the antidumping duty orders.

**DATES:** Applicable May 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ian Hamilton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4798.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 10, 2012, Commerce published in the **Federal Register** notice of the antidumping duty order on hangers from Taiwan.<sup>1</sup> On February 5, 2013, Commerce published the antidumping duty order on hangers from Vietnam.<sup>2</sup> On November 1, 2017, Commerce published the notice of initiation of the first five-year (sunset) reviews of the antidumping duty orders on hangers from Taiwan and Vietnam, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup>

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. As a result, the revised deadline for the final results of this sunset review was March 5, 2018.<sup>4</sup>

<sup>1</sup> See *Steel Wire Garment Hangers from Taiwan*, 77 FR 72424 (December 10, 2012).

<sup>2</sup> See *Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Antidumping Duty Order*, 78 FR 8105 (February 5, 2013).

<sup>3</sup> See *Initiation of Five-Year (Sunset) Reviews*, 82 FR 50612 (November 1, 2017).

<sup>4</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government," dated January 23, 2018. All

Commerce conducted this sunset review on an expedited basis, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), because it received a complete, timely, and adequate response from a domestic interested party but no substantive responses from respondent interested parties. As a result of its review, Commerce determined that revocation of the antidumping duty orders would likely lead to a continuation or recurrence of dumping.<sup>5</sup> Commerce, therefore, notified the ITC of the magnitude of the margins likely to prevail should the antidumping duty orders be revoked. On May 22, 2018, the ITC published notice of its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on hangers from Taiwan and Vietnam would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>6</sup>

#### Scope of the Orders

The merchandise subject to the orders is hangers. For a complete description of the scope of these orders, see the Issues and Decision Memorandum.<sup>7</sup>

#### Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the antidumping duty orders would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the antidumping duty orders on hangers from Taiwan and Vietnam. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The applicability date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation.

deadlines in this segment of the proceeding have been extended by 3 days.

<sup>5</sup> See *Steel Wire Garment Hangers from Taiwan and Vietnam: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders*, 83 FR 10433 (March 9, 2018) (*Final Results*) and accompanying Issues and Decision Memorandum, dated March 5, 2017.

<sup>6</sup> See *Steel Wire Garment Hangers from Taiwan and Vietnam*, Investigation Nos. 701-TA-487 and 731-TA-1197-1198 (Review), USITC Publication 4784 (May 2018); see also *Steel Wire Garment Hangers from Taiwan and Vietnam*, 83 FR 23723 (May 22, 2018).

<sup>7</sup> For a full description of the scope of orders, see *Final Results* and accompanying Issues and Decision Memorandum.

Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next sunset review of the orders not later than 30 days prior to the fifth anniversary of the applicability date of continuation.

This sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: May 23, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2018-11541 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-867]

#### Large Power Transformers From the Republic of Korea: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review

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

**SUMMARY:** The Department of Commerce preliminarily determines that Hyundai Electric & Energy Systems Co., Ltd. (HEES) is the successor-in-interest to Hyundai Heavy Industries Co., Ltd. (HHI), and that HHI's current cash deposit rate is the rate applicable for all entries of large power transformers exported by HEES. Further, we preliminarily determine that the application of the cash deposit rate applicable to HEES shall be made retroactively to the effective date of the first entry by HEES.

**DATES:** Applicable May 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Moses Song, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5041.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 31, 2012, the Department of Commerce (Commerce) published in the **Federal Register** an antidumping duty order on large power transformers (LPTs) from the Republic of Korea

(Korea).<sup>1</sup> HHI is one of the producers/exporters reviewed in the less-than fair-value investigation and has been reviewed in each subsequent administrative review of the *Order*. During the 2014/2015 administrative review, covering the period August 1, 2014, through July 31, 2015, Commerce assigned HHI an antidumping duty rate of 60.81 percent, finding that the application of total adverse facts available (AFA) was warranted.<sup>2</sup> In addition, during the 2015/2016 administrative review, covering the period August 1, 2015, through July 31, 2016, Commerce continued to assign HHI an antidumping duty rate of 60.81 percent, finding that the application of total AFA was warranted.<sup>3</sup>

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(d), on December 4, 2017, Commerce self-initiated a Changed Circumstances Review (CCR) regarding HHI's new spin off company, HEES, based on information obtained (1) during the course of the 2014/2015 and 2015/2016 administrative reviews, (2) *via* public search and the phone conversation with a representative retained by ABB Inc.'s (ABB's or the petitioner's) counsel, and (3) from U.S. Customs and Border Protection (CBP) data.<sup>4</sup>

##### Scope of the Order

The scope of this *Order* covers large liquid dielectric power transformers having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete.

Incomplete LPTs are subassemblies consisting of the active part and any other parts attached to, imported with or invoiced with the active parts of LPTs. The "active part" of the transformer consists of one or more of the following when attached to or otherwise assembled with one another: The steel core or shell, the windings, electrical insulation between the windings, the mechanical frame for an LPT.

The product definition encompasses all such LPTs regardless of name

<sup>1</sup> See *Large Power Transformers from the Republic of Korea: Antidumping Duty Order*, 77 FR 53177 (August 31, 2012) (the *Order*).

<sup>2</sup> See *Large Power Transformers from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2014-2015*, 82 FR 13432 (March 13, 2017) (2014/2015 *Final Results*).

<sup>3</sup> See *Large Power Transformers from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2015-2016*, 83 FR 11679 (March 16, 2018) (2015-2016 *Final Results*).

<sup>4</sup> See *Large Power Transformers from the Republic of Korea: Initiation of Antidumping Duty Changed Circumstances Review*, 82 FR 57210 (December 4, 2017) (*Initiation Notice*).

designation, including but not limited to step-up transformers, step-down transformers, autotransformers, interconnection transformers, voltage regulator transformers, rectifier transformers, and power rectifier transformers.

The LPTs subject to this *Order* are currently classifiable under subheadings 8504.23.0040, 8504.23.0080, and 8504.90.9540 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

##### Methodology

We are conducting this CCR in accordance with section 751(b)(1) of the Act. For a full description of the methodology underlying our analysis, see the accompanying Preliminary Decision Memorandum.<sup>5</sup>

##### Preliminary Results of Changed Circumstances Review

In accordance with 19 CFR 351.216, we preliminarily determine that HEES is the successor-in-interest to HHI. Record evidence, as submitted by HHI and HEES (collectively, Hyundai), indicates that, based on the totality of the circumstances under Commerce's successor-in-interest criteria, HEES's day-to-day operations, corporate and management structure, and ownership are materially similar to those of HHI before the spin-off with respect to the merchandise under review. Moreover, we preliminarily find that HEES assumed HHI's production facilities, supplier relationships, and the customer base with regard to the merchandise under review. For the complete successor-in-interest analysis, including discussion of business proprietary information, refer to the accompanying Preliminary Decision Memorandum.

Therefore, based on record evidence, we preliminarily determine that as the successor-in-interest to HHI, HEES should receive the same antidumping duty treatment with respect to the subject merchandise as HHI, and that the rate assigned to HHI is the rate for HEES as a result of our successor-in-interest finding.

Further, as a result of Hyundai's corporate reorganization, HEES has been

<sup>5</sup> See Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, entitled "Preliminary Results of Changed Circumstances Review Regarding Successor-In-Interest Analysis: Large Power Transformers from the Republic of Korea" dated concurrently with this notice (Preliminary Decision Memorandum).

entering subject merchandise at the lower all-others cash deposit rate as opposed to the cash deposit rate applicable to HHI. Because we preliminarily find that HEES is the successor-in-interest to HHI, we also preliminarily determine that, as a result of Hyundai's business decision to spin off HEES and for HEES to enter subject merchandise as the manufacturer and/or exporter, the efficacy of the *Order* is undermined, depriving the domestic industry of the full magnitude of the remedy *via* the payment of appropriate cash deposits applicable to HHI. Therefore, to maintain the effectiveness of the *Order* and to provide the adequate relief to the domestic industry, we preliminarily determine that the unique facts of this CCR warrant the retroactive application of the cash deposit rate to the effective date of the first entry by HEES. If we continue to reach the same determination at the final results of this CCR, we will instruct CBP to collect the cash deposits accordingly.

#### Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice in the **Federal Register**. In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs, in accordance with 19 CFR 351.309(d). Parties who submit case or rebuttal briefs are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All comments are to be filed electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) and must also be served on interested parties. Access to ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.<sup>6</sup>

Consistent with 19 CFR 351.216(e), we will intend to issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or

within 45 days if all parties agree to our preliminary finding.

#### Notification to Interested Parties

This notice is published in accordance with sections 751(b)(1) of the Act and 19 CFR 351.216(b), 351.221(b) and 351.221(c)(3).

Dated: May 24, 2018.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Successor-In-Interest Determination
- V. Retroactive Application of HHI's Cash Deposit Rate to HEES
- VI. Recommendation

[FR Doc. 2018-11713 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG229**

#### Taking and Importing of Marine Mammals

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

**ACTION:** Notice; five-year affirmative finding for El Salvador.

**SUMMARY:** The NMFS Assistant Administrator (Assistant Administrator) has issued a five-year affirmative finding for the Government of El Salvador under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the Agreement on the International Dolphin Conservation Program (AIDCP) by purse seine vessels operating under Salvadoran jurisdiction or exported from El Salvador. NMFS bases the affirmative finding determination on reviews of documentary evidence submitted by the Government of El Salvador and by information obtained from the Inter-American Tropical Tuna Commission (IATTC).

**DATES:** This affirmative finding is effective for the five-year period of April 1, 2018, through March 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Justin Greenman, West Coast Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Phone: 562-980-3264. Email: [justin.greenman@noaa.gov](mailto:justin.greenman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows for importation into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the AIDCP and its obligations of membership in the IATTC. Every five years, the government of the harvesting nation must request a new affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determines whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with AIDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the AIDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f)(8), the Assistant Administrator considered documentary evidence submitted by the Government of El Salvador and obtained from the IATTC and has determined that El Salvador has met the MMPA's requirements to receive an affirmative finding.

After consultation with the Department of State, the Assistant Administrator issued a five-year affirmative finding to El Salvador, allowing the importation into the United States of yellowfin tuna and

<sup>6</sup> See 19 CFR 351.303(b).

products derived from yellowfin tuna harvested in the ETP by purse seine vessels operating under Salvadoran jurisdiction or exported from El Salvador. Issuance of an affirmative finding for El Salvador does not affect implementation of an intermediary nation embargo under 50 CFR 216.24(f)(9), which could apply to exports from El Salvador. El Salvador's affirmative finding is effective for the five-year period of April 1, 2018, through March 31, 2023, subject to subsequent annual reviews by NMFS.

Dated: May 24, 2018.

**Chris Oliver,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 2018-11655 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG169**

#### Notice of Availability of a NOAA Satellite Observing System Architecture Study Draft Report and Public Meeting

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of a NOAA Satellite Observing System Architecture Study draft report; request for comments; public meeting.

**SUMMARY:** In planning for the future operational environmental satellite system to follow the Geostationary Operational Environmental Satellite System—R Series (GOES-R, S, T, and U) and the Joint Polar Satellite System (JPSS-1, 2, 3, and 4), beginning about 2028, NOAA has conducted a study of the NOAA Satellite Observing System Architecture (NSOSA). The development of a future system presents an opportunity to design a modern architecture by broadly examining instruments, services, platforms, and orbits, driven by user needs, new technology, and exploiting emerging space business models. The NSOSA study team developed and evaluated nearly 100 architecture alternatives, including partner and commercial contributions that are likely to become available. Through <https://www.regulations.gov/docket?D=NOAA-NESDIS-2018-0053>, the public can view the NOAA Satellite Observing System Architecture Study draft report, submit ideas, review submissions from other parties, and make comments.

All comments are welcome. In particular, NOAA would like comments on the following areas:

Did NOAA consider a sufficiently broad range of alternatives?

Are the opportunities that the analysis identified as deserving of consideration consistent with your knowledge of the state of the space enterprise?

Are there outcomes or options that you recommend for further analysis?

What suggestions do you have on engagement with industry, including innovative capability development approaches, partnership opportunities, and business models that may inform NOAA's path forward?

What suggestions do you have on engagement with the academic and research community and other stakeholders to ensure NOAA makes the best use of the outputs of this study?

NOAA previously discussed the NSOSA study at the American Meteorological Society Annual Meeting in January 2018; these presentations are available at <https://ams.confex.com/ams/98Annual/meetingapp.cgi/Session/44459> and <https://ams.confex.com/ams/98Annual/meetingapp.cgi/Session/44460>. NOAA will continue to engage the public regarding NOAA's future satellite architecture planning. NOAA will use the results of this public comment period and public event to shape follow-on engagements.

**DATES:** Comments must be received by 5 p.m. on July 2, 2018. A meeting will be held on June 21, 2018. For additional details, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NESDIS-2018-0053, by either of the following methods:

**Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov/docket?D=NOAA-NESDIS-2018-0053>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

**Mail:** Submit written comments to: Office of System Architecture and Advance Planning, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Environmental Satellite, Data, and Information Service, Room 5450, 1335 East-West Highway, Silver Spring MD, 20910.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record

and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. Additional information as well as instructions on how to submit comments can be found at the following website: <https://www.regulations.gov/docket?D=NOAA-NESDIS-2018-0053>. The NOAA Satellite Observing System Architecture Study report can also be viewed here.

**FOR FURTHER INFORMATION CONTACT:** Kate Becker, NESDIS Office of System Architecture and Advance Planning (OSAAP), U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Environmental Satellite, Data, and Information Service, Room 5450, 1335 East West Highway, Silver Spring, MD, 20910. (Phone: 301-713-7049, [kate.becker@noaa.gov](mailto:kate.becker@noaa.gov)).

**SUPPLEMENTARY INFORMATION:** NESDIS will hold a public event to discuss the NOAA Satellite Observing System Architecture Study report on June 21, 2018, at 9:00 a.m. at the Silver Spring Civic Building, 1 Veterans Pl, Silver Spring, MD 20910. This Community Day will include a public session and the opportunity for one-on-one meetings with NESDIS. Further information and registration is available at <https://www.nesdis.noaa.gov/content/nesdis-community-engagements> or by contacting OSAAP by mail, phone, or email as listed above (see **ADDRESSES**).

Dated: May 24, 2018.

**Karen St. Germain,**

*Director, Office of Systems Architecture and Advance Planning NOAA Satellite and Information Service.*

[FR Doc. 2018-11599 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-HR-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; NOAA Satellite Ground Station Customer Questionnaire

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, 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.

**DATES:** Written comments must be submitted on or before July 30, 2018.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [pracomments@doc.gov](mailto:pracomments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to James McNitt at 301-817-3842 or [james.mcnitt@noaa.gov](mailto:james.mcnitt@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for an extension of a currently approved information collection. NOAA asks people who operate ground receiving stations that receive data from NOAA satellites to complete a questionnaire about the types of data received, its use, the equipment involved, and similar subjects. Members of NOAA's Direct Broadcast User Groups are asked follow-up questions. The data obtained are used by NOAA for short-term operations and long-term planning. Collection of this data assists us in complying with the terms of our Memorandum of Understanding (MOU) with the World Meteorological Organization: United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) on area of common interest (2008).

**II. Method of Collection**

The information is collected via an online questionnaire.

**III. Data**

*OMB Control Number:* 0648-0227.  
*Form Number:* None.

*Type of Review:* Regular submission (extension of a currently approved information collection).

*Affected Public:* Not-for-profit institutions; business or other for-profit organizations, individuals or households; federal government; state, local or tribal Government.

*Estimated Number of Respondents:* 300.

*Estimated Time per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 25.

*Estimated Total Annual Cost to Public:* \$0 in capital and recordkeeping/reporting costs.

**IV. Request for Comments**

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 25, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018-11651 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-HR-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XG228**

**Taking and Importing of Marine Mammals**

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

**ACTION:** Notice; affirmative finding annual renewals for Ecuador, Guatemala, Mexico, Peru, and Spain.

**SUMMARY:** The NMFS Assistant Administrator (Assistant Administrator) has issued affirmative finding annual renewals for the Governments of Ecuador, Guatemala, Mexico, Peru, and Spain (referred to hereafter as "The Nations") under the Marine Mammal Protection Act (MMPA). These affirmative-finding, annual renewals will continue to allow the importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the Agreement on the International Dolphin Conservation Program (AIDCP) by purse seine vessels operating under The Nations' jurisdiction or exported from The Nations. NMFS bases the affirmative finding annual renewals on

reviews of documentary evidence submitted by the Governments of The Nations and by information obtained from the Inter-American Tropical Tuna Commission (IATTC).

**DATES:** These affirmative finding annual renewals are effective for the one-year period of April 1, 2018, through March 31, 2019.

**FOR FURTHER INFORMATION CONTACT:** Justin Greenman, West Coast Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Phone: 562-980-3264. Email: [justin.greenman@noaa.gov](mailto:justin.greenman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows for importation into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the AIDCP and its obligations of membership in the IATTC. Every five years, the government of the harvesting nation must request a new affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determines whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with AIDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the AIDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f)(8), the Assistant Administrator considered documentary evidence submitted by the Governments of The Nations and obtained from the IATTC and has determined that The Nations have met the MMPA's requirements to receive affirmative finding annual renewals.



After consultation with the Department of State, the Assistant Administrator issued affirmative finding annual renewals to The Nations, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by purse seine vessels operating under The Nations' jurisdiction or exported from The Nations. Issuance of affirmative finding annual renewals for The Nations does not affect implementation of an intermediary nation embargo under 50 CFR 216.24(f)(9), which could apply to exports from The Nations. The affirmative finding annual renewals are for the one-year period of April 1, 2018, through March 31, 2019.

Peru's five-year affirmative finding will remain valid through March 31, 2022, and Ecuador, Guatemala, Mexico, and Spain's five-year affirmative findings will remain valid through March 31, 2020, subject to subsequent annual reviews by NMFS.

Dated: May 24, 2018.

**Chris Oliver,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 2018-11654 Filed 5-30-18; 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.

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Permits for Incidental Taking of Endangered or Threatened Species.

*OMB Control Number:* 0648-0230.

*Form Number(s):* None.

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

*Number of Respondents:* 48.

*Average Hours per Response:* 80 hours for a permit application (including Habitat Conservation Plans), 40 minutes for transfer of an incidental take permit; 8 hours for a permit report, 30 minutes for a Certificate of Inclusion and 10 hours for a watershed plan.

*Burden Hours:* 795.

*Needs and Uses:* This request is for an extension of a currently approved information collection.

The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) imposed prohibitions against the taking of endangered species. In 1982, Congress revised the ESA to allow permits authorizing the taking of endangered species incidental to otherwise lawful activities. The corresponding regulations (50 CFR part 222.222) established procedures for persons to apply for such a permit. In addition, the regulations set forth specific reporting requirements for such permit holders.

The regulations contain three sets of information collections: (1) Applications for incidental take permits, (2) applications for certificates of inclusion, and (3) reporting requirements for permits issued. Certificates of inclusion are only required if a general permit is issued to a representative of a group of potential permit applicants, rather than requiring each entity to apply for and receive a permit.

The required information is used to evaluate the impacts of the proposed activity on endangered species, to make the determinations required by the ESA prior to issuing a permit, and to establish appropriate permit conditions.

When a species is listed as threatened, section 4(d) of the ESA requires the Secretary to issue whatever regulations are deemed necessary or advisable to provide for conservation of the species. In many cases those regulations reflect blanket application of the section 9 take prohibition. However, the National Marine Fisheries Service (NMFS) recognizes certain exceptions to that prohibition, including habitat restoration actions taken in accord with approved state watershed action plans. While watershed plans are prepared for other purposes in coordination with or fulfillment of various state programs, a watershed group wishing to take advantage of the exception for restoration activities (rather than obtaining a section 10 permit) would have to submit the plan for NMFS review.

*Affected Public:* Individuals or households; business or other for-profit; not-for-profit institutions, and state, local, or tribal government.

*Frequency:* Annually and on occasion.

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

This information collection request may be viewed at [reginfo.gov](http://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](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: May 24, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018-11626 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF603**

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Casitas Pier Fender Pile Replacement

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

**ACTION:** Notice; proposed revised incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from Venoco, LLC, (Venoco) and Chevron USA, Inc., (Chevron) to transfer, from Venoco to Chevron, a Marine Mammal Protection Act (MMPA) one-year Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to the Casitas Pier Fender Pile Replacement Project, following the sale of Casitas Pier to Chevron. No other changes are proposed. NMFS is inviting comments on the proposed transfer of the Casitas Pier IHA to Chevron.

**DATES:** Comments and information must be received no later than July 2, 2018.

**ADDRESSES:** Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Young@noaa.gov](mailto:ITP.Young@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/node/23111> without change. All personal

identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Sara Young, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of Venoco's original IHA, may be obtained online at: <https://www.fisheries.noaa.gov/node/23111>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

**Summary of Request**

On October 27, 2017, NMFS issued an IHA to Venoco to take marine mammals, by Level B harassment, incidental to the Casitas Pier Fender Pile Replacement Project, effective from November 1, 2017, through October 31, 2018 (82 FR 55579). On January 1, 2018, Chevron succeeded Venoco as the owner and operator of Carpinteria Gas Plant, including Casitas Pier.

Chevron subsequently submitted a written request to transfer the current IHA from Venoco to Chevron. With the transfer of the Casitas Pier IHA, Chevron agrees to comply with the associated terms, conditions, stipulations, and restrictions of the original Casitas Pier IHA. No other changes were requested. The revised IHA, if issued, would remain effective through October 31, 2018.

This **Federal Register** notice sets forth only a proposed change in the Casitas

Pier IHA holder's name. There are no other changes to the current IHA as described in the November 22, 2017, **Federal Register** notice of a final IHA (82 FR 55579): The specified activity; description of marine mammals in the area of the specified activity; potential effects on marine mammals and their habitat; mitigation and related monitoring used to implement mitigation; reporting; estimated take by incidental harassment; negligible impact and small numbers analyses and determinations; impact on availability of affected species or stocks for subsistence uses and the period of effectiveness remain unchanged and are herein incorporated by reference.

**Proposed Revisions to the Casitas Pier IHA**

NMFS is proposing a change in the name of the holder of the Casitas Pier IHA from "Venoco, LLC" to "Chevron USA, Inc".

**Request for Public Comments**

NMFS invites comment on the proposed change to the current IHA. Please include with your comments any supporting data or literature citations to help inform our final decision on Venoco and Chevron's request for transfer of the Casitas Pier authorization.

Dated: May 25, 2018.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2018-11660 Filed 5-30-18; 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.

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Fisheries Finance Program Requirements.

*OMB Control Number:* 0648-0012.

*Form Number(s):* NOAA Form 88-1.

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

*Number of Respondents:* 311.

*Average Hours per Response:*

Applications, 10 hours; annual financial statements, 2 hours.

*Burden Hours:* 1,102.

*Needs and Uses:* This request is for extension of a currently approved information collection.

The National Oceanic and Atmospheric Administration (NOAA) operates a direct loan program to assist in financing certain actions relating to commercial fishing vessels, shoreside fishery facilities, aquaculture operations, and individual fishing quotas. Application information is required to determine eligibility pursuant to 50 CFR part 253 and to determine the type and amount of assistance requested by the applicant. An annual financial statement is required from the recipients to monitor the financial status of the loan.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Annually and on occasion.

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

This information collection request may be viewed at [reginfo.gov](http://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](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: May 25, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018-11650 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XG241**

**Marine Mammals; File No. 21856**

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that ABR, Inc. Environmental Research and Services, P.O. Box 80410, Fairbanks, AK 99708, has applied in due form for a permit to conduct research on 12 species of marine mammals.

**DATES:** Written, telefaxed, or email comments must be received on or before July 2, 2018.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public

Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 21856 from the list of available applications.

These documents are available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Sara Young or Amy Hapeman, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to conduct unmanned aircraft systems (UAS) and manned aerial surveys in Kamishak Bay, Alaska to collect baseline seasonal abundance and distribution data on marine mammals. The applicant proposes to take marine mammals during aerial surveys for behavioral observations, photography, counts, and videography. The applicant requests the annual take of 12 species: 1,050 endangered Western DPS Steller sea lions (*Eumetopias jubatus*), 150 endangered Cook Inlet beluga whales (*Delphinapterus leucas*), 10,139 harbor seals (*Phoca vitulina*), 600 harbor porpoises (*Phocoena phocoena*), 150 Dall's porpoises (*Phocoenoides dalli*), 130 minke whales (*Balaenoptera acutorostrata*), 60 eastern North Pacific gray whales (*Eschrichtius robustus*), 130 killer whales (*Orcinus orca*), 15 northern fur seals (*Callorhinus ursinus*), 25 California sea lions (*Zalophus californianus*), 40 endangered fin whales (*Balaenoptera physalus*), 150 humpback whales (*Megaptera*

*novaeangliae*) from the endangered Western North Pacific DPS, threatened Mexico DPS, or Hawaii DPS, and two endangered North Pacific right whales (*Eubalaena japonica*). The permit would be valid for five years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 24, 2018.

**Julia Marie Harrison**,  
Chief, Permits and Conservation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.

[FR Doc. 2018-11640 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 9:30 a.m., Monday, June 4, 2018.

**PLACE:** CFTC Headquarters, Lobby-Level Hearing Room, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) will hold this meeting to consider the following matters:

- Final Rule making Amendments to the Swap Data Access Provisions of Part 49 and Certain Other Matters;
- Proposed Rule on Revisions to Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (Volcker Rule);
- Proposed Rule on Amendments to Swap Dealer Registration De Minimis Exception; and
- Establishment of Subcommittees for the CFTC Technology Advisory Committee.

The agenda for this meeting will be available to the public and posted on the Commission's website at <https://www.cftc.gov>. In the event that the time, date, or place of this meeting changes, an announcement of the change, along with the new time, date, or place of the

meeting, will be posted on the Commission's website.

**CONTACT PERSON FOR MORE INFORMATION:** Christopher Kirkpatrick, Secretary of the Commission, 202-418-5964.

Dated: May 25, 2018.

**Christopher Kirkpatrick**,  
Secretary of the Commission.

[FR Doc. 2018-11764 Filed 5-29-18; 11:15 am]

**BILLING CODE 6351-01-P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Learning Management System (LMS) Pre- and Post-Test Assessment Questions; Proposed Information Collection; Comment Request**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Application Package for Learning Management System (LMS) Pre- and Post-test Assessment Questions for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13.

**DATES:** Comments may be submitted, identified by the title of the information collection activity, by July 2, 2018.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202-395-6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to:* [smar@omb.eop.gov](mailto:smar@omb.eop.gov).

Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

Comments submitted in response to this notice may be made available to the public through [regulations.gov](https://www.regulations.gov). For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal

information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public notwithstanding the inclusion of the routine notice.

**FOR FURTHER INFORMATION CONTACT:**

Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Greg Wallinger at 202-606-7571 or email to [dwallinger@cns.gov](mailto:dwallinger@cns.gov). Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Comments**

A 60-day Notice requesting public comment was published in the **Federal Register** on Monday, March 12, 2018 on page 10714. This comment period ended May 11, 2018. Zero public comments were received from this Notice.

*Description:* The Corporation for National and Community Service (CNCS) has procured a Learning Management System (LMS) to enhance training and technical assistance at the agency. The Office of Research and Evaluation (ORE) is using this tool to enhance existing methods of teaching and learning about program evaluation

and research topics. ORE has programmed 12 Evaluation Core Curriculum courses on the LMS for users to explore interactively. In order to enhance the utility of the courses, ORE would like implement "knowledge checks" in the form of topically focused pre/post-test questions so that participants can identify knowledge gaps that need to be addressed with further learning. This will also enable ORE to see where common learning issues arise, and where additional resources should be targeted. CNCS also seeks to continue using the currently approved pre/post-test questions, which were cleared under a generic clearance, until the current information collection is approved by OMB. The currently approved information collection expired on October, 31, 2017.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on [regulations.gov](http://www.regulations.gov).

CNCS seeks to renew the current information. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current

application is due to expire on October, 31, 2017.

*Title of Collection:* Learning Management System (LMS) Pre- and Post-test Assessment Questions.

*OMB Control Number:* [TBD].

*Type of Review:* New.

*Respondents/Affected Public:* Corporation for National and Community Service grantees.

*Total Estimated Number of Annual Respondents:* 100.

*Total Estimated Annual Frequency:* 12.

*Total Estimated Average Response Time per Response:* 5 minutes per course; 12 courses in total = 60 minutes or 1 hour maximum across all courses.

*Total Estimated Number of Annual Burden Hours:* 100 hours; 60 minutes × 100 respondents (max.) = 6000 minutes or 100 hours.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Dated: May 9, 2018.

**Mary Hyde,**

*Director of the Office of Research and Evaluation.*

[FR Doc. 2018-11616 Filed 5-30-18; 8:45 am]

**BILLING CODE 6050-28-P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Docket ID DOD-2018-OS-0030]

**Proposed Collection; Comment Request**

**AGENCY:** Office of the Undersecretary of Defense for Personnel and Readiness, DoD.

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Undersecretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by July 30, 2018.

**ADDRESSES:** 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 Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, 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:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to National Security Education Program, 4800 Mark Center Drive, Suite 08F09-02, Alexandria, VA 22350-7000 or call 576-256-0711.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* National Security Education Program (NSEP) Service Agreement Report for Scholarship and Fellowship Awards; DD Form 2752 and DD Form 2753; OMB Control Number 0704-0368.

*Needs and Uses:* The information collection requirement is necessary to record the original award amount and service requirement for each NSEP award recipient (DD Form 2752) and the progress of each NSEP award recipient in fulfilling his/her Congressionally-mandated service requirement signed at the time of award (DD Form 2753).

*Affected Public:* Individuals or Households; Not-for-Profit Institutions.

*Annual Burden Hours:* 275.

*Number of Respondents:* 1,650.

*Responses per Respondent:* 1.

*Annual Responses:* 1,650.

*Average Burden per Response:* 10 minutes.

*Frequency:* On Occasion.

Respondents are undergraduate and graduate students who agree to the terms of their award (DD Form 2752) and who agree upon receipt of award to submit the Service Agreement Report (DD Form 2753) annually until their service requirement is completed in full. Through a cooperative agreement, the

Institute of International Education acts as the administrative agent for these scholarship, fellowship, and grant programs and certifies the information provided on the two forms. The information is used to monitor the progress of award recipients as they fulfill their service obligation, namely, to work in positions related to national security.

Dated: May 24, 2018.

**Shelly E. Finke,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 2018-11602 Filed 5-30-18; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF EDUCATION**

[Docket No.: ED-2018-ICCD-0030]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Expanding Opportunity Through Quality Charter Schools Program: Technical Assistance To Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices**

**AGENCY:** Department of Education (ED), Office of Innovation and Improvement (OII).

**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 July 2, 2018.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2018-ICCD-0030. 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 Patricia Kilby-Robb, 202-260-2225.

**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:* Expanding Opportunity through Quality Charter Schools Program: Technical Assistance to Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices.

*OMB Control Number:* 1855-0016.

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

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

*Total Estimated Number of Annual Responses:* 102.

*Total Estimated Number of Annual Burden Hours:* 136.

*Abstract:* This request is for an extension of OMB approval to collect data for the Expanding Opportunity through Quality Charter Schools Program: Technical Assistance to Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices formerly titled Charter Schools Program (CSP) Grant Awards Database. This current data collection is being coordinated with the EDFacts Initiative to reduce respondent burden and fully utilize data submitted by States and

available to the U.S. Department of Education (ED). Specifically, under the current data collection, ED collects CSP grant award information from grantees (State agencies, charter management organizations, and some schools) to create a new database of current CSP-funded charter schools. Together, these data allow ED to monitor CSP grant performance and analyze data related to accountability for academic purposes, financial integrity, and program effectiveness.

Dated: May 25, 2018.

**Stephanie Valentine,**

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

[FR Doc. 2018-11734 Filed 5-30-18; 8:45 am]

**BILLING CODE 4000-01-P**

---

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho Cleanup Project. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, June 21, 2018, 8:00 a.m.–4:00 p.m.

The opportunities for public comment are at 10:30 a.m. and 2:00 p.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

**ADDRESSES:** Residence Inn Idaho Falls, 635 West Broadway, Idaho Falls, ID 83402.

**FOR FURTHER INFORMATION CONTACT:** Brad Bugger, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS-1203, Idaho Falls, Idaho 83415. Phone (208) 526-0833; or email: [buggerbp@id.doe.gov](mailto:buggerbp@id.doe.gov) or visit the Board's internet home page at: <https://energy.gov/em/icpcab/>.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting;

please contact Brad Bugger for the most current agenda):

- Introduction of New Board Members
- Recent Public Outreach
- Idaho Cleanup Project (ICP) Overview
- Update on Radioactive Waste Management Complex (RWMC) Cap Design
- Update on Accelerated Retrieval Project (ARP) V Drum Event
- Update on Integrated Waste Treatment Unit (IWU)
- History and Current Status of Test Area North (TAN) Cleanup
- Report on EM SSAB Chairs Meeting
- Board Discussion on Budget Recommendation

*Public Participation:* The EM SSAB, Idaho Cleanup Project, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Brad Bugger at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Brad Bugger at the address or telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Brad Bugger, Federal Coordinator, at the address and phone number listed above. Minutes will also be available at the following website: <https://energy.gov/em/icpcab/listings/cab-meetings>.

Issued at Washington, DC on May 25, 2018.

**Latanya Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018-11715 Filed 5-30-18; 8:45 am]

**BILLING CODE 6450-01-P**

---

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Paducah

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a meeting of the Environmental

Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, June 21, 2018, 6:00 p.m.

**ADDRESSES:** West Kentucky Community and Technical College, Emerging Technology Center, 5100 Alben Barkley Drive, Paducah, Kentucky 42001.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, (270) 441-6825.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management and related activities.

**Tentative Agenda**

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

*Public Participation:* The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term

stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

**Minutes:** Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following website: <https://www.energy.gov/pppo/pgdp-cab/listings/meeting-materials>.

Issued at Washington, DC, on May 24, 2018.

**Latanya Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018-11709 Filed 5-30-18; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### [Certification Notice—252]

#### Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of Filing.

**SUMMARY:** On April 25, 2018, Birdsboro Power LLC, as owner and operator of a new baseload electric generating powerplant, submitted a coal capability self-certification to the Department of Energy (DOE). The FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**.

**ADDRESSES:** Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE-20, Room 8G-024, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Christopher Lawrence at (202) 586-5260.

**SUPPLEMENTARY INFORMATION:** On April 25, 2018, Birdsboro Power LLC, as owner and operator of a new baseload electric generating powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. The FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**. 42 U.S.C. 8311(d)(1) and 10 CFR 501.61(c). Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload powerplant may be

constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to the FUA, in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary), prior to construction or prior to operation as a baseload powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new baseload electric generating powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

**Owner:** Birdsboro Power LLC  
**Capacity:** 525 megawatts (MW)  
**Plant Location:** Birdsboro, Berks County, PA

**In-Service Date:** Expected in approximately April 2019

Issued in Washington, DC, on May 24, 2018.

**Christopher Lawrence,**

*Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2018-11701 Filed 5-30-18; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP18-486-000]

#### Texas Eastern Transmission, LP, Transcontinental Gas Pipe Line Company, LLC, Northern Natural Gas Company; Notice of Application

Take notice that on May 18, 2018, Texas Eastern Transmission, LP (Texas Eastern), on behalf of itself, Transcontinental Gas Pipe Line Company, LLC and Northern Natural Gas Company (collectively, the Joint Owners), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP18-486-000, a joint application pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, to abandon a supply lateral and related facilities located in offshore federal waters in the Gulf of Mexico near Louisiana. Specifically, the Joint Owners propose to (i) abandon in place about 12.0 miles of a 16-inch diameter offshore supply lateral, designated as

Line 41-A-8; (ii) abandon receipt point numbers 73674 and 71710; and (iii) abandon by removal all related appurtenant facilities. The Joint Owners state that the facilities proposed for abandonment are not required to meet current firm service obligations, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this Application should be directed to Lisa A. Connolly, Director, Rates & Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251, or telephone (713) 627-4102, or fax (713) 627-5947 or by email [lisa.connolly@enbridge.com](mailto:lisa.connolly@enbridge.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of



all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern Time on June 14, 2018.

Dated: May 24, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018-11638 Filed 5-30-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP18-18-000]

#### Notice of Schedule for Environmental Review of the Gateway Expansion Project; Transcontinental Gas Pipe Line Company, L.L.C.

On November 15, 2017, Transcontinental Gas Pipe Line Company, L.L.C. (Transco) filed an application in Docket No. CP18-18-000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Gateway Expansion Project (Project), and it would increase the firm transportation capacity of Transco's existing pipeline system by 65,000 dekatherms per day and enable Transco to provide customers with an incremental service of natural gas during high demand periods.

On November 30, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

#### Schedule for Environmental Review

Issuance of EA, July 17, 2018.

90-day Federal Authorization Decision Deadline, October 15, 2018.

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

#### Project Description

Transco's Project would require modifications at the existing facilities in the following counties of New Jersey:

*Essex County*

Compressor Station 303

- Expansion of the building and installation of a 33,000 horsepower electric-motor driven compression unit and ancillary equipment; and
- extension of security fencing and access to new equipment.

Roseland Meter and Regulator

- Installation of a 36-inch Main Line block valve with automation controls.

Roseland Electric Substation

- Installation of an electric transformer unit.

*Passaic County*

Paterson Meter and Regulator

- Replacing the existing 12-inch headers with two new 6-inch ultrasonic meter skids and associated equipment; and
- installation of ancillary equipment.

#### Background

On January 2, 2018, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Gateway Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners within 0.5 mile of the existing facilities; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from the New Jersey Department of Environmental Protection, Sierra Club, two local community groups (350 Rockland, Roseland Against the Compressor Station), and several individual stakeholder comments. The primary issues raised by the commenters are concerns over health impacts from compressor station emissions; safety concerns including leaks, rupture, and emergency responder training; concerns that the Project would result in contaminant impacts on the nearby wetlands, wildlife, and soils; as well as concerns on cumulative impacts. All substantive comments will be addressed in the EA.

#### Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with



notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website ([www.ferc.gov](http://www.ferc.gov)). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.*, CP18-18), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: May 24, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-11636 Filed 5-30-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP18-485-000]

#### Texas Eastern Transmission, LP, Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on May 17, 2018, Texas Eastern Transmission, LP on behalf of itself and Transcontinental Gas Pipe Line Company, LLC (collectively, the Majority Joint Owners); P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP18-485-000, a joint application, pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, to abandon a gathering lateral and related facilities located in offshore federal waters in the Gulf of Mexico near Louisiana. Specifically, the Majority Joint Owners propose to (i) abandon in place about 20.5 miles of a 12-inch diameter offshore gathering lateral, designated as Line 41-A-5-B; (ii) abandon the metering and regulating station number 72135, receipt point 73646, and delivery point 73702; and (iii) abandon by removal all related appurtenant facilities. The Majority Joint Owners state that the facilities proposed for abandonment are not required to meet current firm service obligations, all as more fully set forth in the application, which is on file with the Commission

and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this Application should be directed to Lisa A. Connolly, Director, Rates & Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251, or telephone (713) 627-4102, or fax (713) 627-5947 or by email [lisa.connolly@enbridge.com](mailto:lisa.connolly@enbridge.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* June 14, 2018.

Dated: May 24, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-11637 Filed 5-30-18; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Number:* PR18–50–000.

*Applicants:* Columbia Gas of Maryland, Inc.

*Description:* Tariff filing per 284.123(b),(e)/: CMD SOC Rates effective May 1 2018.

*Filed Date:* 5/18/18.

*Accession Number:* 201805185123.

*Comments/Protests Due:* 5 p.m. ET 6/8/18.

*Docket Number:* PR18–51–000.

*Applicants:* Columbia Gas of Ohio, Inc.

*Description:* Tariff filing per 284.123(b),(e)/: COH Rates effective May 1 2018.

*Filed Date:* 5/18/18.

*Accession Number:* 201805185125.

*Comments/Protests Due:* 5 p.m. ET 6/8/18.

*Docket Numbers:* RP18–833–000.

*Applicants:* Elba Express Company, L.L.C.

*Description:* Compliance filing Annual Cashout True-up 2018.

*Filed Date:* 5/23/18.

*Accession Number:* 20180523–5032.

*Comments Due:* 5 p.m. ET 6/4/18.

*Docket Numbers:* RP18–834–000.

*Applicants:* Tallgrass Interstate Gas Transmission, LLC.

*Description:* Penalty Charge Reconciliation Filing of Tallgrass Interstate Gas Transmission, LLC.

*Filed Date:* 5/22/18.

*Accession Number:* 20180522–5306.

*Comments Due:* 5 p.m. ET 6/4/18.

*Docket Numbers:* RP18–835–000.

*Applicants:* Sabal Trail Transmission, LLC.

*Description:* § 4(d) Rate Filing: Sabal Trail tariff modifications to be effective 6/22/2019.

*Filed Date:* 5/23/18.

*Accession Number:* 20180523–5117.

*Comments Due:* 5 p.m. ET 6/4/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern

time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–11685 Filed 5–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

**[Docket No. EL18–154–000]**

**New England Power Generators Association v. ISO New England Inc.; Notice of Complaint**

Take notice that on May 23, 2018, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, New England Power Generators Association (Complainant) filed a formal complaint against ISO New England Inc. (Respondent) alleging that Respondent decision to treat generators held for fuel security as price-takers in the capacity auction is unjust and unreasonable and unduly discriminatory, as more fully explained in the complaint.

New England Power Generators Association certifies that copies of the complaint were served on contacts for ISO New England Inc. as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on June 6, 2018.

Dated: May 24, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–11687 Filed 5–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER11–3460–011; ER10–1533–017; ER12–1301–009.

*Applicants:* Bayonne Energy Center, LLC, Macquarie Energy LLC, Zone J Tolling Co., LLC.

*Description:* Notice of Non-Material Change in Status of Bayonne Energy Center, LLC, et al.

*Filed Date:* 5/23/18.

*Accession Number:* 20180523–5209.

*Comments Due:* 5 p.m. ET 6/13/18.

*Docket Numbers:* ER16–120–007.

*Applicants:* New York Independent System Operator, Inc.

*Description:* Compliance filing: Compliance with April 2018 Order—RMR Generator Deactivation Process to be effective 7/23/2018.

*Filed Date:* 5/23/18.

*Accession Number:* 20180523–5128.

*Comments Due:* 5 p.m. ET 6/13/18.

*Docket Numbers:* ER18–1264–002.

*Applicants:* Westar Energy, Inc.  
*Description:* Tariff Amendment: Amendment to Filing & Renewed Request for Expedited Action to be effective 6/1/2018.

*Filed Date:* 5/23/18.

*Accession Number:* 20180523–5175.

*Comments Due:* 5 p.m. ET 5/29/18.

*Docket Numbers:* ER18–1674–000.

*Applicants:* Oklahoma Gas and Electric Company.

*Description:* Petition for Waiver and Request for Shortened Comment Period and Expedited Action of Oklahoma Gas and Electric Company.

*Filed Date:* 5/22/18.

*Accession Number:* 20180522–5301.

*Comments Due:* 5 p.m. ET 6/1/18.

*Docket Numbers:* ER18–1679–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original WMPA SA No. 5094; Queue No. AD1–048 to be effective 5/14/2018.

*Filed Date:* 5/23/18.

*Accession Number:* 20180523–5182.

*Comments Due:* 5 p.m. ET 6/13/18.

*Docket Numbers:* ER18–1680–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 3112R1 WAPA—UGP Marketing Meter Agent Agreement to be effective 5/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5010.

*Comments Due:* 5 p.m. ET 6/14/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018–11683 Filed 5–30–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18–230–003.

*Applicants:* Gilroy Energy Center, LLC.

*Description:* Compliance filing: Gilroy Compliance Filing—Part 1 to be effective 4/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5106.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–230–004.

*Applicants:* Gilroy Energy Center, LLC.

*Description:* Compliance filing: Gilroy Compliance Filing—Part 2 to be effective 4/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5107.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–240–003.

*Applicants:* Metcalf Energy Center, LLC.

*Description:* Compliance filing: Metcalf Compliance Filing Part 1 to be effective 4/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5114.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–240–004.

*Applicants:* Metcalf Energy Center, LLC.

*Description:* Compliance filing: Metcalf Compliance Filing Part 2 to be effective 4/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5115.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–1210–001.

*Applicants:* Southwestern Electric Power Company.

*Description:* Tariff Amendment: Revised and Restated Prescott PSA to be effective 1/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5046.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–1222–001.

*Applicants:* PSEG Energy Resources & Trade LLC.

*Description:* Tariff Amendment: Amendment to Filing in Docket No. ER18–1222–00 to be effective 12/31/9998.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5101.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–1402–001.

*Applicants:* KCP&L Greater Missouri Operations Company.

*Description:* Tariff Amendment: Amendment to 204 to be effective 6/1/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5156.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–1471–001.

*Applicants:* ACT Commodities, Inc.

*Description:* Tariff Amendment: Amended MBR Application to be effective 5/23/2018.

*Filed Date:* 5/22/18.

*Accession Number:* 20180522–5250.

*Comments Due:* 5 p.m. ET 6/12/18.

*Docket Numbers:* ER18–1681–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Cancellation: Notice of Cancellation of WMPA, SA No. 4515; Queue No. AB1–174 to be effective 6/26/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5044.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–1682–000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: Second Amended CLGIA & DSA RE Columbia Project SA Nos. 531–532 to be effective 7/24/2018.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5072.

*Comments Due:* 5 p.m. ET 6/14/18.

*Docket Numbers:* ER18–1683–000.

*Applicants:* Evergreen Community Power, LLC.

*Description:* Notice of cancellation of market based tariff, et al. of Evergreen Community Power, LLC.

*Filed Date:* 5/24/18.

*Accession Number:* 20180524–5149.

*Comments Due:* 5 p.m. ET 6/14/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 24, 2018.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2018-11684 Filed 5-30-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL18-153-000]

#### GlidePath Power Solutions LLC v. PJM Interconnection, L.L.C.; Notice of Complaint

Take notice that on May 22, 2018, pursuant to sections 206 and 306 of the Federal Power Act<sup>1</sup> and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,<sup>2</sup> GlidePath Power Solutions LLC (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (Respondent) alleging that the Respondent violated its Open Access Transmission Tariff in terminating an interconnection service request submitted on behalf of Complainant's affiliate, Energy Mountain LLC, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts list for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern Time on June 21, 2018.

Dated: May 24, 2018.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2018-11686 Filed 5-30-18; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2018-0010; FRL-9977-76]

### Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted emergency exemptions, and State agencies have declared crisis exemptions, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for the use of pesticides as listed in this notice. The exemptions were granted or declared during the period of October 1, 2017 to March 31, 2018 to control emergency pest outbreaks.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Goodis, Director Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [RDNRNotices@epa.gov](mailto:RDNRNotices@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the emergency exemption.

###### B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2018-0010, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

## II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18 (7 U.S.C. 136p), EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. "Quarantine" and "public health" exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses

<sup>1</sup> 16 U.S.C. 824e and 825e.

<sup>2</sup> 18 CFR 385.206

unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in “a reasonable certainty of no harm” to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the “reasonable certainty of no harm standard” of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document, EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the target pests, the crop or use for which the pesticide was authorized, number of acres that could potentially be treated under the authorization (if applicable), and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

### III. Emergency Exemptions

#### A. U.S. States and Territories

##### Alabama

Department of Agriculture and Industries

*Specific exemptions:* EPA authorized the use of the insecticide sulfoxaflor on a maximum of 45,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective April 1, 2018 to October 31, 2018.

EPA authorized the use of sulfoxaflor on a maximum of 75,000 acres of cotton to control tarnished plant bugs. Tolerances in connection with a previous action have been established in 40 CFR 180.668(a); Effective June 1, 2018 to October 31, 2018.

##### Arkansas

State Plant Board

*Specific exemptions:* EPA authorized the use of sulfoxaflor on a maximum of 50,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); March 16, 2018 to September 15, 2018.

EPA authorized the use of sulfoxaflor on a maximum of 420,000 acres of cotton to control tarnished plant bugs. Tolerances in connection with a previous action have been established in 40 CFR 180.668(a); Effective June 1, 2018 to October 31, 2018.

EPA authorized the use of the insecticide flupyradifurone on a

maximum of 200 acres of sweet sorghum (forage and syrup) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.679(b); Effective June 1, 2018 to November 15, 2018.

##### California

Department of Pesticide Regulation

*Quarantine exemptions:* EPA authorized the uses of the antibiotics streptomycin and oxytetracycline on a maximum of 23,000 acres of citrus to manage Huanglongbing (HLB), also called citrus greening disease, caused by the bacterium *Candidatus Liberibacter Asiaticus*. Time-limited tolerances in connection with these actions have been established at 40 CFR 180.337(b) (oxytetracycline) and 180.245(b) (streptomycin). Effective February 23, 2018 to February 23, 2019.

##### Colorado

Department of Agriculture

*Specific exemption:* EPA authorized the use of sulfoxaflor on a maximum of 500,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective March 14, 2018 to November 30, 2018.

##### Florida

Department of Agriculture and Consumer Services

*Specific exemptions:* EPA authorized the use of the insecticide clothianidin on a maximum of 125,376 acres of immature (3 to 5 years old) citrus trees to manage the transmission of Huanglongbing (HLB) disease vectored by the Asian citrus psyllid. A time-limited tolerance in connection with this action was established in 40 CFR 180.668(b); Effective January 1, 2018 to October 31, 2018.

EPA authorized the use of streptomycin and oxytetracycline on a maximum of 330,254 acres of citrus to manage HLB or citrus greening disease caused by the bacteria, *Candidatus Liberibacter Asiaticus*. Time-limited tolerances in connection with these actions have been established at 40 CFR 180.337(b) (oxytetracycline) and 180.245(b) (streptomycin). Effective January 17, 2018 to December 31, 2018.

EPA authorized the use of the insecticide tolfenpyrad on a maximum of 51,600 acres of fruiting vegetables to control various thrips. A time-limited tolerance in connection with this action has been established in 40 CFR 180.675(b); Effective March 1, 2018 to March 1, 2019.

##### Georgia

Department of Agriculture

*Specific exemption:* EPA authorized the use of sulfoxaflor on a maximum of 50,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective May 1, 2018 to December 1, 2018.

##### Idaho

Department of Agriculture

*Specific exemption:* EPA authorized the use of the herbicide pyridate on a maximum of 9,500 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Amaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). June 20, 2018 to August 10, 2018.

##### Kansas

Department of Agriculture

*Specific exemption:* EPA authorized the use of sulfoxaflor on a maximum of 2,850,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective March 14, 2018 to November 30, 2018.

##### Louisiana

Department of Agriculture

*Specific exemptions:* EPA authorized the use of sulfoxaflor on a maximum of 180,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective April 1, 2018 to October 31, 2018.

##### Mississippi

Department of Agriculture and Commerce

*Specific exemptions:* EPA authorized the use of sulfoxaflor on a maximum of 115,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective May 1, 2018 to October 31, 2018.

EPA authorized the use of sulfoxaflor on a maximum of 750,000 acres of cotton to control tarnished plant bugs. Tolerances in connection with a previous action have been established in 40 CFR 180.668(a); Effective June 1, 2018 to October 31, 2018.

## Missouri

## Department of Agriculture

*Specific exemptions:* EPA authorized the use of sulfoxaflor on a maximum of 85,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective March 30, 2018 to November 30, 2018.

EPA authorized the use of sulfoxaflor on a maximum of 241,500 acres of cotton to control tarnished plant bugs. Tolerances in connection with a previous action have been established in 40 CFR 180.668(a); Effective June 1, 2018 to October 31, 2018.

## New Jersey

## Department of Environmental Protection

*Specific exemption:* EPA authorized the use of dinotefuran on a maximum of 8,100 acres of pome and stone fruit to control the brown marmorated stink bug. A time-limited tolerance in connection with this action has been established in 40 CFR 180.603(b). Effective October 16, 2017 to October 31, 2017.

## North Carolina

## Department of Agriculture and Consumer Services

*Specific exemptions:* EPA authorized the use of the fungicide thiabendazole for postharvest use on 95,000 acres of sweet potatoes to control black rot disease. A time-limited tolerance in connection with this action has been established in 40 CFR 180.680(b); Effective March 12, 2018 to March 12, 2019.

EPA authorized the use of sulfoxaflor on a maximum of 50,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective March 14, 2018 to November 30, 2018.

## Oregon

## Department of Agriculture

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 5,200 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Amaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). Effective June 20, 2018 to August 10, 2018.

## Pennsylvania

## Department of Agriculture

*Specific exemption:* EPA authorized the use of the insecticide etofenprox for use in mushroom cultivation on up to 16 million square feet (equivalent to 2,000 mushroom houses) to control Sciarid and Phorid fly species. Tolerances in connection with a previous action have been established in 40 CFR 180.620(a), to cover any residues as a result of this emergency exemption use; Effective December 20, 2017 to December 20, 2018.

## Puerto Rico

## Department of Health

*Crisis exemption:* On October 8, 2017 the Puerto Rico Department of Health declared a crisis exemption for use of sodium dichloroisocyanurate for treatment by the general public of drinking water to control microbes. The use season is expected to last year-round and a public health exemption request was also submitted, allowing the use to continue until EPA's decision on the request.

*Public health exemption:* EPA authorized the use of sodium dichloroisocyanurate for treatment by the general public of drinking water to control microbes. Effective January 2, 2018 to January 2, 2019.

## Tennessee

## Department of Agriculture

*Specific exemption:* EPA authorized the use of sulfoxaflor on a maximum of 285,000 acres of cotton to control tarnished plant bugs. Tolerances in connection with a previous action have been established in 40 CFR 180.668(a); Effective June 1, 2018 to September 30, 2018.

EPA authorized the use of flupyradifurone on a maximum of 750 acres of sweet sorghum (forage and syrup) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.679(b). Effective June 1, 2018 to November 15, 2018.

## Texas

## Department of Agriculture

*Specific exemptions:* EPA authorized the use of tolfenpyrad on a maximum of 10,000 acres of dry bulb onions to control thrips (*Thrips tabaci*). A time-limited tolerance in connection with this action has been established in 40 CFR 180.675(b). Effective January 11, 2018 to July 10, 2018.

EPA authorized the use of sulfoxaflor on a maximum of 5,500,000 acres of cotton to control tarnished plant bugs.

Tolerances in connection with a previous action have been established in 40 CFR 180.668(a). Effective March 1, 2018 to October 31, 2018.

EPA authorized the use of sulfoxaflor on a maximum of 3,000,000 acres of sorghum (grain and forage) to control sugarcane aphid. A time-limited tolerance in connection with this action has been established in 40 CFR 180.668(b); Effective April 1, 2018 to November 30, 2018.

## Washington

## Department of Agriculture

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 16,000 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Amaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). Effective May 21, 2018 to August 31, 2018.

## Wyoming

## Department of Agriculture

*Specific exemption:* EPA authorized the use of the herbicide indaziflam on a maximum of 300,000 acres of rangeland, pastures, and Conservation Reserve Program to control medusahead and ventenata. Time-limited tolerances in connection with this action will be established in 40 CFR 180.653(b). Effective September 14, 2017 to September 14, 2018.

*B. Federal Departments and Agencies*

EPA did not authorize any emergency exemptions to any Federal agencies during the time period of October 1, 2017 to March 31, 2018.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: May 21, 2018.

**Michael L. Goodis,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 2018-11751 Filed 5-30-18; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9978-52-Region 9]**

**Public Water System Supervision Program; Supplemental Primary Enforcement Responsibility Approval for the Navajo Nation**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification of tentative approval.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (“EPA”) has determined that the Navajo Nation meets the requirements under Section 1451 of the Safe Drinking Water Act (“SDWA”) and the corresponding regulations for the purpose of the Navajo Nation being eligible to administer its previously approved Public Water System Supervision (“PWSS”) Program under the SDWA in an additional area of the Navajo Reservation and for additional public water systems on tribal trust land in the Eastern Navajo Agency. Notice is also hereby given that the EPA has determined that the Navajo Nation has met the requirements under the SDWA regulations for primary enforcement responsibility (“primacy”) and therefore intends to approve the Navajo Nation’s revision to its PWSS Program to include the new area and water systems.

**DATES:** Requests for a public hearing must be received on or before June 25, 2018.

**ADDRESSES:** Information relating to EPA’s tribal eligibility and primacy determinations are available for inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except official Federal and Navajo holidays, at the following offices: Navajo Nation Environmental Protection Agency, PWSS Program, Old Museum Building (Building W008–042 on the Fair Grounds), P.O. Box 339, Window Rock, Arizona 86515; and EPA, Region 9, Water Division, Drinking Water Management Section (WTR–3–1), 75 Hawthorne Street, San Francisco, California 94105.

**FOR FURTHER INFORMATION CONTACT:** Bessie Lee, EPA Region 9, Water Division, Drinking Water Management Section, at the address given above; telephone number (415) 972–3776; email address: [lee.bessie@epa.gov](mailto:lee.bessie@epa.gov).

**SUPPLEMENTARY INFORMATION:**  
*Background.* On October 23, 2000, EPA first determined that the Navajo Nation had satisfied the requirements of Section 1451 of the SDWA, 42 U.S.C. 300j–11, and EPA’s regulations, 40 CFR 142.72 through 142.78, and was therefore eligible to obtain primacy for its PWSS Program under Section 1413 of the SDWA, 42 U.S.C. 300g–2, and EPA’s regulations, 40 CFR 142.10 and 142.11, for (a) all public water systems within the boundaries of the formal Navajo Reservation (except for the systems located in the former Bennett Freeze area and a small number of other public water systems expressly excluded from the eligibility determination), (b) all public water systems within the three formal Satellite

Navajo Reservations of Alamo, Canoncito, and Ramah, and (c) specific identified public water systems on tribal trust land in the Eastern Navajo Agency. The Navajo Nation had omitted the former Bennett Freeze area from its initial PWSS Program application due to ongoing litigation with the Hopi Tribe regarding jurisdictional control of the area. That litigation was resolved in *Honyoama v. Shirley*, No. 2:74–CIV–842 (D. Ariz.) (Order and final judgment, December 4, 2006, approving and incorporating the terms of the Navajo Nation–Hopi Tribe Intergovernmental Compact and establishing that the former Bennett Freeze lands are within the exterior boundaries of the Navajo Nation Reservation).

On December 4, 2014, the Navajo Nation applied to supplement its approved PWSS Program to cover the additional area within the Western Navajo Agency of the Navajo Reservation (which covers the former Bennett Freeze lands) and two water systems located on tribal trust land within the Eastern Navajo Agency that had been excluded from the original primacy eligibility determination (namely, the Standing Rock Community School–BIA and the Thoreau High School water systems). The Navajo Nation later requested that EPA not make any determination in regard to the Cameron Trading Post water system, which is located on nonmember fee land within the Western Navajo Agency, and therefore EPA’s determinations do not include this system.

On March 22, 2018, as outlined in its decision document, EPA determined that the Navajo Nation meets the following requirements of Section 1451 of SDWA and 40 CFR 142.72 and 142.76 for purposes of eligibility to administer supplemental primacy for the additional area and water systems:

(a) The Indian Tribe is recognized by the Secretary of the Interior.

(b) The Indian Tribe has a tribal governing body which is currently “carrying out substantial governmental duties and powers” over a defined area (*i.e.*, is currently performing governmental functions to promote the health, safety, and welfare of the affected population within a defined geographic area).

(c) The Indian Tribe demonstrates that the functions to be performed in regulating the public water systems that the applicant intends to regulate are within the area of the Indian Tribal government’s jurisdiction.

(d) The Indian Tribe is reasonably expected to be capable, in the Administrator’s judgment, of administering (in a manner consistent

with the terms and purposes of the Act and all applicable regulations) an effective Public Water System program.

On May 31, 2018, EPA also determined that the Tribe meets the requirements for primacy under the Section 1413 of SDWA and 40 CFR part 142, subpart B, for the additional area and systems. In its original approval of the Navajo Nation’s primacy program, EPA had determined that the PWSS Program met all of the requirements of 40 CFR 142.10 and 142.11 for primacy for public water systems within the Navajo Nation Reservation. Therefore, EPA has determined that the Navajo Nation’s previously approved PWSS Program meets the requirements for primacy under 40 CFR 142.10 and 142.11 with respect to the new area and water systems. Upon the effective date of the primacy approval, the Navajo Nation will have 12 additional public water systems subject to its jurisdiction.

In sum, EPA has concluded that:

1. The Navajo Nation meets the requirements of Section 1451 of SDWA and 40 CFR 142.72 through 142.78 and is therefore eligible for primacy for the additional area and water systems included in EPA’s determinations, and
2. The Navajo Nation meets all of the primacy requirements of 40 CFR 142.10 and 142.11 with respect to the additional areas and water systems included in EPA’s determinations.

*Public Process.* Under 40 CFR 142.13, any interested person, other than a federal agency, may request a public hearing on these determinations. A request for a public hearing must be submitted by June 25, 2018, to the Regional Administrator at the EPA Region 9 address shown above. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a valid request for a public hearing is made by June 25, 2018, EPA Region 9 will hold a public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

2. A brief statement of the requesting person’s interest in the Regional Administrator’s determinations and a brief statement of the information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Under 40 CFR 142.13(g), if EPA Region 9 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not



elect to hold a hearing on his or her own motion, these determinations shall become final and effective on June 25, 2018, and no further public notice will be issued. EPA Region 9 will provide public notice of any public hearing held pursuant to a request submitted by an interested person or on EPA's own motion. If a public hearing is held, EPA Region 9 will issue an order either affirming or rescinding the determination. If EPA Region 9 affirms the determination, it will become effective as of the date of the order. 40 CFR 142.13(f).

**Authority:** Sections 1413 and 1451 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300g-2 and 311j-11; and 40 CFR 142.10, 142.11, 142.13, and 142.72 through 142.78

Dated: May 16, 2018.

**Deborah Jordan,**

Acting Regional Administrator, EPA, Region 9.

[FR Doc. 2018-11320 Filed 5-30-18; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2007-1182 and EPA-HQ-OAR-2007-1184; FRL9978-86-OAR]

**Proposed Information Collection Request; Comment Request on Two Proposed Information Collection Requests**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit the two information collection requests (ICRs) listed in this notice to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collections as described below. This is a proposed extension of the two ICRs, which are

currently approved through July 31, 2018 and August 31, 2018, as specified for each item in the text below. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before July 30, 2018.

**ADDRESSES:** Submit your comments, referencing the Docket ID Numbers specified under each item below, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nydia Y. Reyes-Morales, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Mail Code 6405A, Washington, DC 20460; telephone number: 202-343-9264; email address: [reyes-morales.nydia@epa.gov](mailto:reyes-morales.nydia@epa.gov).

**SUPPLEMENTARY INFORMATION:** Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act, EPA is soliciting comments and information to

enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**ICR #1: "Emissions Certification and Compliance Requirements for Nonroad Compression-ignition Engines and On-highway Heavy Duty Engines (Revision to an existing package)," (EPA ICR No. 1684.20, OMB Control No. 2060-0287)**

Docket ID Number: EPA-HQ-OAR-2007-1182

**Abstract:** For this ICR, EPA is seeking a revision to an existing package with a three-year extension. The previous ICR 1684.18 covers certification and compliance requirements for the following industries: Nonroad (NR) compression-ignition (CI) engines and equipment, marine CI engines in Categories 1 and 2; and heavy-duty (HD) engines. In this revision, we are incorporating the following ICRs into ICR 1684.20, either in whole or in part as shown in Table 1, to eliminate redundancy and avoid duplication.

TABLE 1—LIST OF ICRs CONSOLIDATED INTO ICR 1684.20

ICR information	Industries covered	Reason for consolidation	Consolidated portion
Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder, EPA No. 2345.03; OMB No. 2060-0641; expiring March 31, 2020.	Category 3 Marine Engines .....	Categories 1 & 2 are already included in 1684.	Incorporated in its entirety.
Engine Emission Defect Information Reports and Voluntary Emission Recall Reports, EPA No. 0282.17; OMB No. 2060-0048; expiring on November 30, 2020.	All heavy-duty, spark ignition and compression ignition engines.	Defect reporting stems from certification; same respondents as 1684.	Portion related to HD and NR compression ignition industries only.
Emissions Certification and Compliance Requirements for Locomotives and Locomotive Engines, EPA No. 1800.07; OMB No. 2060-0392; expiring July 31, 2018 (in process).	Locomotives, locomotive engines and remanufacturing kits.	Same programs as those already included in 1684. Some of the same respondents.	Incorporated in its entirety.



TABLE 1—LIST OF ICRs CONSOLIDATED INTO ICR 1684.20—Continued

ICR information	Industries covered	Reason for consolidation	Consolidated portion
Certification and Compliance Requirements for Medium- and Heavy-Duty Engines and Vehicles, EPA No. 2394.03; OMB No. 2060-0678; expiring on April 30, 2018 (in process).	Medium-heavy duty engines and vehicles.	Certification programs for HD engines already in 1684. Some of the same respondents.	Incorporated in its entirety.

With this consolidation, we are combining all certification and compliance burden associated with the heavy-duty and nonroad compression-ignition engine, equipment and vehicle industries under a single ICR. Under the locomotive and marine CI Category 3 ICRs, manufacturers submit certification applications and compliance data in the same manner (and responding to very similar requirements) as described in ICR 1684. In fact, ICR 1684 already covers Marine CI Categories 1 and 2 engines. ICR 2394.03 covers the incremental burden associated with adding greenhouse gas and fuel economy data to a previously existing certification application process covered under ICR 1684. The Defects and Recalls ICR covers the defect reporting and voluntary recalls for HD, CI and spark-ignition engines; a process that stems from the certification requirements covered in ICR 1684. Many companies respond to two or more of these collections.

Title II of the Clean Air Act, (42 U.S.C. 7521 *et seq.*; CAA), charges the Environmental Protection Agency (EPA) with issuing certificates of conformity for those engines and vehicles that comply with applicable emission requirements. Such a certificate must be issued before those products may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production, detailed descriptions of emission control systems and test data. This information is organized by “families,” groups of engines/vehicles

expected to have similar emission characteristics.

The emission values achieved during certification testing may also be used in the Averaging, Banking, and Trading (ABT) Program. The program allows engine manufacturers to bank credits for engine families that emit below the standard and use the credits to certify engine families that emit above the standard. They may also trade banked credits with other manufacturers. Participation in the ABT program is voluntary.

The CAA also mandates EPA to verify that manufacturers have successfully translated their certified prototypes into mass produced engines; and that these engines comply with emission standards throughout their useful lives. EPA verifies this through ‘Compliance Programs’ which include Production Line Testing (PLT), In-use Testing and Selective Enforcement Audits, (SEAs). Not all programs apply to all industries included in this ICR. PLT, which only applies to marine engines, is a self-audit program that allows engine manufacturers to monitor their products’ emissions profile with statistical certainty and minimize the cost of correcting errors through early detection. In-use testing allows manufacturers and EPA to verify compliance with emission standards throughout an engine family’s useful life. Through SEAs, EPA verifies that test data submitted by engine manufacturers is reliable and testing is performed according to EPA regulations.

Under the Transition Program for Equipment Manufacturers (TPEM), NRCI equipment manufacturers may

delay compliance with Tier 4 standards for up to seven years as long as they comply with certain limitations. The program seeks to ease the impact of new emission standards on equipment manufacturers as they often need to redesign their products to accommodate changes in engine design. Participation in the program is voluntary.

There are varying recordkeeping and labeling requirements under all programs.

The information requested is collected by the Compliance Division (CD), Office of Transportation and Air Quality, Office of Air and Radiation, EPA. CD uses this information to issue certificates of conformity and ensure that manufacturers comply with applicable regulations and the CAA. Some HD data is also used by the National Highway Traffic Safety Administration (NHTSA) to implement their programs under 49 U.S.C. 32902. EPA’s and NHTSA’s Office of Enforcement and Compliance Assurance and the Department of Justice may use the information for enforcement purposes. Most of the information is collected in electronic format and stored in CD’s databases.

Manufacturers may assert a claim of confidentiality over information provided to EPA. Confidentiality is granted in accordance with the Freedom of Information Act and EPA regulations at 40 CFR part 2. Non-confidential information may be disclosed on OIAQ’s website or upon request under the Freedom of Information Act to trade associations, environmental groups, and the public.

*Form Numbers:* See Table 2.

TABLE 2—FORMS RELATED TO ICR 1684.20

Form	No.
HD/NR Engine Manufacturer Annual Production Report .....	5900–90.
AB&T Report for Nonroad Compression Ignition Engines .....	5900–125.
AB&T Report for Heavy-duty On-highway Engines .....	5900–134.
AB&T Report for Locomotives .....	5900–274.
AB&T Report for Marine Compression-ignition Engines .....	5900–125.
PLT Report for Marine CI CumSum .....	5900–297.
PLT Report for Marine CI Non-CumSum .....	5900–298.
PLT Report for Locomotives .....	5900–135.
Locomotive Installation Audit Report .....	5900–273.
In-use Testing for Locomotives .....	5900–93.
In-use Testing for Non-Road Engines .....	5900–93.
Replacement Engine Exemption Report .....	6900–5414.
TPEM Equipment Manufacturer Notification .....	5900–242.

TABLE 2—FORMS RELATED TO ICR 1684.20—Continued

Form	No.
TPEM Equipment Manufacturer Report .....	5900–240.
TPEM Engine Manufacturer Report .....	5900–241.
TPEM Importers Notification .....	In process.
TPEM Importers Annual Report .....	In process.
TPEM Bond Worksheet .....	5900–239.
TPEM Hardship Relief Application Questionnaire .....	5900–465.
TPEM Hardship Relief Prescreening Questionnaire .....	6900–02.

*Respondents/affected entities:* Entities potentially affected by this action are manufacturers of engines, equipment and vehicles in the nonroad compression ignition (CI), marine CI, locomotives and medium- and heavy-duty on-highway industries. There are some requirements for marine CI vessel owners and operators and owners of HD truck fleets.

*Respondent’s obligation to respond:* Regulated manufacturers must respond to this collection if they wish to sell their products in the U.S., as prescribed by Section 206(a) of the CAA (42 U.S.C. 7521). Participation in some programs such as ABT and TPEM is voluntary, but once a manufacturer has elected to participate, it must submit the required information.

*Estimated number of respondents:* 2,823 (total).

*Frequency of response:* Quarterly, Annually, On Occasion, depending on the type of response.

*Total estimated burden:* 167,333 hours per year. Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$31,192,402 (per year), includes an estimated \$18,976,585 annualized capital or maintenance and operational costs.

*Changes in the Estimates:* Despite the consolidation of 4 other ICRs into this collection, there is a preliminary decrease of 33,701 hours in the total estimated burden for ICR 1684.20 from the burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is mainly due to (1) the end of most of TPEM and a sharp decrease in participants in the last years of the program; (2) a net decrease in the number of engine families in some industries/programs; and (3) respondents’ heavy reliance on carry-over testing data. These estimates are subject to change as EPA evaluates additional information. The ICRs incorporated into this ICR will be discontinued or reduced after ICR 1684.20 is approved, significantly reducing the overall burden for these industries in OMB’s Inventory of Approved Collections.

**ICR #2: “Emissions Certification and Compliance Requirements for Locomotives and Locomotive Engines (Renewal),” (EPA ICR No. 1800.08, OMB Control No. 2060–0392)**

*Docket ID Number:* EPA–HQ–OAR–2007–1184

*Abstract:* For this ICR, EPA is seeking a revision to an existing package with a three-year extension or until ICR 1684.20 is approved, whichever comes first. Since this ICR’s burden is being consolidated into ICR 1684.20 (see previous ICR in this notice), this collection will be discontinued upon ICR 1684.20’s approval to avoid duplication.

Title II of the Clean Air Act, (42 U.S.C. 7521 *et seq.*; CAA), charges the Environmental Protection Agency (EPA) with issuing certificates of conformity for those engines that comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. Under this ICR, EPA collects information necessary to issue certificates of compliance with emission standards and verify compliance with various programs and regulatory provisions pertaining to locomotives, locomotive engines, and locomotive remanufacturing kits (collectively referred to here as “engines” for simplicity). To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production engines, including detailed descriptions of emission control systems and test data. This information is organized by “engine family” groups expected to have similar emission characteristics. Those manufacturers electing to participate in the Averaging, Banking and Trading (AB&T) Program are also required to submit information regarding the calculation, actual generation and usage of credits.

The Act also mandates EPA to verify that manufacturers have successfully translated their certified prototypes into mass produced engines, and that these engines comply with emission standards throughout their useful lives. Under the Production Line Testing

Program (“PLT Program”), manufacturers are required to test a sample of engines as they leave the assembly line. This self-audit program allows manufacturers to monitor compliance with statistical certainty and minimize the cost of correcting errors through early detection. A similar audit program exists for the installation of locomotive remanufacturing kits. In-use testing allows manufacturers and EPA to verify compliance with emission standards throughout the locomotive’s useful life. Through Selected Enforcement Audits, (SEAs), EPA verifies that test data submitted by engine manufacturers is reliable and testing is performed according to EPA regulations.

There are varying recordkeeping and labeling requirements under all programs.

The information requested is collected by the Compliance Division (CD), Office of Transportation and Air Quality, Office of Air and Radiation; and processed by the Diesel Engine Compliance Center (DECC). DECC uses this information to issue certificates of conformity and ensure compliance with applicable regulations and the CAA. The information may also be used by EPA’s Office of Enforcement and Compliance Assurance and the Department of Justice for enforcement purposes. Most of the information is collected in electronic format and stored in CD’s databases.

Manufacturers may assert a claim of confidentiality over information provided to EPA. Confidentiality is granted in accordance with the Freedom of Information Act and EPA regulations at 40 CFR part 2. Non-confidential information may be disclosed on OTAQ’s website or upon request under the Freedom of Information Act to trade associations, environmental groups, and the public.

*Form Numbers:* 5900–274 (ABT Report); 5900–135 (PLT Report), 5900–273 (Installation Audit Report), 5900–90 (Annual Production Report); and 5900–93 (In-use Testing Report).

*Respondents/affected entities:* Respondents are manufacturers of

locomotives, locomotive engines and locomotive remanufacturing kits.

*Respondent's obligation to respond:* Regulated manufacturers must respond to this collection if they wish to sell their products in the U.S., as prescribed by Section 206(a) of the CAA (42 U.S.C. 7521). Participation in ABT is voluntary, but once a manufacturer has elected to participate, it must submit the required information.

*Estimated number of respondents:* 16 (total).

*Frequency of response:* Quarterly, Annually, On Occasion, depending on the program.

*Total estimated burden:* 21,544 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$2,862,117 (per year), includes \$1,303,236 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* To date, there are no changes in the total estimated respondent burden compared with the ICR currently approved by OMB. However, EPA is evaluating information that may lead to a change in the estimates.

Dated: May 24, 2018.

**Byron J. Bunker,**

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2018-11756 Filed 5-30-18; 8:45 am]

BILLING CODE 6560-50-P

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the cancellations and amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 and Table 2 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows an March 6, 2018 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel and amend to terminate uses of these product registrations. In the March 6, 2018 notice, EPA indicated that it would issue an order implementing the cancellations and amendments to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency received 5 anonymous public comments on the notice but none merited its further review of the requests. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations and amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The cancellations and amendments are effective May 31, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (703) 347-0367; email address: [green.christopher@epa.gov](mailto:green.christopher@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2018-0014, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg, Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**II. What action is the Agency taking?**

This notice announces the cancellations and amendments to terminate uses, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a).

These registrations are listed in sequence by registration number in Tables 1 and 2 of this unit.

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2018-0014; FRL-9976-99]

**Product Cancellation Order for Certain Pesticide Registrations and Amendments To Terminate Uses**

**AGENCY:** Environmental Protection Agency (EPA).

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredient
100-774 .....	100	Exceed Herbicide .....	Primisulfuron-methyl & Prosulfuron.
100-907 .....	100	Discover Herbicide .....	Clodinafop-propargyl (CAS Reg. No.105512-06-9).
264-1144 .....	264	Serenade Biofungicide Wettable Powder.	QST 713 strain of <i>bacillus subtilis</i> .
264-1148 .....	264	Serenade .....	QST 713 strain of <i>bacillus subtilis</i> .
264-1149 .....	264	Serenade AS .....	QST 713 strain of <i>bacillus subtilis</i> .
264-1150 .....	264	Rhapsody AS .....	QST 713 strain of <i>bacillus subtilis</i> .
432-960 .....	432	Derringer F Herbicide .....	Glufosinate.
432-1559 .....	432	DuPont Tranxit Herbicide .....	Rimsulfuron.
432-1562 .....	432	Cimarron X-Tra Herbicide .....	Chlorsulfuron & Metsulfuron.
1448-353 .....	1448	Slimacide V-10 .....	Acetic acid, bromo-, 2-butene-1,4-diyl ester.
1448-374 .....	1448	BBAB .....	Acetic acid, bromo-, 2-butene-1,4-diyl ester.
2217-881 .....	2217	Gordon's Wasp & Hornet Spray ....	Piperonyl butoxide; Permethrin & Tetramethrin.
2596-156 .....	2596	Hartz Reference #124 .....	Pyriproxyfen & Phenothrin.
2596-159 .....	2596	Hartz Reference #127 .....	Pyriproxyfen; S-Methoprene & Phenothrin.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
2915–26 .....	2915	Scented Moth Block .....	Paradichlorobenzene.
5185–421 .....	5185	Spa Brom Tablets .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–433 .....	5185	Spa Brom Veriflo .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–452 .....	5185	BCDMH99N–M .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–454 .....	5185	BCDMH97NC–M .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–456 .....	5185	BCDMH96NCR–M .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–457 .....	5185	BCDMH94NCR–M .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–469 .....	5185	Home Care Drop In .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–480 .....	5185	Polaris Precis Spa Floater Cartridge.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
5185–490 .....	5185	Biolab BCDMH Granular .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
6836–109 .....	6836	Glychlor Powder .....	1,3-Dichloro-5,5-dimethylhydantoin.
6836–110 .....	6836	Bromchlor Powder .....	1,3-Dibromo-5,5-dimethylhydantoin & 2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
6836–118 .....	6836	Dantobrom P .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–120 .....	6836	Glybrom RW–90 .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
6836–121 .....	6836	Glybrom RW–92.5 .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
6836–122 .....	6836	Glybrom RW–93.5 .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
6836–196 .....	6836	Bio Guard Bromo Brix Spa Brominating Briquettes.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–197 .....	6836	Bioguard Brombrix Pool Brominating Briquettes.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–242 .....	6836	Kem Tek Spa Kem Brominating Tablets.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–243 .....	6836	Kem Tek Spa Kem Bromi-Buoy ....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–265 .....	6836	Dantobrom TBS–2.5 .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–272 .....	6836	Dantobrom TBS–4A .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–273 .....	6836	Dantobrom TBS–5A .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–282 .....	6836	Dantobrom PG Briquettes .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–291 .....	6836	Dantochlor TBS–6 .....	1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–299 .....	6836	Dantobrom TBS–7 .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–300 .....	6836	Dantobrom TBS–6 .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-; 1,3-Dichloro-5,5-dimethylhydantoin & 1,3-Dichloro-5-ethyl-5-methylhydantoin.
6836–312 .....	6836	Glybrom PG–100 Powder .....	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
6836–319 .....	6836	Glychlor PG–100 Powder .....	1,3-Dichloro-5,5-dimethylhydantoin.
7124–102 .....	7124	Maxibrom Slow Dissolving Brominating Tablets for Swimming Pools & Spas.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
7124–103 .....	7124	Maxibrom Slow Dissolving Brominating Tablets for Spas & Hot Tubs.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
7124–104 .....	7124	Hydrobrom 3 oz. Slow Dissolving Brominating Tablets for Swimming Pools.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-
7401–319 .....	7401	Ferti-Lome Quik-Kill Home & Garden Insect Spray.	Piperonyl butoxide & Pyrethrins.
7401–388 .....	7401	Hi-Yield Whitefly and Mealybug Killer.	Piperonyl butoxide & Pyrethrins.
9688–288 .....	9688	Chemsico Aerosol LEG .....	o-Phenylphenol (No inert use).
10163–345 .....	10163	T&O Fertilizer—Contains Gallery Plus Team.	Trifluralin; Benfluralin & Isoxaben.
10163–353 .....	10163	Turf Fertilizer—Contains Gallery Plus Team Pro.	Benfluralin; Trifluralin & Isoxaben.
10163–364 .....	10163	Showcase .....	Oxyfluorfen; Isoxaben & Trifluralin.
33595–9 .....	33595	Envicide II .....	Isopropyl alcohol; Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C <sub>12</sub> , 32%C <sub>14</sub> ).

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
62719–713 .....	62719	MON 89034 X TC1507 X MON 87411 X DAS–59122–7 Insect-Protected, Herbicide-Tolerant Corn.	dsRNA transcript comprising a DvSnf7 inverted repeat sequence derived from western corn rootworm ( <i>Diabrotica virgifera</i> ) and the genetic material necessary for its production MON 87411 corn; <i>Bacillus thuringiensis</i> Cry1A.105 protein and genetic material necessary (vector PV–ZMIR245) for its production in corn; <i>Bacillus thuringiensis</i> Cry2Ab2 protein and the genetic material necessary (vector PV–ZMIR245) for its production in corn; <i>Bacillus thuringiensis</i> Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn; <i>Bacillus thuringiensis</i> Cry3Bb1 protein and the genetic material necessary for its production (vector PV–ZMIR10871) in corn event MON 87411 & <i>Bacillus thuringiensis</i> Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary for their production in corn.
66330–41 .....	66330	Endorse Wettable Powder Fungicide.	Polyoxin D zinc salt.
66330–412 .....	66330	ARY 0411–0485 Tank Mix Herbicide.	Clethodim & Sodium bentazon.
66397–1 .....	66397	Aqua Basics Brominating Tablets ..	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
66397–2 .....	66397	Aqua Basics 3oz.-2" Brominating Tablets.	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
67360–7 .....	67360	Intercide ABF–2 RF501 .....	10,10'-Oxybisphenoxarsine.
67360–9 .....	67360	Intercide ABF–5 DIDP .....	10,10'-Oxybisphenoxarsine.
83979–7 .....	83979	Rotam Paraquat Concentrate .....	Paraquat dichloride.
87931–13 .....	87931	Raymat Pyriproxyfen Technical .....	Pyriproxyfen.
91640–1 .....	91640	2,4-D Technical .....	2,4-D.
AZ–070009 .....	10163	Nexter .....	Pyridaben.
CA–100006 .....	19713	Drexel Captan 4L Fungicide .....	Captan.
CA–110006 .....	100	Touchdown Total .....	Glyphosate.
CA–870029 .....	10163	Treflan TR–10 .....	Trifluralin.
CA–870071 .....	60244	Orthene 75 S Soluble Powder .....	Acephate.
CA–930008 .....	60217	Sprout NIP Emulsifiable Concentrate.	Chlorpropham.
CO–090007 .....	5481	Orthene Turf, Tree & Ornamental 97 Spray.	Acephate.
DE–140004 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
FL–140003 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
GA–140001 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
IN–140001 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
LA–120010 .....	100	Gramoxone SL 2.0 .....	Paraquat dichloride.
MD–140001 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
MI–120003 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
NC–140001 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
ND–050010 .....	10163	Sonalan 10G .....	Ethalfuralin.
ND–090004 .....	10163	Sonalan 10G .....	Ethalfuralin.
NV–130001 .....	10163	Onager 1E .....	Hexythiazox.
VA–140001 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
WA–010009 .....	34704	Saber Herbicide .....	2,4-D, dimethylamine salt.
WA–040027 .....	5481	Discipline 2EC .....	Bifenthrin.
WA–040030 .....	34704	Atrazine 4L .....	Atrazine.
WA–040034 .....	66222	Diazinon AG500 .....	Diazinon.
WA–050005 .....	5481	Discipline 2EC .....	Bifenthrin.
WA–090013 .....	34704	Curbit EC Herbicide .....	Ethalfuralin.
WA–900040 .....	34704	Clean Crop Simazine 4L Flowable Herbicide.	Simazine.
WA–980025 .....	34704	Clean Crop Supreme Oil .....	Mineral oil—includes paraffin oil from 063503.
WI–140002 .....	81880	Sandea Herbicide .....	Halosulfuron-methyl.
WY–070008 .....	10163	Onager Miticide .....	Hexythiazox.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
100–969 .....	100	Scholar Fungicide ...	Fludioxonil .....	Pre-harvest uses and associated pre-harvest label language for the following crops: Melons and the post-harvest uses for citrus, pineapple, pome, tuberous and corm vegetable subgroup 1C, stone fruit, sweet potatoes, tomato, tropical fruit, and true yam without prejudice.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES—Continued

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
100–1131 .....	100	Callisto Herbicide ....	Mesotrione .....	Tolerances for Grass, Seed screenings and grass, straw.
1839–18 .....	1839	BTC 776 Concentrated Germicide.	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ) & Dialkyl* methyl benzyl ammonium chloride *(60% C <sub>14</sub> , 30% C <sub>16</sub> , 5% C <sub>18</sub> , 5% C <sub>12</sub> ).	Turfs/Lawns.
1839–19 .....	1839	BTC 8249 .....	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ).	Turfs/Lawns.
1839–23 .....	1839	BTC 824 .....	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ).	Turfs/Lawns.
1839–33 .....	1839	BTC 8248 .....	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ).	Turfs/Lawns.
1839–46 .....	1839	BTC 2125M .....	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C <sub>12</sub> , 32%C <sub>14</sub> ).	Turfs/Lawns.
1839–54 .....	1839	BTC 2125M–80% ...	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C <sub>12</sub> , 32%C <sub>14</sub> ).	Turfs/Lawns.
1839–55 .....	1839	BTC 2125 M–P 40 ..	Alkyl* dimethyl benzyl ammonium chloride *(60%C <sub>14</sub> , 30%C <sub>16</sub> , 5%C <sub>18</sub> , 5%C <sub>12</sub> ) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C <sub>12</sub> , 32%C <sub>14</sub> ).	Turfs/Lawns.
1839–65 .....	1839	BTC 65 .....	Alkyl* dimethyl benzyl ammonium chloride *(67%C <sub>12</sub> , 25%C <sub>14</sub> , 7%C <sub>16</sub> , 1%C <sub>8</sub> , C <sub>10</sub> , and C <sub>18</sub> ).	Turfs/Lawns.
1839–68 .....	1839	BTC 8358 .....	Alkyl* dimethyl benzyl ammonium chloride *(50%C <sub>14</sub> , 40%C <sub>12</sub> , 10%C <sub>16</sub> ).	Turfs/Lawns.
1839–207 .....	1839	BTC 5814–80% .....	Alkyl* dimethyl benzyl ammonium chloride *(58%C <sub>14</sub> , 28%C <sub>16</sub> , 14%C <sub>12</sub> ).	Turfs/Lawns.
1839–228 .....	1839	BTC 451 P/S .....	Alkyl* dimethyl benzyl ammonium chloride *(50%C <sub>14</sub> , 40%C <sub>12</sub> , 10%C <sub>16</sub> ).	Turfs/Lawns.
53883–310 .....	53883	Quali-Pro Chlorothalonil 720 SFT.	Chlorothalonil .....	Apricot, cherry (sweet), cherry (tart), nectarine, peach, plum and prune.
53883–313 .....	53883	Quali-Pro Chlorothalonil DF.	Chlorothalonil .....	Apricot, cherry (sweet), cherry (tart), nectarine, peach, plum and prune.
62097–15 .....	62097	Uniconazole-P Technical.	Uniconazole P .....	Outdoor shade house and lath house.
62097–18 .....	62097	Concise .....	Uniconazole P .....	Outdoor shade house and lath house.
65217–1 .....	65217	Biobor JF .....	1,3,2-Dioxaborinane, 2,2'-((1-methyl-1,3-propanediyl)bis(oxy))bis(4-methyl- & 1,3,2-Dioxaborinane, 2,2'-oxybis(4,4,6-trimethyl-.	Wood preservative.
75499–19 .....	75499	Vitagib 40% Soluble Powder Plant Growth Regulator.	Gibberellic acid .....	Silage.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Table 1

and Table 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA

registration numbers of the products listed in Table 1 and Table 2 of this unit.

EPA company No.	Company name and address
100 .....	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
264 .....	Bayer CropScience, LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
432 .....	Bayer Environmental Science, A Division of Bayer CropScience, LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709.
1448 .....	Buckman Laboratories, Inc., 1256 North McLean Blvd., Memphis, TN 38108.
1839 .....	Stepan Company, 22 W. Frontage Rd., Northfield, IL 60093.
2217 .....	PBI-Gordon Corporation, 1217 West 12th Street, P.O. Box 014090, Kansas City, MI 64101–0090.

EPA company No.	Company name and address
2596 .....	The Hartz Mountain Corporation, 400 Plaza Drive, Secaucus, NJ 07094.
2915 .....	The Fuller Brush Company, 860 Kaiser Road, Suite D, Napa, CA 94558.
5185 .....	Bio-Lab, Inc., P.O. Box 300002, Lawrenceville, GA 30049-1002.
5481 .....	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660-1706.
6836 .....	Lonza, Inc., 90 Boroline Road, Allendale, NJ 07401.
7124 .....	Alden Leeds, Inc., 55 Jacobus Ave., South Kearny, NJ 07032.
7401 .....	Voluntary Purchasing Groups, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332.
9688 .....	Chemsico, A Division of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114-0642.
10163 .....	Gowan Company, P.O. Box 5569, Yuma, AZ 85366.
19713 .....	Drexel Chemical Company, P.O. Box 13327, Memphis, TN 38113-0327.
33595 .....	Plaze, Inc., 1000 Integram Drive, Pacific, MO 63069.
34704 .....	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632-1286.
53883 .....	Control Solutions, Inc., 5903 Genoa Red Bluff Road, Pasadena, TX 77507.
60217 .....	Easter Lily Research Foundation, (of the) Pacific Bulb Growers Assc., P.O. Box 907, Brookings, OR 97415.
60244 .....	Seminis Vegetable Seeds, 37437 State Highway 16, Woodland, CA 95695.
62097 .....	Fine Agrochemicals, Ltd., Agent Name: SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192.
62719 .....	Dow AgrosSciences, LLC, 9330 Zionsville Rd., 308/2E, Indianapolis, IN 46268-1054.
65217 .....	Hammonds Fuel Additives, Inc., Agent Name: Delta Analytical Corp., 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
66222 .....	Makhteshim Agan of North America, Inc., d/b/a ADAMA, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
66330 .....	Arysta LifeScience North America, LLC, 15401 Weston Parkway, Suite 150, Cary, NC 27513.
66397 .....	Mid-Continent Packaging, Inc., 1200 N 54th Street, Enid, OK 73701.
67360 .....	Polymer Additives, Inc., d/b/a Valtris Specialty Chemicals, Agent Name: Technology Sciences Group, Inc., 1150 18th St., NW, Suite 1000, Washington, DC 20036.
75499 .....	Plant Synergists, Inc., 4730 Kingussie Drive, Houston, TX 77084.
81880 .....	Canyon Group, LLC, c/o Gowan Company, 370 S. Main Street, Yuma, AZ 85364.
83979 .....	Rotam North America, Inc., Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
87931 .....	Raymat Materials, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332.
91640 .....	Genmerica NA, LLC, Agent Name: GHM Consulting, 1660 3rd Ave., SW, Le Mars, IA 51031.

### III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided EPA received 5 anonymous public comments. The Agency does not believe that the comments submitted during the comment period merits further review or the denial of the requests for the voluntary cancellations of products listed in Table 1 of Unit II or the requests for the amendments to terminate uses in Table 2 of Unit II.

### IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)(1)), EPA hereby approves the requested cancellations and amendments to terminate uses of the registrations identified in Tables 1 and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1 and 2 of Unit II are canceled and amended to terminate the affected uses. The effective date of the cancellations that are subject of this notice is May 31, 2018. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 and 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

### V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of March 6, 2018 (83 FR 9512) (FRL-9974-09). The comment period closed on April 5, 2018.

### VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

#### A. For Product 100-907

The registrant has requested to the Agency via letter dated November 10, 2017, a 12-month period (until November 30, 2018), to sell, distribute

or use existing stocks of the subject product.

For all other voluntary product cancellations identified in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Now that EPA has approved product labels reflecting the requested amendments to terminate uses for the products listed in Table 2 of Unit II, registrants are permitted to sell or distribute the products listed in Table 2 of Unit II, under the previously approved labeling until December 2, 2019, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until

supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: May 3, 2018.

**Delores Barber,**

*Director, Information Technology and Resources Management Division, Office of Pesticide Programs.*

[FR Doc. 2018–11731 Filed 5–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9978–74—Region 4]

### Public Water System Supervision Program Revision for the Commonwealth of Kentucky

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification of tentative approval.

**SUMMARY:** Notice is hereby given that the Commonwealth of Kentucky is revising its approved Public Water System Supervision Program. Kentucky has revised its drinking water regulation defining a public water system. EPA has determined that Kentucky's regulation is no less stringent than the corresponding federal regulation. Therefore, EPA is tentatively approving this revision to the Commonwealth of Kentucky's Public Water System Supervision Program.

**DATES:** Any interested person may request a public hearing. A request for a public hearing must be submitted by July 2, 2018, to the Regional Administrator at the EPA Region 4 street address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by July 2, 2018, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and applicable on July 2, 2018. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to

submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday, at the following locations: The 3rd Floor main office of the Division of Water, Kentucky Department for Environmental Protection, 300 Sower Boulevard, Frankfort, Kentucky 40601; and the 9th floor library of the U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:** Dale Froneberger, EPA Region 4, Drinking Water Section, by mail at the Atlanta street address given above, by telephone at (404) 562–9446, or by email at [froneberger.dale@epa.gov](mailto:froneberger.dale@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Commonwealth of Kentucky has submitted a request that EPA Region 4 approve a revision to the Commonwealth's Safe Drinking Act Public Water System Supervision Program to include changes to the Commonwealth's regulation defining a public water system. Kentucky's amended regulation incorporates the current federal regulation defining a public water system by reference. The Commonwealth's amended regulation was effective September 25, 2009. For the request to be approved, EPA must find the commonwealth definition of a public water system codified at Title 401 KAR 8:010, to be no less stringent than the federal definition of a public water system codified at 40 CFR part 141, subpart A. EPA reviewed the Commonwealth's request using the federal statutory provisions (Section 1413 of the Safe Drinking Water Act), federal regulations (at 40 CFR parts 141 and 142), commonwealth regulations, regulatory crosswalk, and EPA regulatory guidance to determine whether the request for revision is approvable. EPA determined that the Kentucky regulation is no less stringent than the corresponding federal regulation and is tentatively approving this revision. If EPA does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on his own motion, this approval shall become final and effective on July 2, 2018.

**Authority:** Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142.

Dated: May 15, 2018.

**Onis "Trey" Glenn, III,**

*Regional Administrator, Region 4.*

[FR Doc. 2018–11753 Filed 5–30–18; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1162]

### 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 of 1995 (PRA), 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.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before July 30, 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 Cathy Williams, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).



**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-1162.

*Title:* Closed Captioning of Video Programming Delivered Using Internet Protocol, and Apparatus Closed Caption Requirements.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or Household, Businesses or other for-profit, Not-for-profit institutions.

*Number of Respondents and Responses:* 1,172 respondents; 3,341 responses.

*Estimated Time per Response:* 0.084-10 hours.

*Frequency of Response:* One time and on occasion reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

*Obligation to Respond:* Mandatory; Required to obtain or retain benefits. The statutory authority for this collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111-260, 124 Stat. 2751, and Sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 154(i), 154(j), 303, 330(b), 613, and 617.

*Total Annual Burden:* 9,197 hours.

*Total Annual Cost:* \$95,700.

*Privacy Act Impact Assessment:* Yes. As required by OMB Memorandum M-03-22 (September 26, 2003), the FC completed a Privacy Impact Assessment (PIA) on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The PIA may be reviewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

*Nature and Extent of Confidentiality:* Some assurances of confidentiality are being provided to the respondents. Parties filing petitions for exemption based on economic burden, requests for Commission determinations of technical feasibility and achievability, requests for purpose-based waivers, or responses to complaints alleging violations of the Commission's rules may seek confidential treatment of information they provide pursuant to the Commission's existing confidentiality rules.

The Commission is not requesting that individuals who file complaints alleging violations of our rules (complainants) submit confidential

information (e.g., credit card numbers, social security numbers, or personal financial information) to us. We request that complainants submit their names, addresses, and other contact information, which enables us to process complaints. Any use of this information is covered under the routine uses listed in the Commission's SORN, FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance."

The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. 552a. The PIA may be viewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

The Commission will update the PIA to cover the PII collected related to this information collection to incorporate various revisions to it as a result of revisions to the SORN and as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. 552a.

*Needs and Uses:* The Commission is submitting this revised information collection to transfer certain information collection burdens associated with this OMB control number to another OMB control number. This change is being made to reflect the development of an online form for use by consumers in filing complaints with the Commission that allege violations of the FCC's disability accessibility requirements. The online form is part of an information collection reflected in OMB control number 3060-0874.

The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) directed the Commission to revise its regulations to mandate closed captioning on IP-delivered video programming that was published or exhibited on television with captions after the effective date of the regulations. Accordingly, the Commission requires video programming owners (VPOs) to send program files to video programming distributors and providers (hereinafter VPDs) with required captions, and it requires VPDs to enable the rendering or pass through of all required captions to the end user. The CVAA also directed the Commission to revise its regulations to mandate that all apparatus designed to receive, play back, or record video programming be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, except that apparatus that use a picture screen

that is 13 inches or smaller and recording devices must comply only if doing so is achievable. These rules are codified at 47 CFR 79.4 and 79.100-79.104.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2018-11720 Filed 5-30-18; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[DA 18-546]

**Disability Advisory Committee; Announcement of Next Meeting**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission announces and provides an agenda for the next meeting of the Disability Advisory Committee (DAC or Committee).

**DATES:** Thursday, June 14, 2018. The meeting will come to order at 9:00 a.m.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, in the Commission Meeting Room.

**FOR FURTHER INFORMATION CONTACT:** Will Schell, Designated Federal Officer (DFO), at 202-418-0767 (voice) or [DAC@fcc.gov](mailto:DAC@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This meeting is open to members of the general public. The meeting will be webcast with open captioning at: [www.fcc.gov/live](http://www.fcc.gov/live). In addition, a reserved amount of time will be available on the agenda for comments and inquiries from the public. Members of the public may comment or ask questions of presenters via the email address [livequestions@fcc.gov](mailto:livequestions@fcc.gov).

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations or for materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) should be submitted via email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Such requests should include a detailed description of the

accommodation needed and a way for the FCC to contact the requester if more information is needed to fill the request. Requests should be made as early as possible; last minute requests will be accepted but may not be possible to accommodate.

**Proposed Agenda:** At this meeting, the DAC is expected to receive and consider reports from its subcommittees on Emergency Communications; Video Programming; Technology Transitions; and Relay & Equipment Distribution. The DAC is also expected to receive presentations from Commission staff or others on matters of interest to the Committee.

Federal Communications Commission.

**Gregory Haledjian,**

*Legal Advisor, Consumer and Governmental Affairs Bureau.*

[FR Doc. 2018-11627 Filed 5-30-18; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 18-506]

### Meeting of the Consumer Advisory Committee

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission announces and provides an agenda for the next meeting of Consumer Advisory Committee (CAC).

**DATES:** June 8, 2018. The meeting will come to order at 9:00 a.m.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW, Commission Meeting Room TW-C305, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Scott Marshall, Designated Federal Officer of the Committee, (202) 418-2809 (voice or Relay); email [Scott.Marshall@fcc.gov](mailto:Scott.Marshall@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This meeting is open to members of the general public. The FCC will accommodate as many participants as possible; however, admittance will be limited to seating availability. The Commission will also provide audio and/or video coverage of the meeting over the internet from the FCC's web page at: [www.fcc.gov/live](http://www.fcc.gov/live). Oral statements at the meeting by parties or entities not represented on the CAC will be permitted to the extent time permits, at the discretion of the CAC Chair and the DFO. Members of the public may submit comments to the CAC in the

FCC's Electronic Comment Filing System, ECFS, at: [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs).

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fill the request. Please allow at least five days' advance notice; last minute requests will be accepted but may not be possible to accommodate.

**Proposed Agenda:** At its June 8, 2018 meeting, the Committee will receive briefings from Commission staff on issues of interest to the Committee and may discuss topics including, but not limited to, consumer protection and education, consumer participation in the FCC rulemaking process, and the impact of new and emerging communication technologies.

Federal Communications Commission.

**Gregory Haledjian,**

*Legal Advisor, Consumer and Governmental Affairs Bureau.*

[FR Doc. 2018-11721 Filed 5-30-18; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

**Agreement No.:** 012136-003.

**Title:** HSDG/ML/MSC Space Charter Agreement.

**Parties:** Hamburg-Sud, Maersk Line A/S, and MSC Mediterranean Shipping Company S.A.

**Filing Parties:** Wayne R. Rohde, Esq.; Cozen O'Connor; 1200 19th Street NW; Washington, DC 20036.

**Synopsis:** The amendment would delete Hamburg Sud as a party to the

agreement, change the name of agreement, and restate agreement.

**Agreement No.:** 201256.

**Title:** Maersk/MSC Gulf-ECSA Vessel Sharing Agreement.

**Parties:** Maersk Line A/S and MSC Mediterranean Shipping Company S.A.

**Filing Party:** Wayne Rohde; Cozen O'Connor; 1200 19th Street, NW; Washington, DC 20036.

**Synopsis:** The agreement would authorize the parties to share vessels in the trade between the U.S. Gulf Coast on the one hand and ports in Brazil, Colombia, Mexico and Panama on the other hand.

By Order of the Federal Maritime Commission.

Dated: May 25, 2018.

**Rachel Dickon,**

*Secretary.*

[FR Doc. 2018-11723 Filed 5-30-18; 8:45 am]

**BILLING CODE 6731-AA-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 25, 2018.

**A. Federal Reserve Bank of Chicago**  
(Colette A. Fried, Assistant Vice

President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Wintrust Financial Corporation, Rosemont, Illinois*; to merge with Chicago Shore Corporation, Chicago, Illinois and thereby indirectly acquire Delaware Place Bank, Chicago, Illinois.

Board of Governors of the Federal Reserve System, May 24, 2018.

**Ann Misback,**

*Secretary of the Board.*

[FR Doc. 2018-11589 Filed 5-30-18; 8:45 am]

**BILLING CODE 6210-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 14, 2018.

*A. Federal Reserve Bank of San Francisco* (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *Denis Daly Trust, UAD 12/24/12, Denis Daly, trustee, River Forest, Illinois; Daly 2017 Gift Trust, Dorothy Daly, trustee, Oak Brook, Illinois; and Eleanor Daly, an individual, River Forest, Illinois individually and joining a group in concert*; to retain and acquire additional voting shares of Trans Pacific Bancorp, and thereby acquire shares of Beacon Business Bank, National Association, both of San Francisco, California.

Board of Governors of the Federal Reserve System, May 24, 2018.

**Ann Misback,**

*Secretary of the Board.*

[FR Doc. 2018-11590 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

## GENERAL SERVICES ADMINISTRATION

[Notice—MG—2018—01; Docket No. 2018—0002; Sequence No. 13]

### Office of Federal High-Performance Buildings; Green Building Advisory Committee; Notification of Upcoming Conference Calls

**AGENCY:** Office of Government-Wide Policy, General Services Administration (GSA).

**ACTION:** Meeting notice.

**SUMMARY:** Notice of this meeting and these conference calls is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the agendas and schedules for the September 27, 2018 meeting of the Green Building Advisory Committee (the Committee), as well as the schedule for a series of conference calls for a task group of the Committee.

**DATES: Meeting date:** The fall meeting of the Committee will be held on Thursday, September 27, 2018, starting at 10:00 a.m. Eastern Daylight Time (EDT), and ending no later than 4:00 p.m. EDT.

**ADDRESSES:** The meeting will be held at 1800 F Street NW, Washington, DC 20405, Room 1151. The in-person meeting is open to the public and the site is accessible to individuals with disabilities. The task group conference calls are open for the public to listen in. Interested individuals must register to attend as instructed below under Supplementary Information.

The *Building and Grid Integration Task Group* will hold recurring, weekly conference calls on Wednesdays beginning June 27, 2018, through November 14, 2018, from 3:00 p.m. to 4:00 p.m., EDT.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ken Sandler, Designated Federal Officer, Office of Federal High-Performance Buildings, Office of Government-wide Policy, GSA, 1800 F Street NW, Washington, DC 20405, telephone 202-219-1121 (note: this is not a toll-free number). Additional information about the Committee, including meeting materials and agendas, will be available on-line at <http://www.gsa.gov/gbac>.

#### SUPPLEMENTARY INFORMATION:

*Procedures for Attendance and Public Comment:* Contact Mr. Ken Sandler at [ken.sandler@gsa.gov](mailto:ken.sandler@gsa.gov) to register to attend the in-person meeting or listen to any of these conference calls. To attend any of these events, submit your full name, organization, email address, and phone number, and which you would like to

attend. Requests to attend the conference calls must be received by 5:00 p.m. EDT, on Monday, June 25, 2018. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site before the calls is recommended.) Requests to attend the September 27, 2018 meeting must be received by 5:00 p.m., EDT, on Friday, August 31, 2018.

Contact Mr. Sandler to register to comment during the September 27, 2018 meeting public comment period. Registered speakers/organizations will be allowed a maximum of five minutes each, and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5:00 p.m., EDT, on Friday, August 31, 2018. Written comments may be provided to Mr. Sandler by the same deadline.

*Background:* The Administrator of GSA established the Committee on June 20, 2011 (**Federal Register**/Vol. 76, No. 118) pursuant to Section 494 of the Energy Independence and Security Act of 2007 (EISA, 42 U.S.C. 17123). Under this authority, the Committee provides independent policy advice and recommendations to GSA to advance federal building innovations in planning, design, and operations to reduce costs, enable agency missions, enhance human health and performance, and minimize environmental impacts.

The new Building and Grid Integration Task Group is pursuing the goal to develop recommendations on the integration of federal buildings with the electrical grid to enhance resilience, provide savings of both energy and cost, and facilitate distributed energy generation, including renewable sources.

The conference calls will allow the task group to develop consensus recommendations to the full Committee, which will, in turn, decide whether to proceed with formal advice to GSA based upon these recommendations.

#### September 27, 2018 Meeting Agenda

- Updates and Introductions
- Building-grid integration task group update
- Lunchtime speaker (TBD)
- Election for Committee Chair
- Identifying new topic areas to pursue
- Next steps

Dated: May 25, 2018.

**Kevin Kampschroer,**

*Federal Director, Office of Federal High-Performance Buildings, General Services Administration.*

[FR Doc. 2018-11707 Filed 5-30-18; 8:45 am]

**BILLING CODE 6820-14-P**

## GENERAL SERVICES ADMINISTRATION

[Notice–QP–2018–01; Docket No. 2018–0002; Sequence No. 10]

### Notice of Public Meeting Concerning Procurement Through Commercial e- Commerce Portals

**AGENCY:** Office of Enterprise Strategy Management (QP), General Services Administration (GSA).

**ACTION:** Notice of a public meeting.

**SUMMARY:** GSA and the Office of Management and Budget (OMB) are interested in conducting further dialogue with industry about Section 846 of the National Defense Authorization Act (NDAA) for Fiscal Year 2018, Procurement through Commercial e-Commerce Portals. A public meeting was held on January 9, 2018 to provide external stakeholders an initial opportunity to offer input on Phase I implementation as outlined in Section 846. A second public meeting is scheduled for June 21, 2018, where GSA and OMB will share insights on our proposed approach and solicit feedback and insights from industry to inform our Phase II deliverable.

**DATES:** *Meeting Date:* GSA and OMB are holding a modified town-hall style public meeting on Thursday, June 21, 2018, from 8:30 a.m. until 1:00 p.m., EST (Eastern Standard Time). The public is asked to register by Thursday, June 14, 2018, due to security and seating limitations. To register, please visit the Commercial Platform Interact group page on <https://interact.gsa.gov/group/commercial-platform-initiative>, and utilize the in-person registration link provided. Further information for the public meeting may be found under the heading **SUPPLEMENTARY INFORMATION**. GSA will also be posting more detailed information on our Commercial Platform Interact group page.

**ADDRESSES:** The meeting will be held in the GSA Auditorium at GSA Headquarters located at 1800 F St. NW, Washington, DC 20405. Interested parties may also attend virtually through GSA's virtual meeting platform, hosted by Adobe Connect. Further details on the virtual meeting will be made available a few days before the meeting on the Commercial Platform Interact group page on <https://interact.gsa.gov/group/commercial-platform-initiative>.

**FOR FURTHER INFORMATION CONTACT:** For information pertaining to the public meeting and for a posting of the agenda (made available a few days prior to the

meeting), visit the Commercial Platform Interact group page located at <https://interact.gsa.gov/group/commercial-platform-initiative>. For more specific questions, please contact Jasmine Schaaphok at [jasmine.schaaphok@gsa.gov](mailto:jasmine.schaaphok@gsa.gov), or 571–330–3941. For information pertaining to only status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite “Notice QP–2018–01, Notice of Public Meeting Concerning Procurement through Commercial e-Commerce Portals”.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

The General Services Administration's mission is to deliver value and savings in real estate, acquisition, technology, and other mission-support services across Government. For decades, GSA has provided access to commercial products through a number of channels including GSA Advantage!, GSA eBuy, GSA Global Supply, and the Federal Supply Schedules.

GSA has long been focused on improving the acquisition of commercial items. Throughout its history, GSA has sought to leverage the best available technology to help agencies shorten the time to delivery, reduce administrative cost, make compliance easier, be a strategic thought leader and supplier of choice across the Federal Government, and be a good partner to industry. Today, the best available technology includes commercial e-commerce portals.

The National Defense Authorization Act (NDAA) for Fiscal Year 2018, Section 846, Procurement Through Commercial e-Commerce Portals, directs the Administrator of the GSA to establish a program to procure commercial products through commercial e-commerce portals. Section 846 paragraph (c) instructs the “Director of the Office of Management and Budget, in consultation with the GSA Administrator and the heads of other relevant departments and agencies,” to carry out three implementation phases. OMB and GSA completed Phase I, an initial implementation plan, in March of 2018. The plan, found at <https://interact.gsa.gov/document/gsa-and-omb-phase-i-deliverable-attached>, discusses government and industry stakeholder goals and concerns, the different types of portal provider models currently prevalent in the commercial market, and areas where legislative change or clarification are required to enable flexibility in the full and effective use of commercial e-commerce portals in accordance with the goals of

section 846. The plan also outlines deliverables anticipated to be completed in FYs 18, 19, and 20. This public meeting is in conjunction with the request for written comments being solicited through “Notice QP–2018–02, Request for information from Suppliers Selling on Commercial e-Commerce Portals,” and “Notice QP–2018–03, Request for information from Platform Providers of Commercial e-Commerce Portals.” These requests for information (RFIs) are expected to be published in the **Federal Register** in early June.

The team is currently working on Phase II with the intent of delivering a proof of concept near the end of FY19. Phase II of the legislation requires (excerpt below):

(2) PHASE II: MARKET ANALYSIS AND CONSULTATION.—Not later than one year after the date of the submission of the implementation plan and schedule required under paragraph (1), recommendations for any changes to, or exemptions from, laws necessary for effective implementation of this section, and information on the results of the following actions:

(A) Market analysis and initial communications with potential commercial e-commerce portal providers on technical considerations of how the portals function (including the use of standard terms and conditions of the portals by the Government), the degree of customization that can occur without creating a Government-unique portal, the measures necessary to address the considerations for supplier and product screening specified in subsection (e), security of data, considerations pertaining to nontraditional Government contractors, and potential fees, if any, to be charged by the Administrator, the portal provider, or the suppliers for participation in the program established pursuant to subsection (a).

(B) Consultation with affected departments and agencies about their unique procurement needs, such as supply chain risks for health care products, information technology, software, or any other category determined necessary by the Administrator.

(C) An assessment of the products or product categories that are suitable for purchase on the commercial e-commerce portals.

(D) An assessment of the precautions necessary to safeguard any information pertaining to the Federal Government, especially precautions necessary to protect against national security or cybersecurity threats.

(E) A review of standard terms and conditions of commercial e-commerce

portals in the context of Government requirements.

(F) An assessment of the impact on existing programs, including schedules, set-asides for small business concerns, and other preference programs.

In furtherance of Phase II objectives, GSA is planning to share information related to the approach proposed in the Phase I deliverable and respond to questions from industry. Additionally, the team is seeking feedback from providers of commercial e-commerce portal as well as suppliers selling on commercial e-commerce portals in certain topic areas, as listed in "Notice QP-2018-02, Request for information from Suppliers Selling on Commercial e-Commerce Portals," and "Notice QP-2018-03, Request for information from Platform Providers of Commercial e-Commerce Portals."

## B. Public Meeting

*In-person Attendance:* Registration check-in will begin at 7:30 a.m., EST, on June 21, 2018, with the meeting starting promptly at 8:30 a.m., EST. Attendees must be prepared to present a form of government-issued photo identification.

*Format:* GSA and OMB intend to conduct a modified town-hall/panel style discussion focused around two main topics.

1. GSA and OMB will discuss and field questions related to the findings from Phase I of the implementation plan, initial thoughts on Phase II, and the implementation of a proof of concept in FY19.

2. GSA intends to organize a panel discussion around the questions asked to portal providers and suppliers on portals found in RFIs "Notice QP-2018-02, Request for information from Suppliers Selling on Commercial e-Commerce Portals," and "Notice QP-2018-03, Request for information from Platform Providers of Commercial e-Commerce Portals."

Parties wishing to participate as a panel member in the public meeting scheduled for June 21, 2018, should email [section846@gsa.gov](mailto:section846@gsa.gov) by Thursday, June 14, 2018, with the subject line "Request to be panelist at upcoming public meeting" and should identify their company, role in company, and a short statement about their interest/qualifications for being a panelist.

GSA will select panelists from among those expressing interest and will formally notify them no later than Monday, June 18, 2018. In selecting panelists, GSA will seek an array of perspectives, backgrounds, and views. Requests made after the deadline to participate on a panel cannot be accepted due to the tight timelines.

*Meeting Accommodations:* The public meeting is physically accessible to people with disabilities. Request for sign language interpretation or other auxiliary aids should be directed to [section846@gsa.gov](mailto:section846@gsa.gov) by Thursday, June 14, 2018. Please see the Commercial Platform Interact group page at <https://interact.gsa.gov/group/commercial-platform-initiative> for additional information on public meeting content and for a posting of the agenda (to be made available a few days prior to the meeting). For more specific questions, please send an email to [section846@gsa.gov](mailto:section846@gsa.gov).

Dated: May 25, 2018.

**Laura J. Stanton,**

*Assistant Commissioner, Office of Enterprise Strategy Management, Federal Acquisition Service, General Services Administration.*

[FR Doc. 2018-11717 Filed 5-30-18; 8:45 am]

**BILLING CODE 6820-89-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 information collection project "Nursing Home Survey on Patient Safety Culture Database."

**DATES:** Comments on this notice must be received by July 30, 2018.

**ADDRESSES:** Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at [doris.lefkowitz@AHRQ.hhs.gov](mailto:doris.lefkowitz@AHRQ.hhs.gov).

Copies of the proposed collection plans, data collection instruments, 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 emails at [doris.lefkowitz@AHRQ.hhs.gov](mailto:doris.lefkowitz@AHRQ.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

## Proposed Project

### Nursing Home Survey on Patient Safety Culture Database

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3521, AHRQ invites the public the comment on this proposed information collection. In 1999, the Institute of Medicine called for health care organizations to develop a "culture of safety" such that their workforce and processes focus on improving the reliability and safety of care for patients (IOM, 1999; *To Err is Human: Building a Safer Health System*). To respond to the need for tools to assess patient safety culture in health care, AHRQ developed and pilot tested the Nursing Home Survey on Patient Safety Culture with OMB approval (OMB NO. 0935-0132; Approved July 5, 2007).

The survey is designed to enable nursing homes to assess provider and staff perspectives about patient safety issues, medical error, and error reporting and includes 42 items that measure 12 composites of patient safety culture. AHRQ made the survey publicly available along with a Survey User's Guide and other toolkit materials in November, 2008, on the AHRQ website.

The AHRQ Nursing Home SOPS Database consists of data from the AHRQ Nursing Home Survey on Patient Safety Culture. Nursing homes in the U.S. can voluntarily submit data from the survey to AHRQ through its contractor, Westat. The Nursing Home SOPS Database (OMB NO. 0935-0195, last approved on September 30, 2015) was developed by AHRQ in 2011 in response to requests from nursing homes interested in viewing their organizations' patient safety culture survey results. Those organizations submitting data receive a feedback report, as well as a report on the aggregated de-identified findings of the other nursing homes submitting data. These reports are used to assist nursing home staff in their efforts to improve patient safety culture in their organizations.

*Rationale for the information collection.* The Nursing Home SOPS and Nursing Home SOPS Database support AHRQ's goals of promoting improvements in the quality and safety of health care in nursing home settings. The survey, toolkit materials, and database results are all made publicly available on AHRQ's website. Technical assistance is provided by AHRQ through its contractor at no charge to nursing homes, to facilitate the use of these materials for nursing home patient safety and quality improvement.

This database will:

(1) Present results from nursing homes that voluntarily submit their data;

(2) Provide data to nursing homes to facilitate internal assessment and learning in the patient safety improvement process; and

(3) Provide supplemental information to help nursing homes identify their strengths and areas with potential for improvement in patient safety culture.

This study is being conducted by AHRQ through its contractor, Westat, 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 quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to surveys and database development. 42 U.S.C 299a(a)(1) and (8).

**Method of Collection**

To achieve the goal of this project the following activities and data collections will be implemented:

(1) *Eligibility and Registration Form*—The nursing home (or parent organization) point-of-contact (POC) completes a number of data submission steps and forms, beginning with the completion of an online Eligibility and Registration Form. The purpose of this form is to collect basic demographic information about the nursing home and initiate the registration process.

(2) *Data Use Agreement*—The purpose of the data use agreement, completed by the nursing home POC, is to state how data submitted by nursing homes will be used and provides privacy assurances.

(3) *Nursing Home Site Information Form*—The purpose of the site information form, completed by the nursing home POC, is to collect background characteristics of the nursing home. This information will be used to analyze data collected with the Nursing Home SOPS survey.

(4) *Data File(s) Submission*—POCs upload their data file(s) using the data file specifications, to ensure that users submit standardized and consistent data in the way variables are named, coded and formatted. The number of submissions to the database is likely to vary each year because nursing homes do not administer the survey and submit data every year. Data submission is typically handled by one POC who is either a corporate level health care manager for a Quality Improvement Organization (QIO), a survey vendor who contracts with a nursing home to collect their data, or a nursing home Director of Nursing or nurse manager. POCs submit data on behalf of 5 nursing homes, on average, because many nursing homes are part of a QIO or larger nursing home or health system that includes many nursing home sites, or the POC is a vendor that is submitting data for multiple nursing homes.

Survey data from the AHRQ Nursing Home Survey on Patient Safety Culture are used to produce three types of products:

(1) A Nursing Home SOPS User Database Report that is made publicly available on the AHRQ website;

(2) Individual Nursing Home Survey Feedback Reports are individualized reports produced for each nursing home that submits data to the database; and

(3) Research data sets of individual-level and nursing home-level de-identified data to enable researchers to conduct analyses. All data released in a data set are de-identified at the individual-level and the nursing home-level.

Nursing homes will be invited to voluntarily submit their Nursing Home SOPS survey data to the database. The data are then cleaned and aggregated and used to produce a Database Report in PDF format that displays averages, standard deviations, and percentile scores on the survey’s 42 items and 12 patient safety culture composites, as well as displaying these results by nursing home characteristics (bed size,

urbanicity, ownership, and region) and respondent characteristics (work area/unit, staff position, interaction with residents, shift worked most often, and tenure in nursing home).

Each nursing home that submits data receives an individualized survey feedback report that presents their results alongside the aggregate results from other participating nursing homes.

Nursing homes use the Nursing Home SOPS Database Reports and Individual Nursing Home Survey Feedback Reports for a number of purposes, to:

- Raise staff awareness about patient safety.
- Elucidate and assess the current status of patient safety culture in their nursing home.
- Identify strengths and areas for patient safety culture improvement.
- Evaluate trends in patient safety culture change over time.
- Evaluate the cultural impact of patient safety initiatives and interventions.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden hours for the respondents’ time to participate in the database. An estimated 60 POCs, each representing an average of 5 individual nursing homes each, will complete the database submission steps and forms. Each POC will submit the following:

- Eligibility and registration form (completion is estimated to take about 3 minutes).
- Data Use Agreement (completion is estimated to take about 3 minutes).
- Nursing Home Site Information Form (completion is estimated to take about 5 minutes).
- Survey data submission will take an average of one hour.

The total annual burden hours are estimated to be 91 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents’ time to submit their data. The cost burden is estimated to be \$4,085 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/ POCs	Number of responses per POC	Hours per response	Total burden hours
Eligibility/Registration Form .....	60	1	3/60	3
Data Use Agreement .....	60	1	3/60	3
Nursing Home Site Information Form .....	60	5	5/60	25
Data Files Submission .....	60	1	1	60
Total .....	NA	NA	NA	91

## EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents/ POCs	Total burden hours	Average hourly wage rate *	Total cost burden
Eligibility/Registration Forms .....	60	3	\$44.89	\$135
Data Use Agreement .....	60	3	44.89	135
Nursing Home Site Information Form .....	60	25	44.89	1,122
Data Files Submission .....	60	60	44.89	2,693
Total .....	240	91	NA	4,085

\* The wage rate in Exhibit 2 is based on May 2017 National Industry-Specific Occupational Employment and Wage Estimates, Bureau of Labor Statistics, U.S. Dept. of Labor. Mean hourly wages for nursing home POCs are located at [https://www.bls.gov/oes/current/naics3\\_623000.htm](https://www.bls.gov/oes/current/naics3_623000.htm). The hourly wage of \$44.89 is the weighted mean of \$45.81 (General and Operations Managers 11-1021; N = 40) and \$43.04 (Medical and Health Services Managers 11-9111; N = 20).

**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's health care research and health care 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.

Francis D. Chesley, Jr.,  
Acting Deputy Director.

[FR Doc. 2018-11657 Filed 5-30-18; 8:45 am]

BILLING CODE 4160-90-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention**

[60Day-FY-18ACD; Docket No. CDC-2018-0043]

**Proposed Data Collection Submitted for Public Comment and Recommendations**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take an opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled StopAnthrax™. This new generic clearance will support the collection of information from (1) persons exposed to an intentional release of anthrax that were given post-exposure prophylactic medical countermeasures—antibiotics or antibiotics and vaccine and (2) persons participating in points of dispensing (PODs) exercises conducted by state and local health departments. CDC will use this information to (1) inform response activities during an anthrax incident and (2) improve the StopAnthrax™ program.

**DATES:** CDC must receive written comments on or before July 30, 2018.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2018-0043 by any of the following methods:

- *Federal eRulemaking Portal:* [Regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to [Regulations.gov](http://www.regulations.gov).

**Please note:** Submit all comments through the Federal eRulemaking portal ([regulations.gov](http://www.regulations.gov)) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the

proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,



e.g., permitting electronic submissions of responses.

5. Assess information collection costs.

### Proposed Project

StopAnthrax™—New—Office of Public Health Preparedness and Response (OPHPR), Centers for Disease Control and Prevention (CDC).

### Background and Brief Description

The Centers for Disease Control and Prevention (CDC) Community and Health Systems Team (CHST), in collaboration with Oak Ridge Associated Universities (ORAU), and the Center for Surveillance, Epidemiology, and Laboratory Services (SEL) developed the StopAnthrax™ mobile app push notification program (hereafter referred to as StopAnthrax™) to be activated following an aerosolized release of anthrax in the United States. The purpose of this program is to use mobile app procedures to collect data about medication adherence and adverse drug event symptoms and to enhance self-reporting of medical countermeasure (MCM) adverse events to existing surveillance systems. The focus of StopAnthrax™ is on MCMs—ciprofloxacin, doxycycline, amoxicillin, and Anthrax Vaccine Adsorbed (AVA)—distributed to communities after an anthrax incident.

CDC operationalized StopAnthrax™ into a mobile app for ease of use with any smart phone. CDC will initiate activation of StopAnthrax™ following an anthrax incident and adults receiving anthrax MCMs will be able to voluntarily enroll in the program. Respondents will provide information through the CDC-developed mobile application. StopAnthrax™ will collect information necessary to send, personalize, and tailor messages as much as possible for the individual respondent (e.g., first name, zip code, which MCM the respondent is taking, if they are pregnant or have a child also taking MCMs), to understand their level of medication adherence, and capture any adverse symptoms attributed to taking the medication or anthrax disease. The information collection (IC) will take place within the United States in any area(s) affected by an anthrax incident. Respondents will include adults who were in or near the affected area during the time of the anthrax incident and have been given the select MCMs for post-exposure prophylaxis (PEP) of anthrax. Respondents may include English or Spanish-speaking single adults, adults with one or more children affected, and pregnant women. Respondents enrolled in StopAnthrax™ may choose to respond to the IC at any

location in which they are utilizing their cellular phones (e.g., home, school, work). The IC will occur following an anthrax incident and will continue for up to 120 days after the incident.

StopAnthrax™ and the IC will be overseen by CDC. State and local public health workers in the affected area will be responsible for promoting enrollment into the program utilizing a standardized enrollment process. All respondents will voluntarily opt into the program by downloading the app from the Apple or Google stores and following an easy enrollment process. Once enrolled, respondents will answer a short series of questions to ensure they are enrolled in the appropriate protocol (i.e., population and MCM-specific). Respondents will receive push notifications for a period of up to 60 days and will periodically be asked questions about their medication adherence and any adverse symptoms resulting from taking the MCM or from anthrax. Respondents will utilize their cellular telephones to send responses back to the system, which will store the information in a secure CDC-managed database.

In a post-incident setting, such as an aerosolized release of anthrax, widespread administration of MCMs in diverse populations is anticipated. CDC and the Food and Drug Administration (FDA) are responsible for monitoring the safety of these MCMs. The Vaccine Adverse Event Reporting System (VAERS) and the FDA Adverse Event Reporting System (FAERS) are two national surveillance systems used to monitor adverse drug events. VAERS and FAERS serve as early warning systems to detect possible safety issues related to drugs, such as the MCMs distributed during an anthrax inhalation incident. However, these systems are passive and may not provide the timely information useful in a response. Data collected from StopAnthrax™ is intended to supplement VAERS and FAERS surveillance and provide near real-time safety monitoring and information. CDC and FDA can use the de-identified information provided by the vendor to more effectively respond to the incident. In addition, the program has an added benefit for those participating as it provides medication reminders, prompts for directing those who experience adverse event symptoms to seek medical treatment, and provides relevant health education messages about MCMs and anthrax.

CDC will disseminate de-identified information through a variety of methods dependent on the type of anthrax incident and subsequent response. During a response,

information will be disseminated within the CDC response teams and other federal agencies engaged in the response, such as FDA. Information will be disseminated to federal agency responders through situation reports which may include report outs over the phone, data summaries, and action reports that would be sent electronically. After the IC period ends (e.g., StopAnthrax™ is no longer active), CDC may elect to present the findings at a professional conference or submit a manuscript to a professional peer-reviewed journal. Data will only be reported in the aggregate and would focus on the process and actions taken before and during a response. The IC is completely voluntary.

Any individuals receiving MCMs that elect to enroll and provide data will be part of the sample. All recipients will be given the opportunity to enroll in StopAnthrax™. There is no planned sample size as this would depend on the scale of the incident and enrollment into StopAnthrax™. Information about StopAnthrax™ and enrollment into the program will be available to all recipients of MCMs. Information will be collected electronically via push notification prompted by a series of questions contained within StopAnthrax™.

StopAnthrax™ spans a total of 60 days. Those enrolled will not be asked to respond to questions every day. The amount of time that one may take in responding to the messages will vary depending on the individual's situation (i.e., they may be asked a series of follow up questions based on their responses). On average, it is not expected to take longer than 1.5 hours for one respondent to respond to all questions contained in the 60 day program.

All respondents will be informed that their participation is voluntary, and they can opt out at any time after enrollment; their information will be treated in a secure manner, and protected to the extent allowed by law. Although some respondents may feel some level of embarrassment in indicating they experienced certain adverse event symptoms (e.g., severe diarrhea), none of the information being collected is of a highly sensitive nature. Data will be housed on secure servers to which only project staff from CDC and contractors will have access, and all data will be de-identified in any reports or other materials produced by CDC. The IC is expected to have limited impact on respondents' privacy. Mobile apps are a relatively private method in which to collect information (as compared to focus groups and other



methods). Although it is possible that notifications or responses may be intercepted or seen by someone who is not part of the team collecting the data, it is not likely that this will have a major impact on the respondents' privacy.

CDC and contractors will also conduct periodic usability and user experience tests of StopAnthrax™ in conjunction with points of dispensing (PODs) exercises conducted by state and local

health departments across the US. The purpose of these tests would be to evaluate the acceptability of the program with members of the potential target audience following an anthrax incident and to ensure proper functionality of the StopAnthrax™ protocols within the system. These tests will occur no more than twice a year and feedback on the program will be collected from volunteers participating

in the jurisdictional exercises through one or more of the following mechanisms; in-person focus groups, online survey, online discussion groups.

CDC is requesting approval for this new generic clearance for data collection for a period of three years. The total burden hours for respondents is 38,000 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Adult MCM recipient .....	60-day StopAnthrax™ program .....	20,000	1	90/60	30,000
POD volunteer participating in user experience/usability testing of shortened StopAnthrax™ protocol.	Shortened (10-day) StopAnthrax protocol.	4,000	1	30/60	2,000
POD volunteer participating in user experience/usability testing.	Online Survey .....	2,000	1	1	2,000
POD volunteer participating in user experience/usability testing.	Discussion/focus groups .....	2,000	1	2	4,000
Total .....	.....	.....	.....	.....	38,000

**Jeffrey M. Zirger,**

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018-11648 Filed 5-30-18; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[Docket No. CDC-2018-0054]

**Proposed Assisted Reproductive Technology (ART) Success Rates Reporting and Data Validation Procedures**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) requests comments on a plan to (1) revise the definition and characterization of Assisted Reproductive Technology (ART) success rates and (2) introduce clinic validation footnotes for the annual ART Fertility Clinic Success Rates Report. The footnotes will identify clinics that are selected by CDC to participate in the validation process of the National ART

Surveillance System (NASS) data and that: (1) Do participate, (2) do participate and have major data discrepancies identified through this process, and/or U3) decline to participate in the data validation process. CDC requests comments on this plan in order to continue to ensure that the public has access to accurate and transparent data pursuant to the Fertility Clinic Success Rate and Certification Act of 1992.

**DATES:** Written comments must be received on or before July 2, 2018.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2018-0054 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Sara Crawford, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS F-74, Atlanta, Georgia 30341. Phone: (770) 488-6370. Email: [artinfo@cdc.gov](mailto:artinfo@cdc.gov).

*Instructions:* All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to <http://regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Sara Crawford, Division of Reproductive

Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS F-74, Atlanta, Georgia 30341. Phone: (770) 488-6370. Email: [artinfo@cdc.gov](mailto:artinfo@cdc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Success Rates**

*A. Background*

Section 2(a) of Public Law 102-493 (42 U.S.C. 263a-1(a)), the Fertility Clinic Success Rate and Certification Act of 1992 (FCSRCA), requires that each assisted reproductive technology (ART) program report annually to the Secretary of the Department of Health and Human Services through the Centers for Disease Control and Prevention (CDC) pregnancy success rates achieved through assisted reproductive technology. The FCSRCA also requires the CDC to annually publish and distribute to the public reported pregnancy success rates. According to the FCSRCA, the definitions of pregnancy success rates should be developed in consultation with appropriate consumer and professional organizations, should take into account the effect on success rates of age, diagnosis, and other significant factors, and should include the live birth rate per attempted ovarian stimulation procedure and the live birth rate per successful oocyte retrieval.

Specifics about the reporting process and requirements are described in

“Reporting of Pregnancy Success Rates from Assisted Reproductive Technology (ART) Programs” (80 FR 51811).

Specifics about the definition and characterization of ART success rates were last described in “Reporting of Pregnancy Success Rates from Assisted Reproductive Technology Programs” (69 FR 5548). Success rates for fresh, nondonor cycles were defined as: (1) The rate of pregnancy after completion of ART according to the number of all ovarian stimulation or monitoring procedures;

(2) the rate of live birth after completion of ART according to the number of all ovarian stimulation or monitoring procedures, the number of oocyte retrieval processes, and the number of embryo (or zygote or oocyte) transfer procedures; (3) the rate of singleton live birth after completion of ART according to the number of all ovarian stimulation or monitoring procedures and the number of embryo (or zygote or oocyte) transfer procedures. Success rates for cycles using thawed embryos and cycles using donor oocytes or embryos were defined as: (4) The rate of live birth after completion of ART according to the number of embryo (or zygote or oocyte) transfer procedures; (5) the rate of singleton live birth after completion of ART according to the number of embryo (or zygote or oocyte) transfer procedures.

Effective for reporting year 2017, CDC is proposing substantial changes to the definition and characterization of ART success rates due to changes in clinical practice and more variation in treatment options, including improvements in cryopreservation resulting in more segmentation of typical treatment cycles. The field of ART is moving toward the calculation and reporting of cumulative success rates where data collection systems can collect successes over all embryo transfers from a single oocyte retrieval or across several oocyte retrievals and embryo transfers. After consultation with consumer and professional organizations with expertise in ART, CDC will begin cumulative ART success rates reporting in reporting year 2017. The ART success rates described in this **Federal Register** notice shall replace those previously described in 2004.

#### *B. ART Procedures Among Patients Using Their Own Oocytes*

ART success rates for ART procedures among all patients using their own eggs will be defined as:

1. The rate of live birth or singleton live birth resulting from the transfer of oocytes retrieved from the patient in the

year prior to the reporting year or from the transfer of embryos created from oocytes retrieved from the patient in the year prior to the reporting year. For the purpose of this definition, transfer procedures must have started within 12 months of the start of the retrieval procedure. Oocytes must have been retrieved in the year prior to the reporting year in order to allow for a full year to perform transfers of the retrieved oocytes (either in the prior reporting year or in the current reporting year). The live birth rate and singleton live birth rate will be presented according to the number of:

a. All ovarian stimulation or monitoring procedures started from the year prior to the reporting year with the intent to retrieve oocytes from the patient.

b. All ovarian stimulation or monitoring procedures started in the year prior to the reporting year with the intent to retrieve oocytes from the patient in which at least one oocyte was retrieved.

c. All transfer procedures of at least one oocyte retrieved from the patient in the year prior to the reporting year, or of at least one embryo created from an oocyte retrieved from the patient in the year prior to the reporting year. For the purpose of this definition, egg or embryo transfer procedures must have started within 12 months of the start of the retrieval procedure.

2. The number of ovarian stimulation or monitoring procedures started in the year prior to the reporting year with the intent to retrieve oocytes from the patient presented according to the number of:

a. Live births resulting from all transfers of at least one oocyte retrieved from the patient in the year prior to the reporting year, or transfers of at least one embryo created from an oocyte retrieved from the patient in the year prior to the reporting year. For the purpose of this definition, egg or embryo transfer procedures must have started within 12 months of the start of the retrieval procedure.

Other rates for ART procedures among all patients using their own eggs may be defined as—

3. The rate of cancellation, implantation, pregnancy, live birth, singleton live birth, multiple live birth, twin live birth, triplet or higher order live birth, preterm live birth, low birthweight live birth or term, normal birthweight and singleton live birth resulting from the transfer of oocytes retrieved from the patient in the year prior to the reporting year or the transfer of embryos created from oocytes retrieved from the patient in the year

prior to the reporting year. For the purpose of this definition, transfer procedures must have started within 12 months of the start of the retrieval procedure. These other rates may be presented according to the number of:

a. All ovarian stimulation or monitoring procedures started in the year prior to the reporting year with the intent to retrieve oocytes from the patient.

b. All ovarian stimulation or monitoring procedures started in the year prior to the reporting year with the intent to retrieve oocytes from the patient in which at least one oocyte was retrieved.

c. All transfer procedures of at least one oocyte retrieved from the patient in the year prior to the reporting year, or of at least one embryo created from an oocyte retrieved from the patient in the year prior to the reporting year. For the purpose of this definition, egg or embryo transfer procedures must have started within 12 months of the start of the retrieval procedure.

d. All first, second, third, or more transfer procedures after retrieval of at least one oocyte from the patient in the year prior to the reporting year, or of at least one embryo created from an oocyte retrieved from the patient in the year prior to the reporting year. For the purpose of this definition, egg or embryo transfer procedures must have started within 12 months of the start of the retrieval procedure.

Rates for ART procedures among new ART patients (*i.e.*, patients that have never had a prior ART cycle ever) using their own oocytes will be defined as—

4. The rate of live birth resulting from the transfer of oocytes or embryos from all first intended oocyte retrievals presented according to the number of:

a. ART patients who reported at the start of the retrieval procedure that they had no prior ART stimulations and no prior frozen ART procedures. For the purpose of this definition, the retrieval procedure must have started in the year prior to the reporting year.

5. The rate of live birth resulting from the transfer of oocytes or embryos from all first or second intended oocyte retrievals presented according to the number of:

a. ART patients who reported at the start of the retrieval procedure that they had no prior ART stimulations and no prior frozen ART procedures. For the purpose of this definition, the retrieval procedure must have started in the year prior to the reporting year.

6. The rate of live birth resulting from the transfer of oocytes or embryos from all intended oocyte retrievals presented according to the number of:

a. ART patients who reported at the start of the retrieval procedure that they had no prior ART stimulations and no prior frozen ART procedures. For the purpose of this definition, the retrieval procedure must have started in the year prior to the reporting year.

7. The number of ovarian stimulation or monitoring procedures started in the year prior to the reporting year with the intent to retrieve oocytes from the patient presented according to the number of:

a. ART patients who reported at the start of the retrieval procedure that they had no prior ART stimulations and no prior frozen ART procedures.

8. The number of transfer procedures of at least one oocyte retrieved from the patient in the year prior to the reporting year, or of at least one embryo created from an oocyte retrieved from the patient in the year prior to the reporting year presented according to the number of:

a. Ovarian stimulation or monitoring procedures started in the year prior to the reporting year with the intent to retrieve oocytes from the patient. For the purpose of this definition, egg or embryo transfer procedures must have started within 12 months of the start of the retrieval procedure. Also, ART patients must have reported at the start of the retrieval procedure that they had no prior ART stimulations and no prior frozen ART procedures.

#### C. ART Procedures Among Patients Using Oocytes or Embryos From a Donor

Success rates for ART procedures among patients using oocytes or embryos from a donor will be defined as—

9. The rate of live birth or singleton live birth presented according to the number of:

a. Transfer procedures of at least one donor egg, embryo created from a donor egg, or donated embryo started in the current reporting year.

Other rates for ART procedures among patients using oocytes or embryos from a donor may also be defined as—

10. The rate of cancellation, implantation, pregnancy, live birth, singleton live birth, multiple live birth, twin live birth, triplet or higher order live birth, preterm live birth, low birthweight live birth, or term, normal birthweight and singleton live birth presented according to the number of:

a. ART procedures to prepare a patient (recipient) for the transfer of at least one donor egg, embryo created from a donor egg, or donated embryo, started in the current reporting year.

b. Transfer procedures of at least one donor egg, embryo created from a donor egg, or donated embryo started in the current reporting year.

#### D. ART Procedures Among All Patients and All Cycle Types

ART reporting may also include:

11. The number, average number or percentage of ART procedures or ART patients with certain characteristics, such as:

a. Patient characteristics (e.g. patient age or reason for ART).

b. ART procedure characteristics (e.g. type of treatment (fertility preservation, short term banking, in vitro fertilization, gamete intrafallopian transfer, zygote intrafallopian transfer), stimulation protocol, source of the oocytes or embryos (patient or donor), the state of the oocytes or embryos (fresh or frozen), the intent of the procedure, the use of prenatal genetic diagnosis or screening, the use of intracytoplasmic sperm injection, the use of assisted hatching, the use of a gestational carrier, the stage of the embryo at transfer, or the number of embryos transferred).

All ART patient and procedure characteristics, ART success rates, and other rates for patients using their own oocytes as well as for patients using oocytes or embryos from a donor may be stratified by factors thought to influence the outcome of an ART procedure.

12. Factors for stratification may include:

a. Characteristics of the ART patient such as patient age or reason for ART.

b. Characteristics of the ART procedure such as type of treatment (fertility preservation, short term banking, in vitro fertilization, gamete intrafallopian transfer, zygote intrafallopian transfer), stimulation protocol, the source of the oocytes or embryos (patient or donor), the state of the oocytes or embryos (fresh or frozen), the intent of the procedure, the use of prenatal genetic diagnosis or screening, the use of intracytoplasmic sperm injection, the use of assisted hatching, the use of a gestational carrier, the stage of the embryo at transfer, or the number of embryos transferred.

#### Section II. Validation

A description of external validation of clinic data conducted annually as a part of the ART surveillance program is described in “Reporting of Pregnancy Success Rates from Assisted Reproductive Technology (ART) Programs” (80 FR 51811). This notice explains, “If major data discrepancies are identified during data validation (e.g., lack of supporting information for pregnancy outcomes, underreporting

cycles, etc.), CDC may re-select these ART programs for data validation during the following reporting year(s) to assess corrections of identified data errors.”

Additionally, effective as of the 2019 reporting year, CDC will include a footnote in the annual *ART Fertility Clinic Success Rates Report* to identify clinics that are selected by CDC to participate in the validation process of the NASS data and that: 1) do participate, 2) do participate and have major data discrepancies identified through this process, and/or 3) decline to participate in the data validation process. CDC will include this footnote pending the availability of the necessary resources. This footnote is a new addition to the annual *ART Fertility Clinic Success Rates Report*. Pursuant to the Fertility Clinic Success Rate and Certification Act of 1992, the CDC is mandated to publish the clinic-specific success rates reported by each clinic. These footnotes will help to alert the public if there is evidence that the reported success rates may be of questionable quality, thereby increasing the transparency of the data reporting process.

If a clinic is selected to participate in the NASS data validation process and does participate, the following footnote will be added:

This clinic was visited for validation of (*insert: reporting year*) data. See Appendix A for additional information.

If a clinic is selected to participate in the NASS data validation process, does participate, and major data discrepancies are identified for either the number of reported ART cycles or the ART pregnancy outcome, the following footnote will be added:

This clinic was visited for validation of (*insert: reporting year*) data. Major data discrepancies were identified for (*insert: “the number of reported cycles” or “the pregnancy outcomes” or “the number of reported cycles and the pregnancy outcomes”*). See Appendix A for additional information.

If a clinic is selected to participate in the NASS data validation process and declines to participate, the following footnote will be added:

This clinic was selected for validation of (*insert: reporting year*) data, but declined to participate. See Appendix A for additional information.

Appendix A of the *ART Fertility Clinic Success Rates Report* contains information about the validation of NASS data, including methods used for clinic selection, and displays aggregate validation results. Aggregate validation results include national discrepancy

rates; clinic-specific discrepancy rates are not reported. Any footnote added to a clinic's success rates page in the *ART Fertility Clinic Success Rates Report* will appear only for the reporting year that the clinic was selected for validation; it will be removed the following reporting year.

Dated: May 24, 2018.

**Sandra Cashman,**

*Executive Secretary, Centers for Disease Control and Prevention.*

[FR Doc. 2018-11628 Filed 5-30-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifiers CMS-10599]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by July 30, 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](http://www.regulations.gov). Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto: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-10599 Pre-Claim Review Demonstration for Home Health Services

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:* Revision of a currently approved collection; *Title of Information Collection:* Pre-Claim Review Demonstration for Home Health Services; *Use:* Section 402(a)(1)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1(a)(1)(J)) authorizes the Secretary to "develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services under the health programs established by the Social Security Act (the Act)." Pursuant to this authority, the CMS seeks to develop and implement a Medicare demonstration project, which CMS believes will help assist in developing improved procedures for the identification, investigation, and prosecution of Medicare fraud occurring among Home Health Agencies (HHA) providing services to Medicare beneficiaries.

This revised demonstration would help assist in developing improved procedures for the identification, investigation, and prosecution of potential Medicare fraud. The demonstration would help make sure that payments for home health services are appropriate through either pre-claim or postpayment review, thereby working towards the prevention and identification of potential fraud, waste, and abuse; the protection of Medicare Trust Funds from improper payments; and the reduction of Medicare appeals. CMS proposes initially implementing the demonstration in Illinois, Ohio, North Carolina, Florida, and Texas with the option to expand to other states in the Palmetto/JM jurisdiction. Under this demonstration, CMS proposes to offer choices for providers to demonstrate their compliance with CMS' home health policies. Providers in the demonstration states may participate in either 100 percent pre-claim review or 100 percent postpayment review. These providers will continue to be subject to a review method until the HHA reaches the target affirmation or claim approval rate. Once a HHA reaches the target pre-claim review affirmation or post-payment review claim approval rate, it may choose to be relieved from claim reviews, except for a spot check of their claims to ensure continued compliance. Providers who do not wish to participate in either 100 percent pre-claim or postpayment reviews have the option to furnish home health services and submit the associated claim for payment without undergoing such reviews; however, they will receive a 25 percent payment reduction on all claims

submitted for home health services and may be eligible for review by the Recovery Audit Contractors.

The information required under this collection is required by Medicare contractors to determine proper payment or if there is a suspicion of fraud. Under the pre-claim review option, HHA will send the pre-claim review request along with all required documentation to the Medicare contractor for review prior to submitting the final claim for payment. If a claim is submitted without a pre-claim review decision one file, the Medicare contractor will request the information from the HHA to determine if payment is appropriate. For the postpayment review option, the Medicare contractor will also request the information from the HHA provider who submitted the claim for payment from the Medicare program to determine if payment was appropriate. *Form Number:* CMS-10599 (OMB control number: 0938-1311); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profits and Not-for-profits); *Number of Respondents:* 941,287; *Total Annual Responses:* 1,330,980; *Total Annual Hours:* 670,375. (For questions regarding this collection contact Jennifer McMullen (410) 786-7635).

Dated: May 23, 2018.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2018-11492 Filed 5-29-18; 4:15 pm]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2018-D-1636]

#### Assessment of Pressor Effects of Drugs; Draft Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled "Assessment of Pressor Effects of Drugs." This guidance is intended to advise sponsors on the premarketing assessment of a drug's effect on blood pressure. Elevated blood pressure is known to increase the risk of stroke, heart attack, and death. The effect of a drug on blood pressure may therefore be

an important consideration in benefit-risk assessment.

**DATES:** Submit either electronic or written comments on the draft guidance by July 30, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2018-D-1636] for "Assessment of Pressor Effects of Drugs; Draft Guidance for Industry; Availability." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff

between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Norman Stockbridge, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New

Hampshire Ave., Bldg. 22, Rm. 4166, Silver Spring, MD 20903, 301-796-2240.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft guidance for industry entitled "Assessment of Pressor Effects of Drugs." Elevated blood pressure is known to increase the risk of stroke, heart attack, and death. The effect of a drug on blood pressure may therefore be an important consideration in benefit-risk assessment. This guidance is intended to advise sponsors on the premarketing assessment of a drug's effect on blood pressure.

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 assessment of pressor effects of drugs. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

**II. Electronic Access**

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: May 24, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-11642 Filed 5-30-18; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2018-D-1329]

**Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions; Draft Guidance for Industry and Food and Drug Administration Staff; 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 the draft guidance entitled "Recommended Content and Format of Complete Test

Reports for Non-Clinical Bench Performance Testing in Premarket Submissions." FDA has developed this document to describe relevant information that should be included in complete test reports for non-clinical bench performance testing provided in a premarket submission (*i.e.*, premarket approval (PMA) applications, humanitarian device exemption (HDE) applications, premarket notification (510(k)) submissions, investigational device exemption (IDE) applications, and De Novo classification requests). This draft guidance is not final nor is it in effect at this time.

**DATES:** Submit either electronic or written comments on the draft guidance by July 30, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as

well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2018-D-1329 for "Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions." 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)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled “Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions” to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

**FOR FURTHER INFORMATION CONTACT:** Mary Wen, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1529, Silver Spring, MD 20993-0002, 240-402-4913.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft guidance for industry and FDA staff entitled “Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions.” FDA has developed this document to describe relevant information that should be included in complete test reports for non-clinical bench performance testing provided in a premarket submission (*i.e.*, PMA

applications, HDE applications, 510(k) submissions, IDE applications, and De Novo classification requests).

Non-clinical bench performance testing is defined as performance testing that encompasses all bench testing and will be dependent upon the specifics of the actual device or device type. Non-clinical bench performance testing includes, but is not limited to, mechanical and biological engineering performance such as fatigue, wear, tensile strength, compression, and burst pressure; bench tests using animal or human tissue; and animal carcass or human cadaveric testing. Non-clinical bench performance testing excludes biocompatibility evaluation, sterilization, and animal in vivo evaluation.

This draft guidance is intended to help ensure that clear and consistent information is provided in premarket submissions containing non-clinical bench performance testing. The information in this draft guidance is intended to be used in conjunction with other FDA guidance documents, including device-specific guidances.

**II. Significance of 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 “Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions.” 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.

**III. Electronic Access**

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at <https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>. This guidance document is also available at <https://www.regulations.gov>. Persons unable to download an electronic copy of “Recommended Content and Format of Complete Test Reports for Non-Clinical Bench Performance Testing in Premarket Submissions” may send an email request to [CDRH-Guidance@fda.hhs.gov](mailto:CDRH-Guidance@fda.hhs.gov) to receive an electronic copy of the document. Please use the document number 18011 to identify the guidance you are requesting.

**IV. 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 the following FDA regulations and guidances have been approved by OMB as listed:

21 CFR part or guidance	Topic	OMB control No.
807, Subpart E	Premarket Notification	0910-0120
814, Subparts A Through E	Premarket Approval	0910-0231
814, Subpart H	Humanitarian Device Exemption	0910-0332
812	Investigational Device Exemption	0910-0078
De Novo Classification Process (Evaluation of Automatic Class III Designation).	De Novo Classification process	0910-0844

Dated: May 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11603 Filed 5-30-18; 8:45 am]

BILLING CODE 4164-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2011-N-0908]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Clinical Trial Sponsors: Establishment and Operation of Clinical Trial Data Monitoring Committees**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice



solicits comments on the collection of information concerning the establishment and operation of clinical trial data monitoring committees.

**DATES:** Submit either electronic or written comments on the collection of information by July 30, 2018.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 30, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of July 30, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### *Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and

identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2011-N-0908 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Clinical Trial Sponsors: Establishment and Operation of Clinical Trial Data Monitoring Committees." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Ila S. Mizrahi, Office of Operations, Food

and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-7726, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

#### **Guidance for Clinical Trial Sponsors: Establishment and Operation of Clinical Trial Data Monitoring Committees**

*OMB Control Number 0910-0581—Extension*

Sponsors are required to monitor studies evaluating new drugs, biologics, and devices (21 CFR 312.50 and 312.56 for drugs and biologics, and 21 CFR 812.40 and 812.46 for devices). Various individuals and groups play different roles in clinical trial monitoring. One such group is a data monitoring committee (DMC), appointed by a sponsor to evaluate the accumulating outcome data in some trials. A clinical trial DMC is a group of individuals with



pertinent expertise that reviews on a regular basis accumulating data from one or more ongoing clinical trials. The DMC advises the sponsor regarding the continuing safety of current trial subjects and those yet to be recruited to the trial, as well as the continuing validity and scientific merit of the trial.

The guidance document referenced in this document is intended to assist sponsors of clinical trials in determining when a DMC is needed for monitoring a study and how such committees should operate. The guidance addresses the roles, responsibilities, and operating procedures of DMCs and describes certain reporting and recordkeeping responsibilities, including the following: (1) Sponsor reporting to FDA on DMC recommendations related to safety; (2) standard operating procedures (SOPs) for DMCs; (3) DMC meeting records; (4) sponsor notification to the DMC regarding waivers; and (5) DMC reports based on meeting minutes to the sponsor.

#### 1. Sponsor Reporting to FDA on DMC Recommendations Related to Safety

The requirement of the sponsor to report DMC recommendations related to serious adverse events in an expedited manner in clinical trials of new drugs (§ 312.32(c) (21 CFR 312.32(c))) would not apply when the DMC recommendation is related to an excess of events not classifiable as serious. Nevertheless, the Agency recommends in the guidance that sponsors inform FDA about all recommendations related to the safety of the investigational product whether or not the adverse event in question meets the definition of “serious.”

#### 2. SOPs for DMCs

In the guidance, FDA recommends that sponsors establish procedures to do the following things:

- Assess potential conflicts of interest of proposed DMC members;
- Ensure that those with serious conflicts of interest are not included in the DMC;
- Provide disclosure to all DMC members of any potential conflicts that are not thought to impede objectivity and, thus, would not preclude service on the DMC;
- Identify and disclose any concurrent service of any DMC member on other DMCs of the same, related, or competing products;
- Ensure separation, and designate a different statistician to advise on the management of the trial, if the primary trial statistician takes on the responsibility for interim analysis and reporting to the DMC; and

- Minimize the risks of bias that are associated with an arrangement under which the primary trial statistician takes on the responsibility for interim analysis and reporting to the DMC, if it appears infeasible or highly impractical for any other statistician to take over responsibilities related to trial management.

#### 3. DMC Meeting Records

The Agency recommends in the guidance that the DMC or the group preparing the interim reports to the DMC maintain all meeting records. This information should be submitted to FDA with the clinical study report (21 CFR 314.50(d)(5)(ii)).

#### 4. Sponsor Notification to the DMC Regarding Waivers

The sponsor must report to FDA certain serious and unexpected adverse events in drugs and biologics trials (§ 312.32) and unanticipated adverse device effects in the case of device trials (21 CFR 812.150(b)(1)). The Agency recommends in the guidance that sponsors notify DMCs about any waivers granted by FDA for expedited reporting of certain serious events.

#### 5. DMC Reports of Meeting Minutes to the Sponsor

The Agency recommends in the guidance that DMCs should issue a written report to the sponsor based on the DMC meeting minutes. Reports to the sponsor should include only those data generally available to the sponsor. The sponsor may convey the relevant information in this report to other interested parties, such as study investigators. Meeting minutes or other information that include discussion of confidential data would not be provided to the sponsor.

*Description of the Respondents:* The submission and data collection recommendations described in this document affect sponsors of clinical trials and DMCs.

*Burden Estimate:* Table 1 of this document provides the burden estimate of the annual reporting burden for the information to be submitted in accordance with the guidance. Table 2 of this document provides the burden estimate of the annual recordkeeping burden for the information to be maintained in accordance with the guidance. Table 3 of this document provides the burden estimate of the annual third-party disclosure burden for the information to be submitted in accordance with the guidance.

*Reporting, Recordkeeping, and Third-Party Disclosure Burdens:* Based on information from FDA review divisions,

FDA estimates there are approximately 740 clinical trials with DMCs regulated by the Center for Biologics Evaluation and Research, the Center for Drug Evaluation and Research, and the Center for Devices and Radiological Health. FDA estimates that the average length of a clinical trial is 2 years, resulting in an annual estimate of 370 clinical trials. Because FDA has no information on which to project a change in the use of DMCs, FDA estimates that the number of clinical trials with DMCs will not change significantly. For purposes of this information collection, FDA estimates that each sponsor is responsible for approximately 10 trials, resulting in an estimated 37 sponsors that are affected by the guidance annually.

Based on information provided to FDA by sponsors that have typically used DMCs for the kinds of studies for which this guidance recommends them, FDA estimates that the majority of sponsors have already prepared SOPs for DMCs, and only a minimum amount of time is necessary to revise or update them for use for other clinical studies. FDA receives very few requests for waivers regarding expedited reporting of certain serious events; therefore, FDA has estimated one respondent per year to account for the rare instance a request may be made. Based on FDA's experience with clinical trials using DMCs, FDA estimates that the sponsor on average would issue two interim reports per clinical trial to the DMC. FDA estimates that the DMCs would hold two meetings per year per clinical trial resulting in the issuance of two DMC reports of meeting minutes to the sponsor. One set of both of the meeting records should be maintained per clinical trial.

The “Average Burden per Response” and “Average Burden per Recordkeeping” are based on FDA's experience with comparable recordkeeping and reporting provisions applicable to FDA regulated industry. The “Average Burden per Response” includes the time the respondent would spend reviewing, gathering, and preparing the information to be submitted to the DMC, FDA, or the sponsor. The “Average Burden per Recordkeeping” includes the time to record, gather, and maintain the information.

The information collection provisions in the guidance for 21 CFR 312.30, 312.32, 312.38, 312.55, and 312.56 have been approved under OMB control number 0910–0014; 21 CFR 314.50 has been approved under OMB control number 0910–0001; and 21 CFR 812.35

and 812.150 have been approved under OMB control number 0910-0078. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Section of guidance/reporting activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
5. Sponsor reporting to FDA on DMC recommendations related to safety ..	37	1	37	0.50 (30 minutes)	18.5

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1</sup>

Section of guidance/recordkeeping activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
4.1. and 6.4 SOPs for DMCs .....	37	1	37	8 .....	296
4.4.3.2. DMC meeting records .....	370	1	370	2 .....	740
Total .....					1,036

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN <sup>1</sup>

Section of guidance/disclosure activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
4.4.1.2. Sponsor notification to the DMC regarding waivers .....	1	1	1	0.25 (15 minutes)	0.25
4.4.3.2. DMC reports of meeting minutes to the sponsor .....	370	2	740	1 .....	740
Total .....					740.25

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: May 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11647 Filed 5-30-18; 8:45 am]

BILLING CODE 4164-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2018-D-1609]

**Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management; International Council for Harmonisation; 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 guidance entitled “Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management; International Council for Harmonisation.” The draft guidance was

prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The draft guidance, which consists of a Core Guideline and an Annex, provides a framework to facilitate the management of post-approval chemistry, manufacturing, and controls changes for new and marketed pharmaceutical drug substances and drug products, including marketed chemical and biotechnological/biological products.

**DATES:** Submit either electronic or written comments on the draft guidance by December 15, 2018, to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any

confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

*Instructions:* All submissions received must include the Docket No. FDA-

2018–D–1609 for “Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management; Draft Guidance for Industry; Availability.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff office 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 this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–

0002, or 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 that office in processing your requests. The 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 guidance document.

**FOR FURTHER INFORMATION CONTACT:**

*Regarding the guidance:* Mahesh Ramanadham, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3272; or Ingrid Markovic, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–8115.

*Regarding the ICH:* Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring, MD 20993–0002, 301–796–4548.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH meetings designed to enhance harmonization and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and reduce differences in technical requirements for drug development among regulatory Agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; the FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical

Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers. The Assembly is responsible for the endorsement of draft guidelines and adoption of final guidelines. FDA publishes ICH guidelines as FDA guidance.

In November 2017, the ICH Assembly endorsed the draft guidance entitled “Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management” and agreed that the guidance should be made available for public comment. The draft guidance is the product of the Q12 Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Q12 Expert Working Group.

The guidance provides guidance on post-approval chemistry, manufacturing, and controls changes for new and marketed pharmaceutical drug substances and drug products. The guidance describes regulatory tools and enablers, along with associated guiding principles, that are intended to enhance the management of post-approval changes and transparency between industry and regulatory authorities, encouraging innovation and continual improvement. The guidance is intended to demonstrate how increased product and process knowledge can contribute to a reduction in the number of regulatory submissions needed for such post-approval changes. Specifically, effective implementation of the tools and enablers described in the guideline should enhance industry’s ability to manage many postapproval changes effectively under the firm’s Pharmaceutical Quality System with less need for extensive regulatory oversight prior to implementation. The extent of operational and regulatory flexibility is subject to product and process understanding (ICH Q8 and Q11), application of risk management principles (ICH Q9), and an effective pharmaceutical quality system (ICH Q10).

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 "Q12 Technical and Regulatory Considerations for Pharmaceutical Product Lifecycle Management." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

## II. Electronic Access

Persons with access to the internet may obtain the document at <https://www.regulations.gov>, <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>, or <https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>.

Dated: May 24, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-11641 Filed 5-30-18; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Solicitation of Written Comments on the Human Papillomavirus Vaccination Implementation Work Group Draft Report and Draft Recommendations for Consideration by the National Vaccine Advisory Committee

**AGENCY:** National Vaccine Program Office, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The National Vaccine Advisory Committee (NVAC) was established in 1987 to comply with Title XXI of the Public Health Service Act. Its purpose is to advise and make recommendations to the Director of the National Vaccine Program on matters related to program responsibilities. The Assistant Secretary for Health (ASH) has been designated by the Secretary of Health and Human Services (HHS) as the Director of the National Vaccine Program. The National Vaccine Program Office (NVPO) is located within the Office of the Assistant Secretary for Health (OASH), Office of the Secretary, U.S. Department of Health and Human Services (HHS). NVPO provides leadership and fosters collaboration

among the various federal agencies involved in vaccine and immunization activities. The NVPO also supports the National Vaccine Advisory Committee (NVAC). The NVAC advises and makes recommendations to the ASH in his capacity as the Director of the National Vaccine Program on matters related to vaccine program responsibilities.

The ASH charged the NVAC in February 2018 to establish a work group to produce a brief report by June 2018 on recommendations to strengthen the effectiveness of national, state, and local efforts to improve Human Papillomavirus (HPV) coverage rates. Through a series of conference calls, electronic communication, and public discussion at the May 3, 2018, NVAC public meeting, the work group identified a number of draft recommendations for consideration by the NVAC. The work group's draft report and recommendations will inform NVAC deliberations as it finalizes recommendations for transmittal to the ASH.

On behalf of NVAC, NVPO is soliciting public comment on the draft report and draft recommendations from a variety of stakeholders, including the general public, for consideration by the NVAC as they develop their final recommendations to the ASH. It is anticipated that the draft report and draft recommendations, as revised with consideration given to public comment and stakeholder input, will be presented to the NVAC for adoption in June 2018 at the quarterly NVAC meeting.

**DATES:** Comments for consideration by the NVAC should be received no later than 5:00 p.m. EDT on June 15, 2018.

**ADDRESSES:**

(1) The draft report and draft recommendations are available on the web at <http://www.hhs.gov/nvpo/nvac/index.html>.

(2) Electronic responses may be sent to: [nvac@hhs.gov](mailto:nvac@hhs.gov).

**FOR FURTHER INFORMATION CONTACT:**

Captain Angela Shen, Designated Federal Officer, National Vaccine Program Office, U.S. Department of Health and Human Services, Room 715H, Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201. Phone: 202-690-5566; email [nvac@hhs.gov](mailto:nvac@hhs.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On June 9, 2015, the National Vaccine Advisory Committee (NVAC) issued a report "Overcoming Barriers to Low HPV Vaccine Uptake in the United States: Recommendations from the National Vaccine Advisory Committee."

This report provided recommendations to the ASH on how to increase Human Papillomavirus (HPV) vaccine uptake in young adolescents by reviewing the current state of HPV immunization, understanding the root cause(s) for the observed relatively low vaccine uptake (both initiation and series completion), and identifying existing best practices. Since the original NVAC HPV report, substantial progress led to policy and program changes and advances in research. To build on the substantial progress made toward increasing HPV vaccination coverage rates, the ASH charged the NVAC in February 2018 to establish a work group to produce a brief report by June 2018 on recommendations to "strengthen the effectiveness of national, state, and local efforts to improve HPV coverage rates." The ASH specifically requested the NVAC to consider the following:

(1) Many national organizations are currently supporting HPV efforts. Are there additional national organizations that might contribute to increasing HPV vaccination coverage?

(2) At the state level, many states have formed coalitions to support HPV vaccination efforts. Is there general guidance for states that do not yet have coalitions?

(3) Integrated health care delivery networks can successfully integrate comprehensive quality improvement approaches to increase vaccination coverage rates. How can state immunization programs and coalitions engage with health systems to work together on improving HPV vaccination coverage?

(4) Please specify recommendations on how to meet the needs of providers in rural areas.

The NVAC established the Human Papillomavirus Vaccination Implementation Work Group in February 2018, a work group tasked to engage with a wide-range of implementation partners from across all sectors (*e.g.*, government, industry, health systems, associations, academia, and non-profit) to inform NVAC's work and these recommendations.

The NVAC draft report highlights the progress made toward increasing HPV vaccination coverage rates, since the 2015 NVAC report. The recommendations detail how the ASH can support HHS activities to strengthen the effectiveness of national, state, and local efforts to improve HPV coverage rates.

#### II. Request for Comment

NVPO, on behalf of the NVAC HPV Vaccination Implementation Work Group, requests input on the draft report

and draft recommendations. Please limit your comments to three (3) pages.

### III. Potential Responders

HHS invites input from a broad range of stakeholders including individuals and organizations that have interests U.S. vaccine and immunization efforts and the role of HHS in advancing those efforts.

Examples of potential responders include, but are not limited to, the following:

- General public;
- advocacy groups, non-profit organizations, and public interest organizations;
- academics, professional societies, and healthcare organizations;
- public health officials and immunization program managers;
- physician and non-physician providers that administer immunization services, including pharmacists; and
- representatives from the private sector.

When responding, please self-identify with any of the above or other categories (include all that apply) and your name. Anonymous submissions will not be considered. Written submissions should not exceed three (3) pages. Please do not send proprietary, commercial, financial, business, confidential, trade secret, or personal information.

Dated: May 24, 2018.

#### Roula Sweis,

*Deputy Director, National Vaccine Program Office.*

[FR Doc. 2018-11745 Filed 5-30-18; 8:45 am]

**BILLING CODE 4150-44-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030

**AGENCY:** Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Health and Human Services (HHS) announces the next meeting of the Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030 (Committee) regarding the development of national health promotion and disease prevention objectives for 2030.

This meeting will be held online via webinar and is open to the public. The Committee will discuss the nation's health promotion and disease prevention objectives and will provide recommendations to improve health status and reduce health risks for the nation by the year 2030. The Committee will further develop recommendations regarding setting targets for the Healthy People 2030 objectives and recommendations regarding the role of law and policy, systems science, health literacy, health promotion, health and well-being, summary measures, and health equity in Healthy People 2030. Pursuant to the Committee's charter, the Committee's advice must assist the Secretary in reducing the number of objectives while ensuring that the selection criteria identifies the most critical public health issues that are high-impact priorities supported by current national data.

**DATES:** The Committee will meet on July 10, 2018, from 1:00 p.m. to 4:00 p.m. Eastern Time (ET).

**ADDRESSES:** The meeting will be held online via webinar. To register to attend the meeting, please visit the Healthy People website at <http://www.healthypeople.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Emmeline Ochiai, Designated Federal Official, Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, 1101 Wootton Parkway, Room LL-100, Rockville, MD 20852, (240) 453-8255 (telephone), (240) 453-8281 (fax). Additional information is available on the Healthy People website at <http://www.healthypeople.gov>.

**SUPPLEMENTARY INFORMATION:** The names and biographies of the Committee members are available at <https://www.healthypeople.gov/2020/about/history-development/healthy-people-2030-advisory-committee>.

*Purpose of Meeting:* Through the Healthy People initiative, HHS leverages scientific insights and lessons from the past decade, along with new knowledge of current data, trends, and innovations, to develop the next iteration of national health promotion and disease prevention objectives. Healthy People provides science-based, 10-year national objectives for promoting health and preventing disease. Since 1979, Healthy People has set and monitored national health objectives that meet a broad range of health needs, encourage collaboration across sectors, guide

individuals toward making informed health decisions, and measure the impact of our prevention and health promotion activities. Healthy People 2030 health objectives will reflect assessments of major risks to health and wellness, changing public health priorities, and emerging technologies related to our nation's health preparedness and prevention.

#### *Public Participation at Meeting:*

Members of the public are invited to join the online Committee meeting. There will be no opportunity for oral public comments during this online Committee meeting. However, written comments are welcome throughout the entire development process of the national health promotion and disease prevention objectives for 2030 and may be emailed to [HP2030@hhs.gov](mailto:HP2030@hhs.gov).

To join the Committee meeting, individuals must pre-register at the Healthy People website at <http://www.healthypeople.gov>. Participation in the meeting is limited. Registrations will be accepted until maximum webinar capacity is reached, and must be completed by 9:00 a.m. ET on July 10, 2018. A waiting list will be maintained should registrations exceed capacity, and those individuals will be contacted as additional space for the meeting becomes available. Registration questions may be directed to [HealthyPeople@norc.org](mailto:HealthyPeople@norc.org).

*Authority:* 42 U.S.C. 300u and 42 U.S.C. 217a. The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2030 is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92-463, as amended (5 U.S.C., App.) which sets forth standards for the formation and use of federal advisory committees.

Dated: May 24, 2018.

#### Don Wright,

*Deputy Assistant Secretary for Health, (Disease Prevention and Health Promotion).*

[FR Doc. 2018-11600 Filed 5-30-18; 8:45 am]

**BILLING CODE 4150-32-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

*Date:* June 25–26, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

*Contact Person:* Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, [chatterm@csr.nih.gov](mailto:chatterm@csr.nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Drug Discovery for the Nervous System Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Hotel Suites Alexandria—Old Town, 625 First St., Alexandria, VA 22314.

*Contact Person:* Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, [custerm@csr.nih.gov](mailto:custerm@csr.nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurodifferentiation, Plasticity, Regeneration and Rhythmicity Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Villa Florence Hotel, 225 Powell Street, San Francisco, CA 94102.

*Contact Person:* Joanne T. Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, [fujij@csr.nih.gov](mailto:fujij@csr.nih.gov).

*Name of Committee:* Oncology 1—Basic Translational Integrated Review Group; Tumor Cell Biology Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites by Hilton Alexandria Old Town, 1900 Diagonal Rd., Alexandria, VA 22314.

*Contact Person:* Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301–408–9850, [morrowcs@csr.nih.gov](mailto:morrowcs@csr.nih.gov).

*Name of Committee:* Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The St. Regis Washington DC, 923 16th Street NW, Washington, DC 20006.

*Contact Person:* Mary G. Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–915–6301, [marygs@csr.nih.gov](mailto:marygs@csr.nih.gov).

*Name of Committee:* Brain Disorders and Clinical Neuroscience Integrated Review Group; Diseases and Pathophysiology of the Visual System Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Nataliya Gordiyenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301.435.1265, [gordiyenkon@csr.nih.gov](mailto:gordiyenkon@csr.nih.gov).

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Wyndham Grand Chicago Riverfront, 71 E Wacker, Chicago, IL 60601.

*Contact Person:* Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, [sahaia@csr.nih.gov](mailto:sahaia@csr.nih.gov).

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Myocardial Ischemia and Metabolism Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

*Contact Person:* Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, [hamannkj@csr.nih.gov](mailto:hamannkj@csr.nih.gov).

*Name of Committee:* Biobehavioral and Behavioral Processes Integrated Review Group; Cognition and Perception Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Palomar, 2121 P Street NW, Washington, DC 20037.

*Contact Person:* Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7770, Bethesda, MD 20892, (301) 455–1761, [kellya2@csr.nih.gov](mailto:kellya2@csr.nih.gov).

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Systemic Injury by Environmental Exposure.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Crowne Plaza National Airport, 1480 Crystal Drive, Arlington, VA 22202.

*Contact Person:* Meenakshisundar Ananthanarayanan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, Bethesda, MD 20817, 301–435–1234, [ananth.ananthanarayanan@nih.gov](mailto:ananth.ananthanarayanan@nih.gov).

*Name of Committee:* Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Nutrition and Metabolic Processes Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Marriott Georgetown, 1221 22nd St. NW, Washington, DC 20037.

*Contact Person:* Gregory S. Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, Bethesda, MD 20892–7892, 301–755–4335, [greg.shelness@nih.gov](mailto:greg.shelness@nih.gov).

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Cancer, Heart, and Sleep Epidemiology A Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

*Contact Person:* Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, [wieschd@csr.nih.gov](mailto:wieschd@csr.nih.gov).

*Name of Committee:* Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

*Date:* June 28–29, 2018.

*Time:* 8:30 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Lorient Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

*Contact Person:* Cheryl M. Corsaro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, [corsaroc@csr.nih.gov](mailto:corsaroc@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 25, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-11724 Filed 5-30-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental and Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Secondary Data Analysis.

*Date:* June 7, 2018.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIDCR, Democracy One, Conference Room 651, 6701 Democracy Blvd., Bethesda, MD 20892.

*Contact Person:* Guo He Zhang, MPH, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 672, Bethesda, MD 20892, [zhanggu@mail.nih.gov](mailto:zhanggu@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 24, 2018.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-11619 Filed 5-30-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering Sciences and Technologies.

*Date:* June 25, 2018.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404-7419, [rosenzweig@csr.nih.gov](mailto:rosenzweig@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowship: Immunology.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

*Contact Person:* Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016F, Bethesda, MD 20892, 301-435-0908, [lguo@mail.nih.gov](mailto:lguo@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-RM-17-027: Tissue Mapping Centers for the Human BioMolecular Atlas Program (U54).

*Date:* June 28, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

*Contact Person:* James J. Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301-806-8065, [lijames@csr.nih.gov](mailto:lijames@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Exosomes: From Biogenesis and Secretion to the Early Pathogenesis of Alzheimer's Disease.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

*Contact Person:* Afia Sultana, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827-7083, [sultana@mail.nih.gov](mailto:sultana@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301-435-1047, [kkrishna@csr.nih.gov](mailto:kkrishna@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR-15-358-Molecular and Cellular Causal Aspects of Alzheimer's Disease.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

*Contact Person:* Afia Sultana, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827-7083, [sultana@mail.nih.gov](mailto:sultana@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, VA 22311.

*Contact Person:* Leonid V. Tsap, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7854, Bethesda, MD 20892, (301) 435-2507, [tsapl@csr.nih.gov](mailto:tsapl@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Psycho/Neuropathology Lifespan Development, STEM Education.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz-Carlton St. Louis, 100 Carondelet Plaza, St. Louis, MO 63105.

*Contact Person:* Elia E. Femia, Ph.D., Scientific Review Officer, Center for



Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3108, Bethesda, MD 20892, 301-827-7189, [femiaee@csr.nih.gov](mailto:femiaee@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences.

*Date:* June 28, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Chicago/Magnificent Mile Suites, 198 E Delaware Pl., Chicago, IL 60611.

*Contact Person:* Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435-1743, [margaret.chandler@nih.gov](mailto:margaret.chandler@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; BRAIN Initiative: Targeted BRAIN Circuits Projects.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Darcy Washington DC, Curio Collection, Hilton, 1515 Rhode Island Ave. NW, Washington, DC 20005.

*Contact Person:* Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301-435-1242, [kgt@mail.nih.gov](mailto:kgt@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Pathophysiological Basis of Addiction, Behavior Regulation, and Neurodegeneration.

*Date:* June 28, 2018.

*Time:* 11:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5211, Bethesda, MD 20892, 301-760-8207, [schauweckerpe@csr.nih.gov](mailto:schauweckerpe@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Gastrointestinal Immunology and Diseases.

*Date:* June 28, 2018.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Martha Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301-435-1243, [garciamc@nih.gov](mailto:garciamc@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844,

93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* May 25, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-11725 Filed 5-30-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Non-HIV Microbial Diagnostic and Detection Research.

*Date:* June 28, 2018.

*Time:* 8:00 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Whyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

*Contact Person:* Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 3200, MSC 7808 Bethesda, MD 20892, 301-435-1167, [pandyaga@mail.nih.gov](mailto:pandyaga@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA Panel: Cellular and Molecular Biology of Complex Brain Disorders.

*Date:* June 28, 2018.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Westin Grand, 2350 M Street NW, Washington, DC 20037.

*Contact Person:* Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301-827-7490, [brianscott@mail.nih.gov](mailto:brianscott@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Hypersensitivity, Allergies and Mucosal Immunology (HAMI).

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites Denver Airport, 7001 Yampa Street, Denver, CO 80249.

*Contact Person:* Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435-3566, [alok.mulky@nih.gov](mailto:alok.mulky@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection, and Bioremediation.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Whyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

*Contact Person:* Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm. 3200, MSC 7808, Bethesda, MD 20892, 301-435-1167, [pandyaga@mail.nih.gov](mailto:pandyaga@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

*Contact Person:* Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, 301-480-9069, [cbackman@mail.nih.gov](mailto:cbackman@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The St. Regis Washington DC, 923 16th Street NW, Washington, DC 20006.

*Contact Person:* Aurea D. De Sousa, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20817, 301-435-0000, [aurea.desousa@nih.gov](mailto:aurea.desousa@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Genes, Genomes, and Genetics.

*Date:* June 28-29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301-451-0132, [bloomm2@mail.nih.gov](mailto:bloomm2@mail.nih.gov).



*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Exploration of Antimicrobial Therapeutics and Resistance.

*Date:* June 28–29, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

*Contact Person:* Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 3202, Bethesda, MD 20892, 301–827–7233, [susan.boyle-vavra@nih.gov](mailto:susan.boyle-vavra@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Orthopedic, Skeletal Muscle and Oral Sciences.

*Date:* June 28, 2018.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

*Contact Person:* Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301–237–9931, [ansaria@csr.nih.gov](mailto:ansaria@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Myalgic Encephalomyelitis/Chronic Fatigue Syndrome.

*Date:* June 28, 2018.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Jana Drgonova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–827–2549, [jdrgonova@mail.nih.gov](mailto:jdrgonova@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Integrative Nutrition and Metabolic Processes.

*Date:* June 28, 2018.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Marriott Georgetown, 1221, 22nd Street NW, Washington, DC 20037.

*Contact Person:* Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301–435–2514, [riverase@csr.nih.gov](mailto:riverase@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Focus on Antimicrobial Drug Development and Resistance.

*Date:* June 28, 2018.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

*Contact Person:* Guangyong Ji, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301–435–1146, [jig@csr.nih.gov](mailto:jig@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Vaccines, Host Defense and Inflammation.

*Date:* June 28, 2018.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Betty Hayden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, 301–435–1223, [haydenb@csr.nih.gov](mailto:haydenb@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 25, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–11722 Filed 5–30–18; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0124]

#### Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Consideration of Deferred Action for Childhood Arrivals

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the

respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 30, 2018.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615–0124 in the body of the letter, the agency name and Docket ID USCIS–2012–0012. 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–2012–0012;

(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–2012–0012 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that

is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Consideration of Deferred Action for Childhood Arrivals.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-821D; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or Households. The information collected on this form is used by USCIS to determine eligibility of certain individuals who were brought to the United States as children and meet the following guidelines to be considered for deferred action for childhood arrivals:

1. Were under the age of 31 as of June 15, 2012;

2. Came to the United States before reaching their 16th birthday, and established residence at that time;

3. Have continuously resided in the United States since June 15, 2007, up to the present time;

4. Were present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;

5. Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;

6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These individuals will be considered for relief from removal from the United States or from being placed into removal proceedings as part of the deferred action for childhood arrivals process. Those who submit requests with USCIS and demonstrate that they meet the threshold guidelines may have removal action in their case deferred for a period of two years, subject to renewal (if not terminated), based on an individualized, case by case assessment of the individual's equities. Only those individuals who can demonstrate, through verifiable documentation, that they meet the threshold guidelines will be considered for deferred action for childhood arrivals, except in exceptional circumstances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-821D initial requests is 45,645 and the estimated hour burden per response is 136,935 hours. The estimated total number of respondents for the information collection I-821D renewal requests is 427,207 and the estimated hour burden per response is 1,281,621 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,418,556 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 \$50,415,480.

Dated: May 25, 2018.

**Samantha L Deshommnes,**

*Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 2018-11704 Filed 5-30-18; 8:45 am]

**BILLING CODE 9111-97-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0069]

#### Agency Information Collection Activities; Revision of a Currently Approved Collection: Application by Refugee for Waiver of Inadmissibility Grounds

**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 July 30, 2018.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615-0069 in the body of the letter, the agency name and Docket ID USCIS-2006-0042. 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-2006-0042;

(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 Deshommnes, 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-2006-0042 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:* Application by Refugee for Waiver of Inadmissibility Grounds.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-602; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The data collected on the Application by Refugee for Waiver of Inadmissibility Grounds, Form I-602, will be used by USCIS to determine eligibility for waivers, and to report to Congress the reasons for granting waivers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-602 is 190 and the estimated hour burden per response is 1 hour.

(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 190 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 \$23,520.

Dated: May 25, 2018.

**Samantha L Deshommnes,**

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018-11706 Filed 5-30-18; 8:45 am]

**BILLING CODE 9111-97-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0060]

#### Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Medical Certification for Disability Exception

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the

Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 30, 2018.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615-0060 in the body of the letter, the agency name and Docket ID USCIS-2008-0021. 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-2008-0021;

(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 Deshommnes, 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-2008-0021 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider

limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Medical Certification for Disability Exceptions.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N-648; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. USCIS uses the Form N-648 to substantiate a claim for an exception to the requirements of section 312(a) of the Act. Only medical doctors, doctors of osteopathy, or clinical psychologists licensed to practice in the United States are authorized to certify Form N-648.

(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 N-648 is 4,138 and the

estimated hour burden per response is 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 8,276 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 \$294,129.

Dated: May 25, 2018.

**Samantha L Deshommnes,**

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018-11703 Filed 5-30-18; 8:45 am]

**BILLING CODE 9111-97-P**

#### DEPARTMENT OF HOMELAND SECURITY

##### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0007]

#### Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Alien Change of Address Card

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 2, 2018. This process is conducted in accordance with 5 CFR 1320.10.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at [dhsdeskofficer@omb.eop.gov](mailto:dhsdeskofficer@omb.eop.gov). All submissions received must include the agency name and the OMB Control Number 1615-0007 in the subject line.

You may wish to consider limiting the amount of personal information that you

provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommnes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529-2140, Telephone number (202) 272-8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at (800) 375-5283; TTY (800) 767-1833.

#### SUPPLEMENTARY INFORMATION:

##### Comments

The information collection notice was previously published in the **Federal Register** on February 15, 2018, at 83 FR 6871, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2008-0018 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

## Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Alien Change of Address Card.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* AR-11; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Form AR-11SR, Alien's Change of Address Card, has been used to report changes of address of aliens subject to "special registration" requirements contained in INA 263 and 8 CFR 264.1(f).

(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 AR-11 (paper) is 170,306 and the estimated hour burden per response is .20 hours; the estimated total number of respondents for the information collect AR-11 (electronic) is 1,075,917 and the estimated hour burden per response is .17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 216,967 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 \$638,648.

Dated: May 25, 2018.

**Samantha L. Deshommes,**

*Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 2018-11705 Filed 5-30-18; 8:45 am]

BILLING CODE 9111-97-P

---

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-HQ-MB-2017-N060; 91100-3740-GRNT 7C]

### Announcement of Public Meeting of the North American Wetlands Conservation Council

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The North American Wetlands Conservation Council will

meet in Fergus Falls, Minnesota, to select U.S. Standard grant proposals for reporting to the Migratory Bird Conservation Commission under the North American Wetlands Conservation Act. This meeting is open to the public, and interested persons may present oral or written statements.

**DATES:** *Meeting:* The meeting is scheduled for June 13, 2018, at 8:00 a.m. Central Daylight Saving Time.

*Participation:* If you wish to participate in the meeting via calling in, making a presentation, or submitting information beforehand, contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than June 6, 2018.

**ADDRESSES:** *Meeting location:* The meeting will take place in the Prairie Wetlands Learning Center, 602 Minnesota State Hwy. 210 East, Fergus Falls, Minnesota 56537. If you are interested in presenting information at the meeting or participating via telephone, contact the Council Coordinator by the date specified in **DATES**.

*Submitting information:* Comments must be submitted by the date specified in **DATES** by one of the following methods:

- *U.S. mail or hand-delivery:* U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, VA 22041.
- *Email:* [dbhc@fws.gov](mailto:dbhc@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Sarah Mott, Council Coordinator, by phone at 703-358-1784. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 during normal business hours. In addition, FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

#### SUPPLEMENTARY INFORMATION:

#### Background

In accordance with the North American Wetlands Conservation Act (NAWCA; 16 U.S.C. 4401-4412), the State-private-Federal North American Wetlands Conservation Council (Council) meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission. The seven-member Commission was established in 1929 by the passage of the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*) primarily to consider and approve areas of land or water recommended by the Secretary of the Interior for purchase

by the U.S. Fish and Wildlife Service. In 1989, the Commission acquired the additional responsibility to approve project funding under NAWCA.

The NAWCA program operates in two cycles per year. Each cycle, eligible proposals are reviewed and ranked by the nine-member Council. NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA website at [www.fws.gov/birds/grants/north-american-wetland-conservation-act.php](http://www.fws.gov/birds/grants/north-american-wetland-conservation-act.php).

#### Public Input

##### Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions to be considered during the meeting. If you wish to submit a written statement so that information may be made available to the Council for their consideration prior to the meeting, you must contact the Council Coordinator by the date in **DATES**. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

##### Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation during the meeting will be limited to 2 minutes per speaker, with no more than a total of 10 minutes for all speakers. Interested parties should contact the Council Coordinator by the date in **DATES**, in writing (preferably via email; see **ADDRESSES**), to be placed on the public speaker list. Nonregistered public speakers will not be considered during the meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

##### Meeting Minutes

Summary minutes of the Council meeting will be maintained by the

Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**). Meeting notes will be available by contacting the Council Coordinator within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Dated: May 11, 2018.

**Jerome Ford,**

*Assistant Director, Migratory Birds.*

[FR Doc. 2018-11601 Filed 5-30-18; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-FAC-2018-N061; FXFR1336090000-FF09F14000-167]

#### Aquatic Nuisance Species Task Force Meeting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a public meeting of the Aquatic Nuisance Species (ANS) Task Force, in accordance with the Federal Advisory Committee Act. The ANS Task Force's purpose is to develop and implement a program for U.S. waters to prevent introduction and dispersal of aquatic invasive species; to monitor, control, and study such species; and to disseminate related information.

**DATES:** The ANS Task Force will meet Tuesday through Thursday, June 12-14, 2018, from 8:30 a.m. to 5 p.m. each day. The meeting is open to the public; for security purposes, signup is required. For more information, contact the ANS Task Force Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**).

**ADDRESSES:**

*Meeting location:* The ANS Task Force meeting will take place at the National Oceanic and Atmospheric Administration, Building 3, Room 4527, 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301-713-0174).

*Comment submission:* You may submit written comments in advance of the meeting by emailing them to the ANS Task Force Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Susan Pasko, Executive Secretary, ANS Task Force, by telephone at (703) 358-2466, or by email at [Susan\\_Pasko@fws.gov](mailto:Susan_Pasko@fws.gov). If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Aquatic Nuisance Species (ANS) Task Force, in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The ANS Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (NANPCA; 16 U.S.C. 4701 *et seq.*), is composed of 13 Federal and 15 ex-officio members, and is co-chaired by the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. The ANS Task Force's purpose is to develop and implement a program for U.S. waters to prevent introduction and dispersal of aquatic invasive species; to monitor, control, and study such species; and to disseminate related information.

#### Meeting Agenda

- Update on the U.S. Geological Survey Nonindigenous Aquatic Species Database.
- Update from the Asian Carp Regional Coordinating Committee.
- Sessions to evaluate the Task Force and regional panel accomplishments and discuss strategies to further advance the Task Force mission.
- Public comment period.

The final agenda and other related meeting information will be posted on the Task Force website at <http://anstaskforce.gov>. Summary minutes of the meeting will be maintained by the Executive Secretary and will be available for public inspection within 90 days after the meeting at <http://anstaskforce.gov>.

#### Public Input

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:** 5 U.S.C. Appendix 2.

Dated: May 24, 2018.

**John J. Schmerfeld,**

*Acting Assistant Director for Fish and Aquatic Conservation.*

[FR Doc. 2018-11735 Filed 5-30-18; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R1-ES-2018-N079; FXES11130600000-189-FF01E00000]

#### Endangered Species; Receipt of Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act of 1973, as amended. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before July 2, 2018.

**ADDRESSES:** *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (e.g., TE-XXXXXX):

- *Email:* [permitsR1ES@fws.gov](mailto:permitsR1ES@fws.gov).
- *U.S. Mail:* Program Manager,

Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232-4181.

**FOR FURTHER INFORMATION CONTACT:**

Colleen Henson, Recovery Permit Coordinator, Ecological Services, (503) 231-6131 (phone); [permitsR1ES@fws.gov](mailto:permitsR1ES@fws.gov) (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1-800-877-8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

#### Background

With some exceptions, the ESA prohibits activities that constitute take

of listed species unless a Federal permit is issued that allows such activity. The ESA’s definition of “take” includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such

prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Permit Applications Available for Review and Comment**

Proposed activities in the following permit requests are for the recovery and

enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE-163899-2 .....	Papahanaumo-kuakea Marine National Monument, Honolulu, HI.	Laysan duck ( <i>Anas laysanensis</i> ), Short-tailed albatross ( <i>Phoebastria albatrus</i> ), <i>Pritchardia lanigera</i> (lo’ulu), <i>Sesbania tomentosa</i> (ohai), <i>Solanum nelsonii</i> (popolo).	HI	<i>Animals</i> : Survey/monitor, band, measure, vaccinate, bio-sample, social attraction, and/or salvage. <i>Plants</i> : Collect seeds, fruits, cuttings, and plants; maintain and monitor; propagate, outplant, direct seed, transplant, and/or salvage.	<i>Animals</i> : Capture, handle, release, biosample. <i>Plants</i> : Remove and reduce to possession.	Amend.
TE-014497-6 .....	Haleakala National Park, Makawao, HI.	Add the following species: Crested honeycreeper or akohekohe ( <i>Palmeria dole</i> ), Maui parrotbill or kiwikiu ( <i>Pseudonestor xanthophrys</i> ), ‘Iiwi ( <i>Drepanis coccinea</i> ).	HI	Survey, monitor, and salvage.	Playback calls and disturbance.	Amend.
TE-42195A-2 .....	Naval Facilities Engineering Command Marianas, Apra Heights, GU.	Mariana common moorhen ( <i>Gallinula chloropus guami</i> ), Micronesian megapode ( <i>Megapodius laperouse</i> ), Nightingale reed warbler ( <i>Acrocephalus luscini</i> a), Green sea turtle ( <i>Chelonia mydas</i> ), Hawksbill sea turtle ( <i>Eretmochelys imbricata</i> ), <i>Eugenia bryanii</i> (No Common Name (NCN)), <i>Hedyotis megalantha</i> (Pauvedo), <i>Heritiera longipetiolata</i> (Ufa-halomtano), <i>Phyllanthus saffordii</i> (NCN), <i>Psychotria malaspinae</i> (Aplokating-palaoan), <i>Serianthes nelsonii</i> (Hayun lagu (=Guam), Tronkon guafi (Rota)), <i>Solanum guamense</i> (Berenghenas halomtano), <i>Tinospora homosepala</i> (NCN).	GU, MP	<i>Birds</i> : Survey, monitor, and salvage. <i>Sea Turtles</i> : Survey and monitor, bio-sample, tag, genetic analysis, capture, handle, release, collect morphometric data, and salvage. <i>Plants</i> : Collect seeds and seedlings, propagate, cultivate, outplant, and salvage.	<i>Birds</i> : Playback calls and disturbance. <i>Sea turtles</i> : Capture, handle, release, survey, monitor, tag, and biosample. <i>Plants</i> : Remove and reduce to possession.	Amend.
TE-45531B-1 .....	Hawaii Division of Forestry and Wildlife, Honolulu, HI.	Akekee ( <i>Loxops caeruleirostris</i> ), Akikiki ( <i>Oreomystis bairdi</i> ), Maui parrotbill or kiwikiu ( <i>Pseudonestor xanthophrys</i> ), Palila or honeycreeper ( <i>Loxioides bailleui</i> ), Small Kauai thrush or puaiohi ( <i>Myadestes palmeri</i> ).	HI	Collect eggs, nestlings, sub-adults, and/or adults for captive breeding and population management activities.	Capture, handle, release, captive propagation.	Renew.
TE-82868C-0 .....	University of Guam, Marine Laboratory, Mangilao, GU.	Rota blue damselfly ( <i>Ischnura luta</i> ) .....	MP	Capture, handle, photograph, release, biosample, collect eDNA samples, and genetic analysis.	Capture, handle, release, and bio-sample.	New.

**Public Availability of Comments**

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

**Next Steps**

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

**Authority**

We publish this notice under section 10(c) of the Endangered Species Act of



1973, as amended (16 U.S.C. 1531 *et seq.*).

**Rolland G. White,**

*Assistant Regional Director—Ecological Services, Pacific Region.*

[FR Doc. 2018–11761 Filed 5–30–18; 8:45 am]

**BILLING CODE 4333–15–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS–R3–ES–2018–N049;  
FXES11130300000–189–FF03E00000]**

**Endangered and Threatened Wildlife and Plants; Permit Applications**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

**DATES:** We must receive any written comments on or before July 2, 2018.

**ADDRESSES:** Send written comments by U.S. mail to the Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov).

*Requesting Copies of Applications or Public Comments:* Copies of applications or public comments

concerning any of the applications in this notice may be obtained by any party who submits a written request for a copy of such documents to the above-mentioned office within 30 days of the date of publication of this notice (see **DATES**), subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

*Submitting Comments:* You may submit comments by one of the following methods. Please specify applicant name(s) and application number(s) to which your comments pertain (*e.g.*, TEXXXXXX).

- *Email:* [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov).

Please refer to the respective permit number (*e.g.*, Application No. TEXXXXXX) in the subject line of your email message.

- *U.S. Mail:* Regional Director, Attn: Carlita Payne (address above).

**FOR FURTHER INFORMATION CONTACT:**

Carlita Payne, 612–713–5343; [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov).

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

**Background**

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless the activities are specifically authorized by a Federal permit. The

ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit granted by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) of the ESA for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Permit Applications Available for Review and Comment**

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number when you submit comments. Documents and other information the applicants have submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

**Permit Applications**

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE75774C ..	Wesley Conway, Seymour, IN.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ), northern long-eared bat ( <i>M. septentrionalis</i> ).	AL, AR, CT, DE, D.C., FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, release.	New.



Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE89557A ..	TRC Companies, Inc., Cleveland, OH.	Add Dwarf wedgemussel ( <i>Alasmidonta heterodon</i> ) to existing permitted species: Clubshell ( <i>Pleurobema clava</i> ), fanshell ( <i>Cyprogenia stegaria</i> ), fat pocketbook ( <i>Potamilus capax</i> ), Higgins eye (pearlymussel) ( <i>Lampsilis higginsii</i> ), neosho mucket ( <i>L. rafinesquina</i> ), pink mucket (pearlymussel) ( <i>L. abrupta</i> ), speckled pocketbook ( <i>L. streckeri</i> ), northern riffleshell ( <i>Epioblasma torulosa rangiana</i> ), purple cat's paw pearlymussel ( <i>E. obliquata obliquata</i> ), white catspaw (pearlymussel) ( <i>E. o. perobliqua</i> ), snuffbox mussel ( <i>E. triquetra</i> ), orangefoot pimpleback (pearlymussel) ( <i>Plethobasus cooperianus</i> ), sheepnose mussel ( <i>P. cyphyus</i> ), rabbitsfoot ( <i>Quadrula cylindrica cylindrica</i> ), rayed bean ( <i>Villosa fabalis</i> ), scaleshell mussel ( <i>Leptodea leptodon</i> ), spectaclecase (mussel) ( <i>Cumberlandia monodonta</i> ).	Add new locations — NJ, NY—to existing authorized locations: AL, AR, IL, IN, IA, KY, MI, MN, MS, MO, OH, OK, TN.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release, relocate.	Renew.
TE26856C ..	Sean Langley, Indianapolis, IN.	Add Gray bat ( <i>Myotis grisescens</i> ) to existing permitted species: Indiana bat ( <i>M. sodalis</i> ), northern long-eared bat ( <i>M. septentrionalis</i> ).	AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, release.	Amend.
TE06845A ..	Lochmueller Group, Inc., Evansville, IN.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ), northern long-eared bat ( <i>M. septentrionalis</i> ).	IL, IN, OH, GA, KY ..	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, release.	Renew.
TE60958A ..	Bat Calls Identification, Inc., Kansas City, MO.	Indiana bat ( <i>Myotis sodalis</i> ), gray bat ( <i>M. grisescens</i> ), northern long-eared bat ( <i>M. septentrionalis</i> ), Ozark big-eared bat ( <i>Corynorhinus townsendii ingens</i> ), Virginia big-eared bat ( <i>C.t. virginianus</i> ).	AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MN, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, release.	Renew.

### Public Availability of Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive in response to this notice are available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES**.

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.

### Contents of Public Comments

Please make your comments as specific as possible. Please confine your

comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those

that include citations to, and analyses of, the applicable laws and regulations.

**Next Steps**

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

**Authority:** Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 7, 2018.

**Lori H. Nordstrom,**

*Assistant Regional Director, Ecological Services, Midwest Region.*

[FR Doc. 2018-11674 Filed 5-30-18; 8:45 am]

BILLING CODE 4333-15-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R2-ES-2018-N006; FXES1113010000C4-189-FF02ENEH00]

**Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 38 Species in the Southwest Region (Arizona, New Mexico, Oklahoma, and Texas)**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are conducting 5-year status reviews under the Endangered Species Act of 1973, as amended (Act), of 38 animal and plant species. A 5-year status review is based on the best

scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information that has become available since the last review for the species.

**DATES:** To ensure consideration, we are requesting submission of new information no later than July 2, 2018. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For how to submit information, see Request for Information and “How Do I Ask Questions or Provide Information?” in the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For information on a particular species, contact the appropriate person or office listed in the table in the **SUPPLEMENTARY INFORMATION** section.

**SUPPLEMENTARY INFORMATION:**

**Why do we conduct a 5-year review?**

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species’ status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review. For additional information about 5-year reviews, refer to our factsheet at <http://www.fws.gov/endangered/what-we-do/recovery-overview.html>.

**What information do we consider in our review?**

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for the species.

**Which species are under review?**

This notice announces our active review of the species listed in the table below.

Common name	Scientific name	Listing status	Current range	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
<b>ANIMALS</b>						
Alamosa springsnail.	<i>Tyronea alamosae</i>	Endangered .....	New Mexico—U.S.A.	56 FR 49646; 09/30/1991.	Susan Millsap, Field Supervisor, New Mexico Ecological Services Field Office, 505-761-4781; <a href="mailto:Susan_Millsap@fws.gov">Susan_Millsap@fws.gov</a> .	U.S. Fish and Wildlife Service, 2105 Osuna Road NE, Albuquerque, NM 87113-1001.
Beautiful shiner ....	<i>Cyprinella formosa</i>	Threatened .....	Arizona—U.S.A. Mexico.	49 FR 34490; 08/31/1984.	Bill Radke, Refuge Manager, San Bernardino National Wildlife Refuge, 520/364-2104; <a href="mailto:Bill_Radke@fws.gov">Bill_Radke@fws.gov</a> .	U.S. Fish and Wildlife Service, Attention 5-year Review, San Bernardino National Wildlife Refuge, P.O. Box 3509, Douglas, Arizona 85607.
Bee Creek Cave harvestman.	<i>Texella reddelli</i> .....	Endangered .....	Texas—U.S.A .....	53 FR 33 29; 09/16/1988.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; <a href="mailto:Adam_Zerrenner@fws.gov">Adam_Zerrenner@fws.gov</a> .	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Coffin Cave mold beetle.	<i>Batrissodes texanus</i> .	Endangered .....	Texas—U.S.A .....	53 FR 36029; 09/16/1988.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; <a href="mailto:Adam_Zerrenner@fws.gov">Adam_Zerrenner@fws.gov</a> .	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.

Common name	Scientific name	Listing status	Current range	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
Gila topminnow ....	<i>Poeciliopsis occidentalis.</i>	Endangered .....	Arizona, New Mexico—U.S.A., Mexico.	32 FR 4001; 03/ 11/1967.	Steve Spangle, Field Super- visor, Arizona Ecological Services Office, 602– 242–0210; <i>Steve_Span- gle@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 9828 North 31st Ave- nue, #C3, Phoenix, Ari- zona 85051–2517.
Gila trout .....	<i>Oncorhynchus gilae.</i>	Threatened with 4(d) rule.	Arizona, New Mexico— U.S.A.	32 FR 4001; 03/ 11/1967.	Susan Millsap, Field Super- visor, New Mexico Eco- logical Services Field Of- fice, 505–761–4781; <i>Susan_Millsap@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 2105 Osuna Road NE, Albuquerque, NM 87113–1001.
Gulf Coast Jaguarundi.	<i>Herpailurus (=Felis) yagouaroundi cacomitli.</i>	Endangered .....	Texas—U.S.A., Mexico.	41 FR 24062; 06/ 14/1976.	Chuck Ardizzone, Project Leader, Texas Coastal Ecological Services, 281– 286–8282; <i>Chuck_</i> <i>Ardizzone@fws.gov.</i>	U.S. Fish & Wildlife Service, 17629 El Camino Real, Ste 211, Houston, TX 77058.
Houston toad .....	<i>Bufo houstonensis</i>	Endangered .....	Texas—U.S.A .....	35 FR 16047; 10/ 13/1970.	Adam Zerrenner, Field Super- visor, Austin Ecologi- cal Services Field Office, 512–490–0057; <i>Adam_</i> <i>Zerrenner@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Jaguar .....	<i>Panthera onca</i> .....	Endangered .....	Arizona, New Mexico—U.S.A., Mexico.	37 FR 6476; 03/ 28/1972.	Steve Spangle, Field Super- visor, Arizona Ecological Services Office, 602– 242–0210; <i>Steve_Span- gle@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 9828 North 31st Ave- nue, #C3, Phoenix, Ari- zona 85051–2517.
Kretschmarr Cave mold beetle.	<i>Texamaurops reddelli.</i>	Endangered .....	Texas—U.S.A .....	53 FR 36029; 09/ 16/1988.	Adam Zerrenner, Field Super- visor, Austin Ecologi- cal Services Field Office, 512–490–0057; <i>Adam_</i> <i>Zerrenner@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 9828 North 31st Ave- nue, #C3, Phoenix, Ari- zona 85051–2517.
Little Colorado spinedace.	<i>Lepidomeda vittata</i>	Threatened .....	Arizona—U.S.A ....	32 FR 4001; 03/ 11/1967.	Steve Spangle, Field Super- visor, Arizona Ecological Services Office, 602– 242–0210; <i>Steve_Span- gle@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 9828 North 31st Ave- nue, #C3, Phoenix, Ari- zona 85051–2517.
Mexican long- nosed bat.	<i>Leptonycteris nivalis.</i>	Endangered .....	New Mexico, Texas—U.S.A., Mexico.	53 FR 38456; 09/ 30/1988.	Adam Zerrenner, Field Super- visor, Austin Ecologi- cal Services Field Office, General Office: 512–490– 0057, Direct Line: 512– 577–6594; <i>Adam_</i> <i>Zerrenner@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Mexican wolf .....	<i>Canis lupus baileyi</i>	Endangered .....	Entire in south- western United States and northwest Mex- ico, except where included in an experi- mental popu- lation as set forth in 17.84(k).	80 FR 2488; 01/ 16/2015.	Sherry Barrett, Mexican Wolf Recovery Coordi- nator, 505–761–4748; <i>Sherry_Barrett@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 2105 Osuna Road NE, Albuquerque, NM 87113–1001.
		Experimental pop- ulation, non- essential.	Arizona, New Mexico—U.S.A. as set forth in 17.84(k).	80 FR 2512; 01/ 16/2015.		
New Mexico meadow jumping mouse.	<i>Zapus hudsonius luteus.</i>	Endangered .....	Arizona, Colorado, New Mexico— U.S.A.	79 FR 33119; 06/ 10/2014.	Susan Millsap, Field Super- visor, New Mexico Eco- logical Services Field Of- fice, 505–761–4781; <i>Susan_Millsap@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 2105 Osuna Road NE, Albuquerque, NM 87113–1001.
New Mexico ridge- nosed rattle- snake.	<i>Crotalus willardi obscurus.</i>	Threatened .....	Arizona, New Mexico—U.S.A., Mexico.	43 FR 34476; 08/ 21/1978.	Susan Millsap, Field Super- visor, New Mexico Eco- logical Services Field Of- fice, 505–761–4781; <i>Susan_Millsap@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 2105 Osuna Road NE, Albuquerque, NM 87113–1001.
ocelot .....	<i>Leopardus (=Felis) pardalis.</i>	Endangered .....	Arizona, Texas— U.S.A., Mexico.	37 FR 6476; 03/ 30/1972.	Chuck Ardizzone, Project Leader, Texas Coastal Ecological Services, 281– 286–8282; <i>Chuck_</i> <i>Ardizzone@fws.gov.</i>	U.S. Fish & Wildlife Service, 17629 El Camino Real, Ste 211, Houston, TX 77058.
Ouachita rock- pocketbook.	<i>Arkansia wheeleri</i>	Endangered .....	Arkansas, Okla- homa—U.S.A.	56 FR 54950; 10/ 23/1991.	Jonna Polk, Field Super- visor, Oklahoma Ecologi- cal Services Field Office, 918–382–4504; <i>Jonna_</i> <i>Polk@fws.gov.</i>	U.S. Fish and Wildlife Serv- ice, 9014 East 21st Street, Tulsa, OK 74129.

Common name	Scientific name	Listing status	Current range	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
Pecos gambusia ...	<i>Gambusia nobilis</i>	Endangered .....	New Mexico, Texas—U.S.A.	35 FR 16047; 10/ 13/1970.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Rio Grande silvery minnow.	<i>Hybognathus amarus</i> .	Endangered .....	New Mexico, Texas—U.S.A., Mexico.	59 FR 36988; 07/ 20/1994.	Susan Millsap, Field Supervisor, New Mexico Ecological Services Field Office, 505-761-4781; Susan_Millsap@fws.gov.	U.S. Fish and Wildlife Service, 2105 Osuna Road NE, Albuquerque, NM 87113-1001.
San Marcos gambusia.	<i>Gambusia georgei</i>	Experimental population, non-essential. Endangered .....	Texas—U.S.A .....	59 FR 74357; 12/ 08/2008.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Sonoran pronghorn.	<i>Antilocarpa Americana sonoriensis</i> .	Endangered .....	Arizona—U.S.A., Mexico.	32 FR 4001; 03/ 11/1967.	Steve Spangle, Field Supervisor, Arizona Ecological Services Office, 602-242-0210; Steve_Spangle@fws.gov.	U.S. Fish and Wildlife Service, 9828 North 31st Avenue, #C3, Phoenix, Arizona 85051-2517.
Tooth Cave ground beetle.	<i>Rhadine persephone</i> .	Experimental population, non-essential. Endangered .....	Arizona—U.S.A ...	76 FR 25593; 05/ 05/2011; 03/11/ 1967.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Tooth Cave pseudoscorpion.	<i>Tartarocreagris texana</i> .	Endangered .....	Texas—U.S.A .....	53 FR 36029; 09/ 16/1988.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Tooth Cave spider	<i>Neoleptoneta myopica</i> .	Endangered .....	Texas—U.S.A .....	53 FR 36029; 09/ 16/1988.	Adam Zerrenner, Field Supervisor, Austin Ecological Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
Yaqui catfish .....	<i>Ictalurus pricei</i> .....	Threatened .....	Arizona—U.S.A. Mexico.	49 FR 34490; 08/ 31/1984.	Bill Radke, Refuge Manager, San Bernardino National Wildlife Refuge, 520/364-2104; Bill_Radke@fws.gov.	U.S. Fish and Wildlife Service, Attention 5-year Review, San Bernardino National Wildlife Refuge, P.O. Box 3509, Douglas, Arizona 85607.
Yaqui chub .....	<i>Gila purpurea</i> .....	Endangered .....	Arizona—U.S.A. Mexico.	49 FR 34490; 08/ 31/1984.	Bill Radke, Refuge Manager, San Bernardino National Wildlife Refuge, 520/364-2104; Bill_Radke@fws.gov.	U.S. Fish and Wildlife Service, Attention 5-year Review, San Bernardino National Wildlife Refuge, P.O. Box 3509, Douglas, Arizona 85607.
Yaqui topminnow (included in Gila topminnow).	<i>Poeciliopsis occidentalis</i> .	Endangered .....	Arizona, New Mexico—U.S.A., Mexico.	32 FR 4001; 03/ 11/1967.	Steve Spangle, Field Supervisor, Arizona Ecological Services Office, 602-242-0210; Steve_Spangle@fws.gov.	U.S. Fish and Wildlife Service, 9828 North 31st Avenue, #C3, Phoenix, Arizona 85051-2517.
<b>PLANTS</b>						
<i>Astragalus cremnophylax</i> var. <i>cremnophylax</i> .	sentry milk vetch ..	Endangered .....	Arizona—U.S.A. ...	55 FR 50184; 12/ 05/1990.	Steve Spangle, Field Supervisor, Arizona Ecological Services Office, 602-242-0210; Steve_Spangle@fws.gov.	U.S. Fish and Wildlife Service, 9828 North 31st Avenue, #C3, Phoenix, Arizona 85051-2517.

Common name	Scientific name	Listing status	Current range	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
<i>Callirohoe scabriuscula</i> .	Texas poppy mal-low.	Endangered .....	Texas—U.S.A .....	46 FR 3184; 01/13/1981; de-ferred to 46 FR 40025; 08/06/1981.	Adam Zerrenner, Field Su-pervisor, Austin Ecologi-cal Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Serv-ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
<i>Coryphantha ramillosa</i> .	bunched Cory cac-tus.	Threatened .....	Texas—U.S.A., Mexico.	44 FR 64247; 11/06/1979.	Adam Zerrenner, Field Su-pervisor, Austin Ecologi-cal Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Serv-ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
<i>Coryphantha scheeri</i> var. <i>robustispina</i> .	Pima pineapple cactus.	Endangered .....	Arizona—U.S.A., Mexico.	58 FR 49875; 09/23/1993.	Steve Spangle, Field Super-visor, Arizona Ecological Services Office, 602-242-0210; Steve_Spangle@fws.gov.	U.S. Fish and Wildlife Serv-ice, 9828 North 31st Ave-nue, #C3, Phoenix, Ari-zona 85051-2517.
<i>Echinocereus chisoensis</i> var. <i>chisoensis</i> .	Chisos Mountain hedgehog cac-tus.	Threatened .....	Texas—U.S.A .....	53 FR 38453; 09/30/1988.	Adam Zerrenner, Field Su-pervisor, Austin Ecologi-cal Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Serv-ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
<i>Echinocereus triglochidiatus</i> var. <i>arizonicus</i> .	Arizona hedgehog cactus.	Endangered .....	Arizona—U.S.A ....	44 FR 61556; 10/25/1979.	Steve Spangle, Field Super-visor, Arizona Ecological Services Office, 602-242-0210; Steve_Spangle@fws.gov.	U.S. Fish and Wildlife Serv-ice, 9828 North 31st Ave-nue, #C3, Phoenix, Ari-zona 85051-2517.
<i>Echinomastus mariposensis</i> .	Lloyd's Mariposa cactus.	Threatened .....	Texas—U.S.A., Mexico.	44 FR 64247; 11/06/1979.	Adam Zerrenner, Field Su-pervisor, Austin Ecologi-cal Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Serv-ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
<i>Lilaeopsis schaffneriana</i> var. <i>recurva</i> .	Huachuca water umbel.	Endangered .....	Arizona—U.S.A., Mexico.	62 FR 665; 01/06/1997.	Steve Spangle, Field Super-visor, Arizona Ecological Services Office, 602-242-0210; Steve_Spangle@fws.gov.	U.S. Fish and Wildlife Serv-ice, 9828 North 31st Ave-nue, #C3, Phoenix, Ari-zona 85051-2517.
<i>Phlox nivalis</i> ssp. <i>texensis</i> .	Texas trailing phlox.	Endangered .....	Texas—U.S.A .....	56 FR 49636, 09/30/1991.	Chuck Ardizzone, Project Leader, Texas Coastal Ecological Services, 281-286-8282; Chuck_Ardizzone@fws.gov.	U.S. Fish & Wildlife Service, 17629 El Camino Real, Ste 211, Houston, TX 77058.
<i>Potamogeton clystocarpus</i> .	Little aguja pondweed.	Endangered .....	Texas—U.S.A .....	56 FR 57844; 11/14/1991.	Adam Zerrenner, Field Su-pervisor, Austin Ecologi-cal Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Serv-ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.
<i>Styrax texanus</i> .....	Texas snowbells ..	Endangered .....	Texas—U.S.A .....	49 FR 40036; 10/12/1984.	Adam Zerrenner, Field Su-pervisor, Austin Ecologi-cal Services Field Office, General Office: 512-490-0057, Direct Line: 512-577-6594; Adam_Zerrenner@fws.gov.	U.S. Fish and Wildlife Serv-ice, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758.

**Request for Information**

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See "What Information Do We Consider in Our Review?" for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or

copies of any pertinent publications, reports, or letters by knowledgeable sources.

**How do I ask questions or provide information?**

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the table above. You may also direct questions to those contacts. Individuals who are hearing

impaired or speech impaired may call the Federal Relay Service at 800-877-8339 for TTY assistance.

**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.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

### Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Southwest Region of the Service has lead responsibility is available at [http://www.fws.gov/southwest/es/ElectronicLibrary\\_Main.cfm](http://www.fws.gov/southwest/es/ElectronicLibrary_Main.cfm) (under "Select a Document Category," select "5-Year Review").

### Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 2, 2018.

**Amy L. Lueders,**

*Regional Director, Southwest Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2018-11675 Filed 5-30-18; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

[GX18EB00A181100; OMB Control Number 1028-0085/Renewal]

### Agency Information Collection Activities; National Land Remote Sensing Education, Outreach and Research Activity

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of Information Collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the U.S. Geological Survey (USGS) is proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before July 30, 2018.

**ADDRESSES:** Send your comments on the information collection request (ICR) by mail to the U.S. Geological Survey, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to [gs-info\\_collections@usgs.gov](mailto:gs-info_collections@usgs.gov). Please reference OMB Control Number 1028-0085 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Sarah Cook by email at [scook@usgs.gov](mailto:scook@usgs.gov), or by telephone at 703-648-6136.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Geological Survey, in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary for the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** The National Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA) is an effort that involves the development of a U.S. national consortium in building the capability to receive, process and archive remotely sensed data for the purpose of providing access to university and state organizations in a ready-to-use format; and to expand the science of remote sensing through education, research/applications development and outreach in areas such as environmental monitoring to include the effects of climate variability on water availability (or lack thereof) and phenology, natural resource

management and disaster analysis. Respondents are submitting proposals to acquire funding for a national (U.S.) program to promote the uses of space-based land remote sensing data and technologies through education and outreach at the state and local level and through university-based and collaborative research projects. The information collected will ensure that sufficient and relevant information is available to evaluate and select a proposal for funding. A panel of USGS Land Resources Mission Area managers and scientists will review each proposal to evaluate the technical merit, requirements, and priorities identified in the call for proposals.

This notice concerns the collection of information that is sufficient and relevant to evaluate and select proposals for funding. We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, "Data and information to be made available to the public or for limited inspection." Responses are voluntary. No questions of a "sensitive" nature are asked. We intend to release the project abstracts and primary investigators for awarded/funded projects only.

**Title of Collection:** National Land Remote Sensing Education, Outreach and Research Activity (NLRSEORA).

**OMB Control Number:** 1028-0085.

**Form Number:** None.

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

**Respondents/Affected Public:** Public or private institutions of higher education including universities; state and local governments (including county, city, township or special district governments), independent school districts, Native American Tribal governments or organizations, nonprofit organizations (with or without 501(c)(3) status).

**Total Estimated Number of Annual Respondents:** Approximately 5 respondents.

**Total Estimated Number of Annual Responses:** Approximately 5 responses or applications.

**Estimated Completion Time per Response:** We expect to receive approximately 5 applications per year, taking each applicant approximately 24 hours to complete, totaling 120 burden hours. We anticipate awarding one (1) grant per year. The grantee will be required to submit an interim Annual Progress Report to the designated USGS Project Officer within 90 days of the end of the project period and a final report

on or before 90 working days after the expiration of the agreement.

*Total Estimated Number of Annual Burden Hours:* 120 hours per year.

*Respondent's Obligation:* Required to Obtain a Benefit.

*Frequency of Collection:* Annually.

*Total Estimated Annual Non-hour Burden Cost:* There are no "non-hour-cost" burdens associated with this IC.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

**Timothy Newman,**

*Program Coordinator, National Land Imaging Program, U.S. Geological Survey.*

[FR Doc. 2018-11631 Filed 5-30-18; 8:45 am]

**BILLING CODE 4338-11-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[189A2100DD/AAKC001030/  
A0A501010.999900 253G; OMB Control  
Number 1076-0094]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Law and Order on Indian Reservations—Marriage and Dissolution Applications

**AGENCY:** Bureau of Indian Affairs,  
Interior.

**ACTION:** Notice of information collection;  
request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before July 2, 2018.

**ADDRESSES:** Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to (202) 395-5806. Please provide a copy of your comments to Tricia Tingle, Associate Director, Tribal Justice Support Directorate at 1849 C Street NW, MS-2603 MIB, Washington, DC 20240; or by email to [Tricia.Tingle@bia.gov](mailto:Tricia.Tingle@bia.gov). Please reference OMB Control Number 1076-0094 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Ms. Tricia Tingle by email at [Tricia.Tingle@bia.gov](mailto:Tricia.Tingle@bia.gov), or call (202) 208-2675. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 30, 2018 (83 FR 13773). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** The Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR 11.600(c) and 11.606(c). This information collection allows the Clerk of the Court of Indian Offenses to collect personal information necessary for a Court of Indian Offenses to issue a marriage license or dissolve a marriage. Courts of Indian Offenses have

been established on certain Indian reservations under the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2, 9, and 13, which authorize appropriations for "Indian judges." The courts provide for the administration of justice for Indian tribes in those areas where the tribes retain jurisdiction over Indians, exclusive of State jurisdiction, but where tribal courts have not been established to exercise that jurisdiction and the tribes has, by resolution or constitutional amendment, chosen to use the Court of Indian Offenses. Accordingly, Courts of Indian Offenses exercise jurisdiction under 25 CFR 11.600, which authorizes the Court of Indian Offenses to conduct and dissolve marriages.

In order to obtain a marriage licenses in a Court of Indian Offenses, applicants must provide the six items of information listed in 25 CFR 11.600(c), including identifying information, such a Social Security number, information on previous marriage, relationship to the other applicant, and a certificate of the results of any medical examination required by applicable tribal ordinances or the laws of the State in which the Indian country under the jurisdiction of the Court of Indian Offenses is located. To dissolve a marriage, applicants must provide the six items of information listed in 25 CFR 11.606(c), including information on occupation and residency (to establish jurisdiction), information on whether the parties have lives apart for at least 180 days or if there is serious marital discord warranting dissolution, and information on the children of the marriage and whether the wife is pregnant (for the court to determine the appropriate level of support that may be required from the non-custodial parent). (25 CFR 11.601) Two forms are used as part of this information collection, the Marriage License Application and the Dissolution of Marriage Application.

*Title of Collection:* Law and Order on Indian Reservations—Marriage & Dissolution Applications.

*OMB Control Number:* 1076-0094.

*Form Number:* None.

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

*Respondents/Affected Public:* Individuals.

*Total Estimated Number of Annual Respondents:* 260 per year, on average.

*Total Estimated Number of Annual Responses:* 260 per year, on average.

*Estimated Completion Time per Response:* 15 minutes.

*Total Estimated Number of Annual Burden Hours:* 65 hours.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* On occasion.  
*Total Estimated Annual Nonhour Burden Cost:* \$6,500 (approximately \$25 per application for processing fees).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: May 16, 2018.

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.*

[FR Doc. 2018–11358 Filed 5–30–18; 8:45 am]

**BILLING CODE 4337–15–P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[18XD4523WT\_DS64950000

DWT000000.000000\_DP.64920; OMB Control Number 1090–0007]

#### **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; American Customer Satisfaction Index (ACSI) Government Customer Satisfaction Surveys**

**AGENCY:** Office of the Secretary, Office of Strategic Employee and Organization Development, Federal Consulting Group, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Federal Consulting Group are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before July 2, 2018.

**ADDRESSES:** Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to (202) 395–5806. Please provide a copy of your comments to Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4344, Washington, DC 20240–0001, or by facsimile to (202) 513–5184, or via email to [Luciana\\_adams@ios.doi.gov](mailto:Luciana_adams@ios.doi.gov). Please reference OMB Control Number 1090–0007 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4344, Washington, DC 20240–0001, or by facsimile to (202) 513–5184, or via email to [Luciana\\_adams@ios.doi.gov](mailto:Luciana_adams@ios.doi.gov). You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 2, 2018 (83 FR 9022). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Federal Consulting Group; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Federal Consulting Group enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Federal Consulting Group minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** The Office of Management and Budget regulation at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected

agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. The Office of Strategic Employee and Organization Development, Federal Consulting Group has submitted a request to the Office of Management and Budget to renew its approval of this collection of information for three years.

The proposed renewal of this information collection activity provides a means to consistently assess, benchmark, and improve customer satisfaction with Federal government agency programs and/or services within the Executive Branch. The Federal Consulting Group of the Department of the Interior serves as the executive agent for this methodology and has partnered with the Claes Fornell International Group (CFI Group) and the American Customer Satisfaction Index (ACSI) to offer the ACSI to Federal government agencies.

The CFI Group, a leader in customer satisfaction and customer experience management, offers a comprehensive model that quantifies the effects of quality improvements on citizen satisfaction. The CFI Group has developed the methodology and licenses it to the American Customer Satisfaction Index, an independent organization which produces the American Customer Satisfaction Index (ACSI). This national indicator is developed for different economic sectors each quarter, which are then published in *The Wall Street Journal*. The ACSI was introduced in 1994 by Professor Claes Fornell under the auspices of the University of Michigan, the American Society for Quality (ASQ), and the CFI Group. The ACSI monitors and benchmarks customer satisfaction across more than 200 companies and many U.S. Federal agencies.

The ACSI is the only cross-agency methodology for obtaining comparable measures of customer satisfaction with Federal government programs and/or services. Along with other economic objectives—such as employment and growth—the quality of outputs (goods and services) is a part of measuring living standards. The ACSI's ultimate purpose is to help improve the quality of goods and services available to American citizens.

ACSI surveys conducted by the Federal Consulting Group are subject to the Privacy Act of 1974, Public Law 93–579, December 31, 1974 (5 U.S.C. 552a). The agency information collection is an integral part of conducting an ACSI survey. The contractor will not be authorized to release any agency information upon completion of the



survey without first obtaining permission from the Federal Consulting Group and the participating agency. In no case shall any new system of records containing privacy information be developed by the Federal Consulting Group, participating agencies, or the contractor collecting the data. In addition, participating Federal agencies may only provide information used to randomly select respondents from among established systems of records provided for such routine uses.

There is no other agency or organization able to provide the information accessible through the surveying approach used in this information collection. Further, the information will enable Federal agencies to determine customer satisfaction metrics with discrimination capability across variables. Thus, this information collection will assist Federal agencies in making the best use of resources in a targeted manner to improve service to the public.

This survey asks no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it is operating under a currently valid OMB control number. The Office of Management and Budget control number for this collection is 1090-0007. The control number will be displayed on the surveys used. Response to the surveys is voluntary.

*Title of Collection:* American Customer Satisfaction Index (ACSI) Government Customer Satisfaction Surveys.

*OMB Control Number:* 1090-0007.  
*Form Number:* None.

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

*Respondents/Affected Public:* Individuals, Business, and State, Local, or Tribal Governments who have utilized Federal Government services.

*Estimated Completion Time per Response:* Participation by Federal agencies in the ACSI is expected to vary as new customer segment measures are added or deleted. However, based on historical records, projected average estimates for the next three years are as follows:

*Average Expected Annual Number of Customer Satisfaction Surveys:* 100 with 800 respondents per survey.

*Total Estimated Number of Annual Responses:* 80,000.

*Estimated Completion Time per Response:* 12 minutes.

*Total Estimated Number of Annual Burden Hours:* 16,000.

*Respondent's Obligation:* Voluntary.  
*Frequency of Collection:* Once per survey.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Jessica Reed,**

*Director, Federal Consulting Group.*

[FR Doc. 2018-11620 Filed 5-30-18; 8:45 am]

**BILLING CODE 4334-63-P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[18XD4523WT\_DS64950000\_DWT000000.000000\_DP.64920]; OMB Control Number 1090-0008]

#### **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; E-Government Website Customer Satisfaction Surveys (Formerly American Customer Satisfaction Index (ACSI) E-Government Website Customer Satisfaction Surveys)**

**AGENCY:** Office of the Secretary, Office of Strategic Employee and Organization Development, Federal Consulting Group, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Federal Consulting Group are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before July 2, 2018.

**ADDRESSES:** Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to (202) 395-5806. Please provide a copy of your comments to Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4344, Washington, DC 20240-0001, or by facsimile to (202) 513-5184, or via email to [Luciana\\_adams@ios.doi.gov](mailto:Luciana_adams@ios.doi.gov). Please reference OMB Control Number 1090-

0007 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4344, Washington, DC 20240-0001, or by facsimile to (202) 513-5184, or via email to [Luciana\\_adams@ios.doi.gov](mailto:Luciana_adams@ios.doi.gov). You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 2, 2018 (83 FR 9023). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Federal Consulting Group; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Federal Consulting Group enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Federal Consulting Group minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** The Office of Management and Budget regulation at 5 CFR 1320, which implements the provisions of the Paperwork Reduction Act of 1995 (Pub.

L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. The Office of Strategic Employee and Organization Development, Federal Consulting Group has submitted a request to Office of Management and Budget to renew its approval of this collection of information for three years.

This information collection activity provides a means to consistently assess, benchmark, and improve customer satisfaction with Federal government agency websites within the Executive Branch. The Federal Consulting Group of the Department of the Interior serves as the executive agent for this methodology and has partnered with ForeSee to offer this assessment to federal agencies.

ForeSee is a leader in customer satisfaction and customer experience management on the web and related media. Its methodology (Customer Experience Analytics or CXA) is a derivative of one of the most respected, credible, and well known measures of customer satisfaction in the country, the American Customer Satisfaction Index (ACSI). The ForeSee CXA methodology combines survey data and a patented econometric model to precisely measure the customer satisfaction of website users, identify specific areas for improvement, and determine the impact of those improvements on customer satisfaction and future customer behaviors.

The ForeSee CXA is the only cross-agency methodology for obtaining comparable measures of customer satisfaction with Federal Government websites. The ultimate purpose of ForeSee CXA is to help improve the quality of goods and services available to American citizens, including those from the Federal government.

The E-Government website Customer Satisfaction Surveys will be completed subject to the Privacy Act of 1974, Public Law 93–579, December 31, 1974 (5 U.S.C. 522a). The agency information collection will be used solely for the purpose of the survey. The contractor will not be authorized to release any agency information upon completion of the survey without first obtaining permission from the Federal Consulting Group and the participating agency. In no case shall any new system of records containing privacy information be developed by the Federal Consulting Group, participating agencies, or the contractor collecting the data. In addition, participating Federal agencies may only provide information used to

randomly selected respondents from among established systems of records provided for such routine uses.

There is no other agency or organization able to provide the information accessible through the surveying approach used in this information collection. Further, the information will enable Federal agencies to determine customer satisfaction metrics with discrimination capability across variables. Thus, this information collection will assist Federal agencies in making the best use of resources in a targeted manner to improve service to the public.

This survey asks no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it is operating under a currently valid Office of Management and Budget control number. The Office of Management and Budget control number for this collection is 1090–0008. The control number will be displayed on the surveys used. For expeditious administration of the surveys, the expiration date will not be displayed on the individual instruments. Response to the surveys is voluntary.

*Title of Collection:* American Customer Satisfaction Index (ACSI) E-Government website Customer Satisfaction Surveys

*OMB Control Number:* 1090–0008

*Form Number:* None.

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

*Respondents/Affected Public:* Individuals, Business, and State, Local, or Tribal Governments who have utilized Federal Government services.

*Estimated Completion Time per Response:* Participation by Federal agencies will vary as new websites are added or deleted. However, based on our experience from the previous three-year approval period, the number of surveys has been very consistent with little change and estimate for the next three years are as follows:

*Average Expected Annual Number of Customer Satisfaction Surveys:* 250 with 5,000 respondents per survey.

*Total Estimated Number of Annual Responses:* 1,250,000.

*Estimated Completion Time per Response:* 2.5 minutes

*Total Estimated Number of Annual Burden Hours:* 52,083.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* Once per survey.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Jessica Reed,**

*Director, Federal Consulting Group.*

[FR Doc. 2018–11622 Filed 5–30–18; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–NCR–MAMC–25484; PPNACENO, PPMPASAS1Z.Y00000]

### Mary McLeod Bethune Council House National Historic Site Advisory Commission Notice of Public Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Mary McLeod Bethune Council House National Historic Site Advisory Commission will meet as indicated below.

**DATES:** The Commission will meet on Wednesday, June 20, 2018, at 9:00 a.m. (Eastern).

**ADDRESSES:** The meeting will be held in the conference room at the Museum Resource Center, National Capital Region, National Park Service, 3300 Hubbard Road, Hyattsville, MD 20785.

**FOR FURTHER INFORMATION CONTACT:** Alex Tremble, Senior Management Assistant, Office of the Superintendent, or Tara Morrison, Superintendent and Designated Federal Officer, National Capital Parks-East, 1900 Anacostia Drive SE, Washington, DC 20020, telephone (202) 690–5193 or email [alex\\_tremble@nps.gov](mailto:alex_tremble@nps.gov) or [tara\\_morrison@nps.gov](mailto:tara_morrison@nps.gov).

**SUPPLEMENTARY INFORMATION:** The Commission is established by section 4 of Public Law 102–211 (16 U.S.C. 461 note). The purpose of the Commission is to fully participate in an advisory capacity with the Secretary of the Interior in the development of a General Management Plan for the historic site. The Commission will also, as often as necessary, but at least semiannually, meet and consult with the Secretary on matters relating to the management and development of the historic site.

*Purpose of the Meeting:* The purpose of the meeting is to discuss the following:

- Welcome and Introductions
- Discuss Duties/Responsibilities of the Chair
- Review/Approve December 16, 2016, Meeting Minutes
- Ethics Overview
- Park Updates and December 16, 2016, Action Items
- Status of National Historic Site Fire Suppression Project
- Archives
- Other National Historic Site Projects Funded and Proposed
- Budget
- FY 18 Work Plan
- The Election of Any Additional Officers

The proposed agenda may change to accommodate commission business. The final agenda for this meeting will be provided on the Park website at <https://www.nps.gov/mamc/index.htm>.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent prior to the meeting.

*Public Disclosure 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:** 5 U.S.C. Appendix 2.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2018–11698 Filed 5–30–18; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

[NPS–NERO–CACO–25428; PPNECACOSO, PPMPSD1Z.YM0000]

**Notice of the June 18, 2018, Meeting of the Cape Cod National Seashore Advisory Commission**

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice of the 307th meeting of the Cape Cod National Seashore Advisory Commission.

**DATES:** The public meeting of the Cape Cod National Seashore Advisory Commission will be held on Monday, June 18, 2018, at 1:00 p.m. (EASTERN).

**ADDRESSES:** The Commission members will meet in the conference room at park headquarters, 99 Marconi Site Road, Wellfleet, Massachusetts 02667.

**FOR FURTHER INFORMATION CONTACT:**

Further information concerning the meeting may be obtained from Brian Carlstrom, Superintendent and Designated Federal Officer, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, Massachusetts 02667, or at (508) 771–2144 or by email at [brian\\_carlstrom@nps.gov](mailto:brian_carlstrom@nps.gov).

**SUPPLEMENTARY INFORMATION:** The Commission was reestablished pursuant to Public Law 87–126, as amended by Public Law 105–280 (16 U.S.C. 459b–7). The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

*Purpose of the Meeting:* The purpose of the meeting is to discuss the following:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting (March 13, 2017)
3. Reports of Officers
4. Reports of Subcommittees
  - Update of Pilgrim Nuclear Plant Emergency Planning Subcommittee
  - Nickerson Fellowship
5. Superintendent's Report
  - Storm Damage/Erosion Update
  - Authorized NPS Herbicide Program
  - Seashore Trail Program
  - Shorebird Management Plan/Environmental Assessment—Update
  - Seashore Projects
  - Improved Properties/Town Bylaws
  - Herring River Wetland Restoration
  - Highlands Center Update
  - Ocean Stewardship Topics—Shoreline Change
  - Healthy Parks, Healthy People
6. Old Business
  - Update on Horton's Campground
  - Private Commercial Properties Related to their Certificates of Suspension from Condemnation
  - Live Lightly Campaign Progress Report
7. Advisory Commission Reauthorization
8. Date and Agenda for Next Meeting
9. New Business
10. Public Comment
11. Adjournment

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent prior to the meeting.

*Public Disclosure 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:** 5 U.S.C. Appendix 1–16.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2018–11695 Filed 5–30–18; 8:45 am]

**BILLING CODE 4312–52–P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337–TA–1047]

**Certain Semiconductor Devices and Consumer Audiovisual Products Containing the Same; Notice of Request for Submissions on the Public Interest**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the presiding administrative law judge (“ALJ”) has issued a recommended determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended limited exclusion order against certain semiconductor devices and consumer audiovisual products containing the same manufactured and imported by respondents Sigma Designs, Inc. of Fremont, California (“Sigma”), and Vizio, Inc. of Irvine, California (“Vizio”), and the recommended cease-and-desist order against Vizio. This notice is soliciting comments from the public only. Parties are to file public interest submissions.

**FOR FURTHER INFORMATION CONTACT:**

Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. The public version of the

complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease-and-desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's recommended determination on remedy and bonding issued in this investigation on May 23, 2018. Comments should address whether issuance of the recommended limited exclusion order and cease-and-desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended limited exclusion orders and cease and desist orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended limited

exclusion orders and cease and desist orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended limited exclusion orders and cease and desist orders within a commercially reasonable time; and

(v) explain how the recommended limited exclusion orders and cease and desist orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on June 18, 2018.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 1047") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S.

government employees and contract personnel,<sup>1</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 24, 2018.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2018-11663 Filed 5-30-18; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1114]

### Certain Modular LED Display Panels and Components Thereof; Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 27, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ultravision Technologies, LLC of Dallas, Texas. An amended complaint was filed on April 16, 2018. Supplements were filed on May 7, 2018 and May 8, 2018. The amended complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain modular LED display panels and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,349,306 ("the '306 Patent") and U.S. Patent No. 9,916,782 ("the '782 Patent"). The amended complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and (a) cease and desist order(s).

<sup>1</sup> All contract personnel will sign appropriate nondisclosure agreements.

**ADDRESSES:** The amended complaint, as supplemented, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**SUPPLEMENTARY INFORMATION:**

*Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

*Scope of Investigation:* Having considered the amended complaint, the U.S. International Trade Commission, on May 23, 2018, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain modular LED display panels and components thereof by reason of infringement of one or more of claims 1, 3-10, 12-14, 16-19, 21-23, and 25-27 of the '306 patent and claims 1-6, 9-14, 16, and 22-28 of the '782 patent; and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Ultravision Technologies, LLC, 4542 McEwen Road, Dallas, TX 75244.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Shenzhen Absen Optoelectronic Co., Ltd, 18-20F Building 3A, Cloud Park, Bantian, Longgang District, Shenzhen, 518129, China

Absen, Inc., 7120 Lake Ellenor Drive, Orlando, Florida 32809

Shenzhen AOTO Electronics Co., Ltd, 9-10/F, United Headquarters Mansion, N0.63 Xuefu Road, Hi-Tech Zone, Nanshan in Shenzhen, China

AOTO Electronics (US) LLC, 12 Hughes, #D-100, Irvine, California 92618

Barco NV, Barco One Campus Beneluxpark 21, BE-8500 Kortrijk, Belgium

Barco Inc., 3059 Premiere Parkway, Duluth, Georgia 30097

Cirrus Systems, Inc., 47 Spring Hill Road, Saco, Maine 04072

CreateLED Electronics Co. Ltd., F1-F2, Taijiale Industry Area, Tongguan Road, Western District, High-Tech Industrial Park, Guangdong Province, Shenzhen 518132 China

CreateLED USA LLC, 4000 W. Ali Baba Lane, Suite B, Las Vegas, Nevada 89118

digiLED (UK) Limited, formerly displayLED (HK) Limited, The Pixel Depot, Copse Farm, Moorhurst Lane, Beare Green, Near Dorking, Surrey RH5 4LJ, United Kingdom

Elation Lighting, Inc., d/b/a Elation Professional, 6122 S. Eastern Avenue, Los Angeles, California 90040

General Link International Cooperation Inc., 510 Coralridge Place, Suite 101, Industry, California 91746

GLIC LED Displays Inc., 510 Coralridge Place, Suite 101, Industry, California 91746

Glux Visual Effects Tech (Shenzhen) Co., Donghuan 2nd Road, Longhua District, Shenzhen, Guangdong, China

LEDMan Optoelectronic Co., Ltd., Building 8, Block 2, Baimang Baiwangxin Industrial Park, Xili Area, Nanshan District, Shenzhen, China

Shenzhen Liantronics Co. Ltd., Liantronics Building, Antongda Industrial Zone, 3rd Liuxian Road, 68 Block Baoan, Shenzhen, China

Liantronics, LLC, 46722 Fremont Boulevard, Fremont, California 94538

Lighthouse Technologies (Hong Kong) Limited, Unit 608, 6/F, Photonics Centre, 2 Science Park East Avenue, Hong Kong Science Park, New Territories, Hong Kong

Shenzhen Mary Photoelectricity Co., Ltd., No. 4F, Meishengchuanggu Tech Park, 10th Longchang Road, Xin'an Street, Bao'an District, Shenzhen City, Guangdong Province, China

MRLED Inc., 377 S. Lemon Avenue, Suite E, Walnut, California 91789

Prismaflex International France S.A., 309 Route de Lyon, CS 50001, 69610 Haute-Rivoire, France

Prismaflex USA, Inc., 113 West Broad Street, Elizabethtown, North Carolina 28337

Rocketsign Hong Kong Ltd., RM 1601, The Sun's Group Center, Gloucester Road 200, Hong Kong

Shanghai Sansi Electronic Engineering Co., Ltd., 1280 Shuying Road, Shanghai, 201100, China

Sansi North America, LLC, 1500 Broadway, Suite 901, New York, New York 10036

Shenzhen Spectrum Technology Co., Ltd., 4C 123, Trade Plaza One, China South City, Pinghu Town, Longgang District, Shenzhen, China

Unilumin Group Co., Ltd., 112 Yongfu Road, Qiaotou Village, Fuyong Town, Baoan District, Shenzhen 518103 China

Unilumin LED Technology FL LLC, 8350 Parkline Boulevard, Unit #15, Orlando, Florida 32809

Yaham Optoelectronics Co., Ltd., #118 Yongfu Road, Qiaotou Community, Fuyong, Baoan District, Shenzhen, China 518103

Yaham LED U.S.A., Inc., 4058 Dean Martin Boulevard, Las Vegas, Nevada 89103

Formetco Inc., 2963 Pleasant Hill Road, Duluth, Georgia 30096

Leyard Optoelectronic Co., No. 9 Zhenghongqi West Street, North of Summer Palace, Haidian District, Beijing, China

Leyard American Corporation, 1692 Barclay Boulevard, Buffalo Grove, Illinois 60089

NanoLumens Inc., 4900 Avalon Ridge Parkway, Peachtree Corners, Georgia 30071

NEC Display Solutions, Ltd., Mita Kokusai Building, 4-28, Mita 1-chome, Minato-ku, Tokyo 108-0073 Japan

NEC Display Solutions of America, Inc., 500 Park Boulevard, Suite 1100, Itasca, Illinois 60143

Panasonic Corporation, 1006, Oaza Kadoma, Kadoma City, Osaka, Japan

Panasonic Corporation of North America, Two Riverfront Plaza, 828 McCarter Highway, Newark, New Jersey 07102

Vanguard LED Displays, Inc., formerly Aeson LED Display Technologies, Inc., 4190 Waring Road, Unit 101, Lakeland, Florida 33811

GoVision, LLC, 8291 Gateway Drive, Suite #100, Argyle, Texas 76226

(c) The Office of Unfair Import Investigations, U.S. International Trade

Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 24, 2018.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2018-11664 Filed 5-30-18; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Earpiece Devices and Components Thereof*, DN 3320; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing

pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Bose Corporation on May 24, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain earpiece devices and components thereof. The complaint names as respondents: 1MORE USA, Inc. of San Diego, CA; APSkins of Seattle, WA; Beebo Online Limited of North Las Vegas, NV; iHip of Edison, NJ; LMZT LLC of Brooklyn, NY; Misodiko of China; Phaiser LLC of Houston, TX; Phonete of China; REVJAMS of New York, NY; SMARTOMI Products, Inc. of Ontario, CA; Spigen, Inc. of Irvine, CA; Sudio AB of Sweden; Sunvalley Tek International, Inc. of Fremont, CA; and TomRich of China. The complainant requests that the Commission issue a general exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public

interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3320") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures<sup>1</sup>). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf).

confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public

inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission’s Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.  
Issued: May 25, 2018.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2018–11662 Filed 5–30–18; 8:45 am]

**BILLING CODE 7020–02–P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (“the Act”) and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether

the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than June 11, 2018.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 11, 2018.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 4th day of April 2018.

**Hope D. Kinglock,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

**Appendix**

**115 TAA PETITIONS INSTITUTED BETWEEN 2/26/18 AND 3/30/18**

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93575	ACE Limited/Chubb Corporation (State/One-Stop)	Simsbury, CT	02/26/18	02/26/18
93576	Ann Taylor, Inc. (State/One-Stop)	Milford, CT	02/26/18	02/23/18
93577	Tech Mahindra Americas Inc. for AT&T (State/One-Stop)	Mount Clemens, MI	02/26/18	02/23/18
93578	Tower International—Clinton Plant (Company)	Clinton Township, MI	02/26/18	02/23/18
93579	APTIM and Securitas Critical Infrastructure Services (State/One-Stop).	Metropolis, IL	02/27/18	02/26/18
93580	Centurylink (Workers)	Jefferson City, MO	02/27/18	02/22/18
93581	Danfoss LLC (State/One-Stop)	Mountainside, NJ	02/27/18	02/26/18
93582	Ericsson (State/One-Stop)	Plano, TX	02/27/18	02/27/18
93583	Health Care Service Corporation (Workers)	Naperville, IL	02/27/18	02/26/18
93584	Ledvance LLC f/k/a Osram Sylvania (State/One-Stop)	St. Marys, PA	02/27/18	02/27/18
93585	Lufkin Industries a subsidiary of GE Oil & Gas (State/One-Stop).	Lufkin, TX	02/27/18	02/27/18
93586	West Corporation (State/One-Stop)	Omaha, NE	02/27/18	02/26/18
93587	Gerdau Ameristeel U.S. Inc. (State/One-Stop)	Tampa, FL	02/28/18	02/27/18
93588	Tridien Medical (Company)	Corona, CA	02/28/18	01/31/18
93589	Trelleborg Sealing Profiles U.S. Inc. (Company)	Bristol, IN	03/01/18	02/28/18
93590	Optoplex Corporation (State/One-Stop)	Fremont, CA	03/01/18	02/27/18
93591	LexisNexis (State/One-Stop)	Colorado Springs, CO	03/01/18	02/28/18
93592	Ardagh Glass Inc. (Union)	Milford, MA	03/02/18	02/20/18
93593	Dex Media Inc dba DexYP (State/One-Stop)	Tucker, GA	03/02/18	03/01/18
93594	Kellogg Company (State/One-Stop)	Battle Creek, MI	03/02/18	03/01/18
93595	Klockner Metals (State/One-Stop)	Houston, TX	03/02/18	03/01/18
93596	Lee Enterprises—Lincoln Journal Star (State/One-Stop)	Lincoln, NE	03/02/18	03/01/18
93597	Ryerson Steel (State/One-Stop)	Houston, TX	03/02/18	03/01/18

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.



## 115 TAA PETITIONS INSTITUTED BETWEEN 2/26/18 AND 3/30/18—Continued

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93598	SimplexGrinnell (State/One-Stop)	Westminister, MA	03/02/18	02/27/18
93599	Wyman Gordon (State/One-Stop)	Worcester, MA	03/02/18	02/27/18
93600	AECOM (State/One-Stop)	Glen Allen, VA	03/05/18	03/02/18
93601	Software Galaxy Systems (including other Leased Worker Firms) (State/One-Stop).	Lewistown, PA	03/05/18	03/02/18
93602	Grays Harbor Community Hospital (Workers)	Aberdeen, WA	03/05/18	02/26/18
93603	North American Stainless (State/One-Stop)	Minooka, IL	03/05/18	03/02/18
93604	Qiagen LLC (formerly QiaGen Inc.) (Workers)	Germantown, MD	03/05/18	03/01/18
93605	ATI Allegheny Ludlum, Inc. (State/One-Stop)	New Bedford, MA	03/06/18	03/02/18
93606	Cuddledown, Inc. (State/One-Stop)	Yarmouth, ME	03/06/18	03/05/18
93607	Duvaltex (US) Inc. (Company)	Elkin, NC	03/06/18	03/05/18
93608	Elbeco Incorporated (Company)	Frackville, PA	03/06/18	03/05/18
93609	Lincare (Company)	Clearwater, FL	03/06/18	03/05/18
93610	Little Diecast (Workers)	Albany, IN	03/06/18	03/04/18
93611	Parker Hannifin Corporation (State/One-Stop)	Irvine, CA	03/06/18	03/05/18
93612	Russell Stovers Candies (State/One-Stop)	Ruther Glen, VA	03/06/18	03/05/18
93613	Zareba Systems, Inc. (State/One-Stop)	Ellendale, MN	03/06/18	03/05/18
93614	Xylem Inc. (State/One-Stop)	Seneca Falls, NY	03/06/18	03/05/18
93615	Byer Steel (State/One-Stop)	Cincinnati, OH	03/07/18	03/06/18
93616	GCL Solar Materials US I, LLC (Company)	Portland, OR	03/07/18	03/06/18
93617	ADM Milling Co. (State/One-Stop)	Lincoln, NE	03/08/18	03/07/18
93618	AES (Dayton Power Light) (State/One-Stop)	Dayton, OH	03/08/18	03/06/18
93619	AES Ohio Generation (State/One-Stop)	Aberdeen, OH	03/08/18	03/06/18
93620	Jewel Acquisition, LLC (State/One-Stop)	Louisville, OH	03/08/18	03/06/18
93621	DaVita Clinical Research (State/One-Stop)	Lakewood, CO	03/08/18	03/06/18
93622	Suntrust Mortgage (State/One-Stop)	Richmond, VA	03/08/18	03/07/18
93623	Travelers Indemnity Company (State/One-Stop)	Spokane, WA	03/08/18	01/07/18
93624	Georgia Pacific LLC (Union)	Camas, WA	03/09/18	03/08/18
93625	Titan Wheel Corporation (State/One-Stop)	Saltville, VA	03/09/18	03/08/18
93626	C.I. Thornburg Company (Union)	Huntington, WV	03/12/18	03/09/18
93627	Lord Corporation (State/One-Stop)	Erie, PA	03/12/18	03/11/18
93628	Northstar Aerospace (State/One-Stop)	Duluth, MN	03/12/18	03/08/18
93629	OP Schuman and Sons, Inc. (Union)	Warrington, PA	03/12/18	03/09/18
93630	Pharmaceutics International Inc. (State/One-Stop)	Hunt Valley, MD	03/12/18	03/08/18
93631	Astoria Warehousing (State/One-Stop)	Astoria, OR	03/13/18	03/12/18
93632	ConfluentA Medical Technologies (Company)	Sunnyvale, CA	03/13/18	03/12/18
93633	FranklinA Electric, Co., Inc. (Workers)	Gas City, IN	03/13/18	03/11/18
93634	LexisNexis (State/One-Stop)	Kettering, OH	03/13/18	03/12/18
93635	NorthropA GrummanA SystemsA Corporation (State/One-Stop).	Little Rock, AR	03/13/18	03/12/18
93636	Technicolor Home Entertainment Services, Inc. (Company)	Olyphant, PA	03/13/18	03/12/18
93637	Optum Health (State/One-Stop)	Eden Prairie, MN	03/14/18	03/13/18
93638	Tech Mahindra (State/One-Stop)	South Plainfield, NJ	03/14/18	03/13/18
93639	AK Steel Corporation (State/One-Stop)	Butler, PA	03/15/18	03/14/18
93640	TE Connectivity (formerly TechDevice) (Company)	Watertown, MA	03/15/18	03/13/18
93641	Bosal Industries Georgia, Inc. (Company)	Ypsilanti, MI	03/16/18	03/15/18
93642	Fred Meyer, Inc. (State/One-Stop)	Portland, OR	03/16/18	03/15/18
93643	General Electric (Company)	Anasco, PR	03/16/18	03/15/18
93644	Greenwich Associates US Inc. (State/One-Stop)	Cheektowaga, NY	03/16/18	03/14/18
93645	Telephonics Corporation (815 Broadhollow Road, Farmingdale, NY) (State/One-Stop).	Farmingdale, NY	03/16/18	03/14/18
93646	United Technologies Electronic Controls, Inc. (State/One-Stop).	Huntington, IN	03/16/18	03/14/18
93647	Alcoa Fastening Systems (State/One-Stop)	Newbury Park, CA	03/19/18	03/16/18
93648	Boston Scientific Corporation (State/One-Stop)	Valencia, CA	03/19/18	03/16/18
93649	Genesys Technical Writer and Technical Documentation Localization (Workers).	Daly City, CA	03/19/18	03/01/18
93650	Goodyear (State/One-Stop)	Buffalo, NY	03/19/18	03/16/18
93651	IBM—Kenexa (State/One-Stop)	Lincoln, NE	03/19/18	03/16/18
93652	Startek (State/One-Stop)	Colorado Springs, CO	03/19/18	03/16/18
93653	AES Corp./DPL Inc./Dayton Power and Light (Union)	Dayton, OH	03/20/18	03/19/18
93654	AES Corp./DPL Inc./Dayton Power and Light/AES Ohio Generation LLC (Union).	Dayton, OH	03/20/18	03/19/18
93655	Allele (State/One-Stop)	Cohasset, MN	03/20/18	03/16/18
93656	Axeon Specialty Products LLC (State/One-Stop)	Paulsboro, NJ	03/20/18	03/19/18
93657	Chubb Insurance (State/One-Stop)	Warren, NJ	03/20/18	03/19/18
93658	Motorola Mobility LLC, Product Development Professionals (Workers).	Chicago, IL	03/20/18	03/16/18
93659	Sykes Enterprise (State/One-Stop)	Amherst, NY	03/20/18	03/19/18
93660	Johnson Rauhoff (State/One-Stop)	St. Joseph, MI	03/20/18	03/20/18
93661	DLH Bowles (State/One-Stop)	Canton, OH	03/21/18	03/20/18



## 115 TAA PETITIONS INSTITUTED BETWEEN 2/26/18 AND 3/30/18—Continued

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93662	The ESAB Group Inc. (Company)	Union, SC	03/21/18	03/20/18
93663	Kerr Corporation (Company)	Romulus, MI	03/21/18	03/20/18
93664	Transamerican Auto Parts (State/One-Stop)	Compton, CA	03/21/18	03/20/18
93665	Zurn Industries, LLC (Union)	Erie, PA	03/21/18	03/19/18
93666	Trulife Inc. (Company)	Jackson, MI	03/22/18	03/21/18
93667	Cargill Meat Solutions Corp (State/One-Stop)	Wichita, KS	03/23/18	03/22/18
93668	Chemring Energetic Devices (State/One-Stop)	Torrance, CA	03/23/18	03/22/18
93669	E. I. du Pont de Nemours and Company (Union)	Deepwater, NJ	03/23/18	03/22/18
93670	Internet Brands (State/One-Stop)	Auburn Hills, MI	03/23/18	03/21/18
93671	Midway Airport Concessionaires (Workers)	Chicago, IL	03/23/18	03/21/18
93672	OSI Electronics, Inc. (State/One-Stop)	Hawthorne, CA	03/23/18	03/22/18
93673	Qualified Billing and Collections (State/One-Stop)	Los Angeles, CA	03/23/18	03/21/18
93674	Business Health Solutions, PC (State/One-Stop)	Indianapolis, IN	03/26/18	03/23/18
93675	Virgin Atlantic Airways (State/One-Stop)	Norwalk, CT	03/26/18	03/23/18
93676	CSC—Computer Sciences Corporation (State/One-Stop)	Norwich, CT	03/27/18	03/23/18
93677	Semblant (State/One-Stop)	Scotts Valley, CA	03/27/18	03/23/18
93678	North Coast Medical Inc., Customer Service Department (State/One-Stop)	Morgan Hill, CA	03/27/18	03/23/18
93679	Aviation Partners Boeing (State/One-Stop)	Seattle, WA	03/28/18	03/26/18
93680	Vixlet LLC (State/One-Stop)	Los Angeles, CA	03/28/18	03/27/18
93681	Meadville Forging Company (CNC Division) (Company)	Cambridge Springs, PA	03/29/18	03/28/18
93682	ATI Flat Rolled Products (State/One-Stop)	Vandergrift, PA	03/29/18	03/29/18
93683	Caterpillar Inc. (Company)	Waco, TX	03/29/18	03/28/18
93684	CP Crane Powerstation (State/One-Stop)	Baltimore, MD	03/29/18	03/29/18
93685	Interline Brands (Workers)	Mt Laurel, NJ	03/29/18	03/28/18
93686	CompuCom (Workers)	Fort Mill, SC	03/30/18	03/29/18
93687	JPMorgan Chase & Co. (Workers)	Louisville, KY	03/30/18	03/29/18
93688	Medtronic, PLC (Company)	Ft. Worth, TX	03/30/18	03/28/18
93689	Outokumpu (State/One-Stop)	Calvert, AL	03/30/18	03/29/18

[FR Doc. 2018-11632 Filed 5-30-18; 8:45 am]

BILLING CODE 4510-FN-P

**DEPARTMENT OF LABOR****Employment and Training Administration****Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance**

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (“Act”), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (“TAA”) for workers by (TA-W) number issued during the period of *February 26, 2018 through March 30, 2018*. (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or “and,” “or,” or other words are added for clarification.)

**Section 222(a)—Workers of a Primary Firm**

In order for an affirmative determination to be made for workers of a primary firm and a certification issued

regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers’ firm (or “such firm”) have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

**(A) Increased Imports Path**

(i) The sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR (II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR (II)(bb) imports of articles like or directly competitive with articles

which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers’ separation or threat of separation and to the decline in the sales or production of such firm; OR

**(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services From a Foreign Country Path**

(i) (I) There has been a shift by such workers’ firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers’ firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

**Section 222(b)—Adversely Affected Secondary Workers**

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the

production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

**Section 222(e)—Firms Identified by the International Trade Commission**

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

**Affirmative Determinations for Trade Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
93,103	Siemens Gamesa Renewable Energy, Inc., Siemens Energy, Inc., Randstad SourceRight, Cor-Tech, Excel, InSync, etc.	Hutchinson, KS	August 29, 2016.
93,216	Pharmaceutics International Inc., Abacus Corporation, Apex Life Sciences, Augmentation, Randstad, etc.	Hunt Valley, MD	October 6, 2016.
93,247	West Linn Paper Company, Belgravia Investments, Galt Foundation, Integrity Staffing, etc.	West Linn, OR	October 23, 2016.
93,294	National Spinning Beulaville Spinning Plant, National Spinning Co., Inc., YS Companies.	Beulaville, NC	November 8, 2016.
93,303	Huawei Technologies USA, Inc., Huawei Investment & Holding Co., APC Workforce Solutions, ZeroChoas, etc.	Plano, TX	November 10, 2016.
93,378	Essilor Laboratories of America, Inc., Crown Optical, Essilor Laboratories of America Holding Co., etc.	Greenville, RI	December 18, 2016.
93,404	Shaw Industries Group, Inc., Solid Hardwood, Berkshire Hathaway.	Stuart, VA	December 13, 2016.
93,414	Parker Hannifin Corporation, Industrial Process, DXE Staffing, Manpower, Advantage Staffing.	Tell City, IN	January 8, 2017.
93,428	Parker Hannifin Corporation, Parker Filtration Group Engine Mobile Aftermarket, Advanced Services, etc.	Gothenburg, NE	January 16, 2017.
93,446	GenOn Energy Services, LLC, PA-Mobile Maintenance, The Emyrean Group.	New Florence, PA	January 17, 2017.
93,470	Infinite Computer Solutions, Inc., International Business Machines (IBM).	Phoenix, AZ	December 20, 2016.
93,473	Prolifics, Inc., Prolifics Application Services Inc	Calabasas, CA	January 26, 2017.
93,531	Siemens Gamesa Renewable Energy, Inc., Siemens Energy, Inc., Team Staffing Solutions and Manpower.	Fort Madison, IA	February 7, 2017.
93,563	Telvista, Inc	Danville, VA	February 16, 2017.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
92,894	Plews, Inc., Basil Tree LLC, Manpower	Dixon, IL	March 11, 2017.
93,114	Tracy June Hubbard Charitable Trust	McMinnville, TN	September 4, 2016.
93,248	Unilever United States, Inc., Unilever NV, Manpower	Shelton, CT	October 23, 2016.
93,324	Dresser-Rand, A Siemens Business, Painted Post Operations	Painted Post, NY	November 15, 2016.
93,325	ImClone Systems LLC, Eli Lilly and Company, Aerotek, Diverse Staffing, Mindlance, Tech Data, etc.	Bridgewater, NJ	November 24, 2016.
93,332	Murray's Iron Works, Inc	Commerce, CA	November 28, 2016.
93,337	Affinion Group, Inc., Affinion Group Holdings, DXM-Webloyalty, DXE-Trilegiant Retail Services.	Trumbull, CT	December 1, 2016.
93,341	Jabil Inc., Nypro, Adecco NA, Infotree Service, The Fountain Group.	Porterville, CA	November 14, 2016.
93,366	Belden, Nesco Resource and Industrial Cleaning	Monticello, KY	March 16, 2018.
93,373	HBW Leads LLC, Six Eleven Global Services and Solutions	Salem, OR	December 8, 2016.
93,386	Futuris Automotive, Seating Division, Manpower Staffing	Milan, TN	December 12, 2016.
93,388	AccuTec Blades Inc., Single Edge Blade, Hand Packaging, Blade Back, Adecco Staffing Agency.	Verona, VA	December 11, 2016.
93,390	Goodrich Corporation, UTC Aerospace Systems Company, Landing Systems Business Unit, etc.	Tullahoma, TN	December 21, 2016.
93,395	ITW EAE, Illinois Tool Works, IRT Group, Aerotek	Lakeville, MN	December 28, 2016.
93,396	Thomson Reuters, Financial & Risk, Reuters, Thomson Reuters Corporate Function, etc.	New York, NY	December 27, 2016.
93,403	AMETEK Instrumentation Systems, Instrumentation System, Adecco.	Grand Junction, CO	December 28, 2016.
93,405	Westcon Group North America, Inc., Synnex Corp., Workspend.	Louisville, CO	January 3, 2017.
93,418	Capital One US Card Operations, Capital One Financial Corporation.	Glen Allen, VA	January 11, 2017.
93,422	Crescent Bank & Trust, Call Center, CB&T Holding Corporation.	Baton Rouge, LA	January 11, 2017.
93,429	Architectural Lighting Works (ALW)	Redwood City, CA	January 17, 2017.
93,433	Seagate Technology, LLC, Teksystems	Oklahoma City, OK	January 9, 2017.
93,440	Zimmer Dental, Inc., Zimmer Biomet, Adecco, Lek Consulting, F Dohmen, Tribusallen, etc.	Carlsbad, CA	January 19, 2017.
93,440A	Zimmer Dental, Inc., Zimmer Biomet, Adecco, Lek Consulting, F Dohmen, Tribusallen, etc.	Carlsbad, CA	January 19, 2017.
93,441	Allstate Investments, LLC, Investment Expense Division, Eagle Investment Systems, Genpact, etc.	Northbrook, IL	January 23, 2017.
93,442	Blackpoint IT Services	Portland, OR	January 23, 2017.
93,444	GateHouse Media Pennsylvania Holdings, Inc., Bucks County Courier Times, Media Production Design, Marketing Design, etc.	Levittown, PA	January 9, 2017.
93,455	MACOM Technology Solutions, Aerotek	Long Beach, CA	January 25, 2017.
93,457	Staples, Inc., Data Center Info Structure OPS, Tata Consultancy Services, Compucom, etc.	Framingham, MA	January 25, 2017.
93,457A	Staples, Inc., Data Center Info Structure OPS, Tata Consultancy Services, Compucom, etc.	Westminster, CO	January 25, 2017.
93,459	Ascena Retail Group, Inc., Customer Care Team	Duluth, MN	December 29, 2016.
93,460	Ministry Health Care Inc., Ascension Health, Ascension Health Ministry Service Center, etc.	Appleton, WI	January 9, 2017.
93,462	Bank of America, Bank of America, N.A	Simi Valley, CA	December 1, 2016.
93,477	TitanX Engine Cooling, Inc., Tata AutoComp Systems Limited	Jamestown, NY	November 6, 2017.
93,479	Sonova USA, Inc., Unitron Hearing, Inc., Aerotek, Award Staffing.	Plymouth, MN	December 14, 2016.
93,483	AVX Corporation, Passive Components, Kyocera Corporation, South Coast Networks.	Myrtle Beach, SC	March 4, 2018.
93,484	CA Technologies, CA, Inc	Fort Collins, CO	January 12, 2017.
93,495	Teradyne, Inc., Semiconductor Test Division, CDI	North Reading, MA	January 29, 2017.
93,499	Zodiac Seats California LLC, Volt Workforce Solutions, 11340 Jersey Boulevard.	Rancho Cucamonga, CA	January 18, 2017.
93,499A	Zodiac Seats California LLC, Volt Workforce Solutions, 8595 Milliken Avenue, Suite 101.	Rancho Cucamonga, CA	January 18, 2017.
93,503	Medtronic, Inc., Restorative Therapies Group, Populous, Insource Technical Group, inSync Staffing, etc.	Littleton, MA	January 30, 2017.
93,504	Transamerica Life Insurance Company, TT Cyberlife Product Development, TT Cyberlife Support, DXC Technology.	St. Petersburg, FL	January 30, 2017.
93,505	Tridien Medical, Morales Group, Express Employment Professionals, ProResources.	Fishers, IN	January 29, 2017.
93,507	Cherrington Enterprises Inc	Clarissa, MN	January 31, 2017.
93,507A	Cherrington Enterprises Inc	Jamestown, ND	January 31, 2017.
93,508	Nippon Steel & Sumikin Materials USA Inc	Fayetteville, TN	January 31, 2017.

TA-W No.	Subject firm	Location	Impact date
93,509 .....	Nelson & Sons, Inc., Anchor USA Inc., Intermountain Staffing	Tooele, UT .....	January 31, 2017.
93,512 .....	Gildan Garments Inc., Gildan Activewear Inc., HW Staffing Solutions, Monroe Staffing.	New Bedford, MA .....	February 2, 2017.
93,513 .....	KACO New Energy, Inc. (KACO USA), KACO New Energy, VIP Staffing, 1st Staffing, L.K. Jordan & Associates, etc.	San Antonio, TX .....	January 30, 2017.
93,514 .....	Meijer Great Lakes Limited Partnership, Corporate Information Technology and Services, Meijer, Add Ventures, etc.	Grand Rapids, MI .....	January 31, 2017.
93,515 .....	Travelport, LP, Travelport Worldwide Limited, Tata Consultancy Services, etc.	Centennial, CO .....	February 1, 2017.
93,520 .....	Dentsply Sirona, Midwest division, Adecco .....	Des Plaines, IL .....	February 5, 2017.
93,522 .....	Siemens Industry Inc., Energy Management Division, Randstad Sourcright.	West Chicago, IL .....	January 30, 2017.
93,530 .....	HCL America Inc., ERS (Engineering R& D Services), HCL Bermuda Ltd., Axon Group Ltd.	Naperville, IL .....	February 22, 2018.
93,535 .....	Eaton Corporation, Industrial Sector, Hydraulics Group .....	Spencer, IA .....	April 25, 2018.
93,536 .....	Medtronic, Plc, CVG Division .....	Santa Rosa, CA .....	February 8, 2017.
93,537 .....	Sarder Inc., DBA NetCom Learning .....	New York, NY .....	February 8, 2017.
93,540 .....	CareFusion Resources, LLC, BD Medical, Becton, Dickinson and Company.	San Diego, CA .....	February 9, 2017.
93,544 .....	Dover Business Services, Dover Corporation, KForce, Accountemps.	Hamilton, OH .....	February 9, 2017.
93,548 .....	Nuance Transcription Services, Inc., Nuance Communications, Inc.	Atlanta, GA .....	November 3, 2017.
93,550 .....	Crown Forwarding, Inc., World Mobility, Crown Pacific .....	Danbury, CT .....	February 12, 2017.
93,553 .....	Clinicient, Inc., Boly Welch, Kforce, Inc .....	Portland, OR .....	February 14, 2017.
93,554 .....	National Credit Adjusters, LLC, Fourth Avenue Holdings, LLC	Hutchinson, KS .....	February 12, 2017.
93,557 .....	Zodiac Aerospace, Industry, People to People Staffing (P2P), Helpmates.	Garden Grove, CA .....	February 15, 2017.
93,560 .....	Nilfisk, Inc., Accounting-AP (Finance), Marketing Services, Nilfisk US Holding, etc.	Brooklyn Park, MN .....	February 16, 2017.
93,562 .....	Stahl USA, Inc., Polycarbonate Diol Resin, Robert Half, Winter Wyman, NESCO.	Peabody, MA .....	January 21, 2017.
93,564 .....	American Showa, Inc., Showa Japan, Adecco, Belfex, Accountemps.	Blanchester, OH .....	February 20, 2017.
93,566 .....	Allegro Microsystems LLC, Sanken North America, Sanken Electric Co., LTD (Japan).	Worcester, MA .....	February 14, 2017.
93,567 .....	John Wiley & Sons, Inc., The Creative Group, Prime Staffing	Hoboken, NJ .....	February 22, 2017.
93,568 .....	Lord & Taylor LLC, Finance Department .....	Wilkes Barre, PA .....	February 21, 2017.
93,569 .....	Siemens Energy Inc., Energy Division, Belcan Engineering .....	Mount Vernon, OH .....	April 23, 2018.
93,569A .....	Leased Workers from Quest Global Services Pte Ltd, TATA Consultancy Services, CBRE, Ohio Security Systems, OSS, etc.	Mount Vernon, OH .....	February 21, 2017.
93,573 .....	The Guardian Life Insurance Company of America, Individual Markets-Business Administration and Controls, etc.	Pittsfield, MA .....	February 20, 2017.
93,576 .....	Ann Taylor, Inc., Ascena Retail Group, Inc., Human Resources and Finance Support Services.	Milford, CT .....	February 23, 2017.
93,581 .....	Danfoss LLC, Danfoss A/S, Staff Management, Express Pros	Mountainside, NJ .....	February 26, 2017.
93,598 .....	SimplexGrinnell, TYCO SimplexGrinnell, Order to Cash, Johnson Controls, Agile 1, etc.	Westminister, MA .....	February 27, 2017.
93,604 .....	Qiagen LLC (formerly QiaGen Inc.), Qiagen North American Holdings, TalentWRx, ClearPath.	Germantown, MD .....	March 1, 2017.
93,607 .....	Duvaltex (US) Inc., Duvaltex .....	Elkin, NC .....	March 5, 2017.
93,613 .....	Zareba Systems, Inc., Woodstream Corporation, Doherty Staffing.	Ellendale, MN .....	March 5, 2017.
93,633 .....	Franklin Electric, Co., Inc., Manpower, Pro Resources, Aerotek.	Gas City, IN .....	March 11, 2017.
93,640 .....	TE Connectivity (formerly TechDevice), Medical, MicroTech, Kelly Services.	Watertown, MA .....	March 13, 2017.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
93,384 .....	Torpedo Specialty Wire, Inc .....	Pittsfield, PA .....	November 15, 2016.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
93,290	HITCO Carbon Composites, Inc., SGL Technologies North America Corp., Ronin Staffing.	Gardena, CA	March 16, 2016.
93,424	AK Steel Corporation	Coshocton, OH	March 30, 2016.
93,424A	AK Steel Corporation	Mansfield, OH	March 30, 2016.
93,424B	AK Steel Corporation	Middletown, OH	March 30, 2016.
93,424C	AK Steel Corporation	Zanesville, OH	March 30, 2016.
93,438	Titan Tire Corporation, Titan International	Des Moines, IA	February 28, 2016.
93,449	Metallurgical Products Company	West Chester, PA	April 20, 2016.
93,453	Evergreen Metallurgical Company LLC dba Bear Metallurgical Company, Yilmaden Holding A.S., Express Employment Professionals.	Butler, PA	May 12, 2016.
93,458	ABC Coke, Drummond Company, Inc	Tarrant, AL	March 7, 2016.
93,472	PDM Steel Service Centers, Inc., Division 74, Cornerstone Staffing.	Stockton, CA	May 23, 2016.
93,518	BASF Corporation, Mundy Maintenance, Burrow Globe, Performance Com, Kelly Services, etc.	Freeport, TX	March 7, 2016.
93,524	EVRAZ Stratcor, Inc	Hot Springs, AR	February 9, 2018.
93,525	Gulf Chemical & Metallurgical Corporation, Comilog Holding, Clark Industrial Services, Miller Consolidated, etc.	Freeport, TX	May 12, 2016.
93,526	JSW Steel (USA) Inc., Periana Holdings, LLC, St. James Investments Ltd.	Baytown, TX	January 26, 2016.
93,615	Byer Steel, Aerotek, CB Staffing, Guardian Staffing Solutions, Excel Staffing Services.	Cincinnati, OH	July 7, 2016.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility

criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222 (a)(1) and (b)(1) (significant worker

total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA-W No.	Subject firm	Location	Impact date
93,306	Vertellus LLC	Delaware Water Gap, PA.	
93,511	CMA CGM (America) LLC, Operations, Legal, and Commercial Support Division.	Norfolk, VA.	
93,511A	CMA CGM (America) LLC, Customer Service Center, Office Team, Randstad, Priority Staffing, etc.	Norfolk, VA.	
93,521	PCI Nitrogen LLC	Pasadena, TX.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or

acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are

certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
93,264	Ericsson, Inc., Business Unit Network Services, Business Line Product Related Services, etc.	Plano, TX.	
93,528	Convergys	Sergeant Bluff, IA.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or

services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply

for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
92,481	Teva Pharmaceuticals USA, Inc., Kelly OCG	Pomona, NY.	
92,841	Honeywell International, Inc., Automation Control Systems Business Unit, Smart Grid Solutions, Tapfin.	East Syracuse, NY.	
92,909	ZeaChem, Inc.	Boardman, OR.	
93,019	Diamond Foods, LLC, Balanced Staffing, RHI, Adecco, Nelson Staffing.	Stockton, CA.	

TA-W No.	Subject firm	Location	Impact date
93,146 .....	Southworth Company, Oasis Outsourcing .....	Agawam, MA.	
93,146A .....	Southworth Company, Oasis Outsourcing .....	Turner Falls, MA.	
93,192 .....	Oracle Corporation, Advanced Customer Services/Managed Cloud Services Division.	Chicago, IL.	
93,192A .....	Oracle Corporation, Advanced Customer Services/Managed Cloud Services Division.	Itasca, IL.	
93,223 .....	Saint-Gobain Proppants, Saint Gobain NorPro, Saint-Gobain Corporation.	Fort Smith, AR.	
93,314 .....	Aerogroup International, Inc., Aerosoles, AGI HoldCo, Aerogroup Retail Holdings, Nauticus Group, etc.	Edison, NJ.	
93,333 .....	Julius Koch USA, Inc., H. W. Staffing and Moore Staffing .....	New Bedford, MA.	
93,363 .....	CHS, Inc., Processing and Food Ingredients Division, Team Employment, The Arnold Group.	Hutchinson, KS.	
93,387 .....	Valley Processing Virginia LLC, MRP Holdings Inc .....	Bedford, VA.	
93,431 .....	Optum Services Inc., United HealthGroup, Infrastructure Platform Automation, Enterprise Engineering Services.	Hartford, CT.	
93,435 .....	CHS Inc., Processing and Food Ingredients, Advance Service Inc.	Creston, IA.	
93,436 .....	Link Snacks, Inc., Laurens Distribution Center, JLBJ Holdings, Aventure Staffing, etc.	Laurens, IA.	
93,464 .....	Callery LLC, BASF, Tatum, Choice One Staffing, Robert Half, G4S, CHR.	Evans City, PA.	
93,465 .....	CHS Inc., Processing and Food Ingredients Division .....	Inver Grove Heights, MN.	
93,487 .....	Danisco US, Inc., E. I. du Pont de Nemours and Company, Wangsgard Farms, etc.	Nevada, IA.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance  
 After notice of the petitions was published in the **Federal Register** and

on the Department’s website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA-W No.	Subject firm	Location	Impact date
93,291 .....	iMedX, Inc., 3560 Lenox Road, Suite 3000 .....	Atlanta, GA.	
93,439 .....	Mitas Tires North America, Inc .....	Charles City, IA.	
93,492 .....	Outokumpu Stainless USA, LLC .....	Bannockburn, IL.	
93,494 .....	Secure Toss, Entergy Nuclear Operations, Inc., Entergy Corporation.	Vernon, VT.	
93,541 .....	Weldbend Corporation .....	Argo, IL.	
93,609 .....	Lincare .....	Clearwater, FL.	
93,643 .....	General Electric .....	Anasco, PR.	

The following determinations terminating investigations were issued because the worker group on whose

behalf the petition was filed is covered under an existing certification.

TA-W No.	Subject firm	Location	Impact date
93,116 .....	DeVry Education Group, Help Desk .....	Downers Grove, IL.	
93,130 .....	MergelT LLC .....	Fort Lauderdale, FL.	
93,186 .....	Faurecia Automotive .....	Fraser, MI.	
93,204 .....	Plews, Inc., Basil Tree LLC, Manpower .....	Dixon, IL.	
93,380 .....	GE Inspection Technologies, GE Oil and Gas, Kelly Services, Compucom.	Lewiston, PA.	
93,381 .....	Altair, The Boeing Company, Boeing Commercial Aircraft (BCA).	Everett, WA.	
93,399 .....	Atlas Copco Secoroc LLC .....	Grand Prairie, TX.	
93,423 .....	GE MDS, LLC, GE Power Division, Kelly Services .....	Rochester, NY.	
93,434 .....	Bridgestone Americas Tire Operation LLC, Firestone AG, Bridgestone Americas Tire Operation, Vonachen Services, etc.	Des Moines, IA.	
93,437 .....	RR Donnelley, Digital Solutions Group, 24/7 Staffing Agency ..	Lancaster, PA.	
93,478 .....	Unitek Services, Inc., General Electric Company, Transportation Division.	Erie, PA.	
93,489 .....	Itron, Inc., Crown Services, Inc .....	Owenton, KY.	
93,500 .....	UCI-FRAM Group, LLC/Autolite .....	Fostoria, OH.	
93,519 .....	Cone Denim, LLC, Administration and Sales, International Textile Group, Inc.	Greensboro, NC.	

TA-W No.	Subject firm	Location	Impact date
93,539 .....	Payless ShoeSource, Inc., Customer Support center, Cognizant Technology Solutions, Kelly, etc.	Topeka, KS.	
93,591 .....	LexisNexis .....	Colorado Springs, CO.	
93,630 .....	Pharmaceutics International Inc .....	Hunt Valley, MD.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA-W No.	Subject firm	Location	Impact date
93,534 .....	Convergys .....	Sergeant Bluff, IA.	
93,561 .....	Penske Logistics, El Paso Distribution Center, General Electric/Penske Corporation.	El Paso, TX.	

I hereby certify that the aforementioned determinations were issued during the period of *February 26, 2018 through March 30, 2018*. These determinations are available on the Department's website [https://www.doleta.gov/tradeact/taa/taa\\_search\\_form.cfm](https://www.doleta.gov/tradeact/taa/taa_search_form.cfm) under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Signed at Washington, DC, this 4th day of April 2018.

**Hope D. Kinglock,**  
*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2018-11633 Filed 5-30-18; 8:45 am]

**BILLING CODE 4510-FN-P**

**DEPARTMENT OF LABOR**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request, Cascades Job Corps College and Career Academy Pilot Evaluation, New Collection**

**AGENCY:** Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are

clearly understood, and the impact of collection requirements on respondents is properly assessed. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before July 30, 2018.

**ADDRESSES:** You may submit comments by either one of the following methods:

*Email: ChiefEvaluationOffice@dol.gov; Mail or Courier:* Jessica Lohmann, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S-2312, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

**FOR FURTHER INFORMATION CONTACT:** Contact Jessica Lohmann by email at *ChiefEvaluationOffice@dol.gov*.

**SUPPLEMENTARY INFORMATION:**

I. *Background:* The Chief Evaluation Office (CEO), U.S. Department of Labor (DOL), is proposing a data collection activity as part of the Cascades Job Corps College and Career Academy Pilot Evaluation. The goal of the evaluation is to determine the effectiveness of the Pilot program in improving employment and educational outcomes for youth ages 21 and under. The impact study will randomly assign individuals to receive program services or to a group that cannot access these services but can participate in other similar programs. The impact study will compare the

employment and educational outcomes of the groups to determine the effectiveness of the Pilot program. The evaluation also includes an implementation study that will describe the services participants receive through the Pilot program as well as provide operational lessons.

Data collection efforts previously approved for the Cascades Job Corps College and Career Academy Pilot Evaluation under OMB Control Number 1290-0012 include: A baseline survey of sample members in the evaluation, discussion guides for the implementation study, and tracking contacts to sample members in the evaluation to request address updates. These collection activities will continue under the previously approved request.

This **Federal Register** Notice provides the opportunity to comment on a proposed new information collection activity for the Cascades Job Corps College and Career Academy Pilot Evaluation: *A follow-up survey of sample members in the Cascades Job Corps College and Career Academy Pilot Evaluation conducted approximately eighteen months after random assignment. The purposes of the study are to understand and document the impacts of the Pilot on students':* (1) Training and related service receipt; (2) educational attainment, including receipt of credentials; (3) employment status; (4) socio-emotional skills; (5) public benefits receipt; and (6) opinions on the education and training services received.

II. *Desired Focus of Comments:* DOL is soliciting comments concerning the above data collection for the Cascades Job Corps College and Career Academy Pilot Evaluation. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency related to employer services, including whether the information will have practical utility;

- Evaluate the accuracy of the agency’s estimate of the burden of the ICR to survey and fieldwork respondents, including the validity of the study approach and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the information collection on respondents, 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).

III. *Current Actions:* At this time, DOL is requesting clearance for the follow-up survey of sample members in the Cascades Job Corps College and Career Academy Pilot Evaluation.

*Type of Review:* New information collection request.

*Title:* Cascades Job Corps College and Career Academy Pilot Evaluation.

*OMB Number:* OMB Control Number 1290–0NEW.

*Affected Public:* Participants applying for the Cascades Job Corps College and Career Academy.

ESTIMATED BURDEN HOURS

Type of instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Follow-up survey .....	<sup>a</sup> 800	<sup>b</sup> 267	1	.58	464	155
Total .....		267				155

<sup>a</sup> Assumes a sample of 1,000 with an 80 percent response rate.

<sup>b</sup> Data collection will take place over 36 months.

Dated: May 24, 2018.

Molly Irwin,

Chief Evaluation Officer, U.S. Department of Labor.

[FR Doc. 2018–11718 Filed 5–30–18; 8:45 am]

BILLING CODE 4510–HX–P

**NATIONAL CREDIT UNION ADMINISTRATION**

[Catalog of Federal Domestic Assistance (CFDA) Number: 44.002]

**Community Development Revolving Loan Fund**

**ACTION:** Notice of Funding Opportunity (NOFO).

**SUMMARY:** The National Credit Union Administration (NCUA) is issuing this notice to announce the availability of funding for Low-Income Designated

Credit Unions (LICUs) Applications for loans and technical assistance grants under the Community Development Revolving Loan Fund (CDRLF) program. The CDRLF program serves as a source of financial support in the form of loans and technical assistance grants that better enables LICUs to support the communities in which they operate. All loans and technical assistance grants from multi-year funds made under this NOFO are subject to funds availability and are at the NCUA’s discretion.

**DATES:**

TABLE 1—FY 2018 CDRLF PROGRAM APPLICATION DATES

Initiative	Application periods	Deadline
General Grant Round .....	July 1–August 18 .....	11:59 p.m. Eastern Time (ET).
Loan .....	Until Funds are Exhausted .....	N/A.

**Table of Contents**

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review Information
- F. Federal Award Administration
- G. Federal Awarding Agency

**A. Program Description**

*1. Purpose*

The purpose of the CDRLF program is to assist LICUs in providing basic financial services to their members to stimulate economic activities in their communities. Through the CDRLF program, the NCUA provides financial support in the form of loans and

technical assistance grants to LICUs serving predominantly low-income members. These funds help improve and expand the availability of financial services to these members. The CDRLF program consists of Congressional appropriations that are administered by the NCUA.

The NCUA will accept applications from LICUs for the initiatives referenced in Table 2. The financial awards may be used for projects that support the efforts of credit unions providing basic financial and related services to residents in their communities; enhancing their capacity to better serve their members and the communities in which they operate.

TABLE 2—FY 2018 CDRLF PROGRAM INITIATIVES

- Initiative Names:
- Digital Services and Security (General Grant Round).
  - Leadership Development (General Grant Round).
  - Underserved Outreach (General Grant Round).
  - Low-Cost Loan.

More detailed information about the CDRLF program, including the types of initiatives for the grant round, amount of funds available, funding priorities, permissible uses of funds, funding limits, deadlines and other pertinent details, are periodically published in



NCUA Letters to Credit Unions, in NCUA press releases and on the NCUA website at <https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx>.

**2. Regulations and Authority**

Part 705 of the NCUA’s regulations implements the CDRLF program. 12 CFR 705. A revised Part 705 was published on November 25, 2016. 81 FR 85112. Additional requirements are found at 12 CFR 701 and 741. Applicants should review these regulations in addition to this NOFO. Each capitalized term in this NOFO is more fully defined in the regulations, program guidelines, and other application materials. For the purposes of this NOFO, an Applicant is a Qualifying Credit Union that submits a

complete Application to the NCUA under the CDRLF program. The NCUA will consider requests for funds consistent with the purpose of the CDRLF program. 12 CFR 705.1.

**Authority:** 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786; 12 CFR 705.

**B. Federal Award Information**

The NCUA expects to award approximately \$2 million in grants through this NOFO. Approximately \$5.3 million will be available for loans under this NOFO, derived from prior-year appropriated and earned funds. Monies for additional loans come from scheduled loan amortizations. The NCUA reserves the right to: (i) Award more or less than the amounts cited

above; (ii) fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFO; and (iii) reallocate funds from the amount that is anticipated to be available under this NOFO to other programs, particularly if the NCUA determines that the number of awards made under this NOFO is fewer than projected.

Table 3 includes specific information about the funding available, maximum award amounts, and application window for each CDRLF program initiative. The specific terms and conditions governing a CDRLF award will be established in the grant or loan agreement each Participating Credit Union must sign prior to disbursement of funds.

TABLE 3—FY 2018 CDRLF PROGRAM INITIATIVES AND AMOUNTS

Initiative	Maximum award amount	Application start date	Application end date	Total funding available (million)
General Grant Round:				
1. Digital Services and Security .....	\$10,000	July 1, 2018, 9:00 a.m. ET.	August 18, 2018, 11:59 p.m. ET.	\$2
2. Leadership Development .....	10,000			
3. Underserved Outreach .....	20,000			
Loan .....	500,000	Open until funds are exhausted		5.3

**1. Additional Loan Initiative Information**

The following are the general loan terms under the CDRLF program.

a. **Maximum Loan Amount:** The NCUA makes loans based on the financial condition of the credit union. The applicable regulation does not provide a maximum limit on loan applications for consideration, but in practice the NCUA discourages loan applications of higher than \$500,000 to mitigate risk. There is no minimum loan amount. The amount of the loan will be based on the following factors:

- Funds availability;
- Credit worthiness of the credit union;
- Financial need;
- Demonstrated capability of credit union to provide financial and related services to its members; and
- Concurrence from the NCUA Regional Office and if applicable, the State Supervisory Authority (SSA)

b. **Maturity:** Loans will generally mature in five years. A credit union may request a shorter loan period, but in no case will the term exceed five years.

c. **Interest:** The interest rate on loans is governed by the Loan Interest Rate Policy, which can be found on the

NCUA’s website at <https://www.ncua.gov/services/Documents/interest-rate-policy.pdf>. CDRLF loans are generally offered at a fixed rate for the full term.

d. **Repayment:** All loans must be repaid to the NCUA regardless of how they are accounted for by the Participating Credit Union.

1. **Principal:** The entire principal is due at maturity.

2. **Interest:** Interest is due in semi-annual payments beginning six months after the initial distribution of the loan.

3. **Principal Prepayment:** There is no penalty for principal prepayment. Principal prepayments may be made as often as monthly.

**C. Eligibility Information**

**1. Eligible Applicants**

This NOFO is open to credit unions that meet the compliance requirements specified in 12 CFR 705. A credit union must have a Low-Income Credit Union (LICU) designation, or equivalent in the case of a Qualifying State-chartered Credit Union, in order to participate in the CDRLF program. Requirements for obtaining the designation are found at 12 CFR 701.34.

**2. Matching Funds (Only Applicable to Loan Applicants)**

Part 705.5(g) of the NCUA’s regulations describe the overall requirements for matching funds. The NCUA, in its sole discretion, may require matching funds of an Applicant, on a case-by-case basis depending on the financial condition of the Applicant. The NCUA anticipates that most Applicants will not be required to obtain matching funds. However, each Applicant should address in the Application its strategy for raising matching funds if the NCUA determines matching funds are required (see 12 CFR 705 and the Application for additional information).

a. **Matching Funds Requirements:** The specific terms and covenants pertaining to any matching funds requirement will be provided in the loan agreement of the Participating Credit Union. Following, are general matching fund requirements. The NCUA, in its sole discretion, may amend these requirements depending upon its evaluation of the Applicant, but in no case will the amended requirements be greater than the conditions listed below.

i. The amount of matching funds required must generally be in an amount equal to the loan amount.

ii. Matching funds must be from non-governmental member or nonmember share deposits.

iii. Any loan monies matched by nonmember share deposits are not subject to the 20% limitation on nonmember deposits under § 701.32 of the NCUA's regulations.

iv. Participating Credit Unions must maintain the outstanding loan amount in the total amount of share deposits for the duration of the loan. Once the loan is repaid, nonmember share deposits accepted to meet the matching requirement are subject to § 701.32 of the NCUA's regulations.

b. *Criteria for Requiring Matching Funds:* The NCUA will use the following criteria to determine whether to require an Applicant to have matching funds as a condition of its loan.

- CAMEL Composite Rating
- CAMEL Management Rating
- CAMEL Asset Quality Rating
- Regional Director Concurrence
- Net Worth Ratio

c. *Documentation of Matching Funds:* The NCUA may contact the matching funds source to discuss the matching funds and the documentation that the Applicant has provided. If the NCUA determines that any portion of the Applicant's matching funds is ineligible under this NOFO, the NCUA, in its sole discretion, may permit the Applicant to offer alternative matching funds as a substitute for the ineligible matching funds. In this case, the Applicant must provide acceptable alternative matching funds documentation within 10 business days of the NCUA's request.

### 3. Other Eligibility Requirements

a. *Financial Viability:* Applicants must meet the underwriting standards established by the NCUA, including those pertaining to financial viability, as set forth in the application and found in 12 CFR 705.7(c).

b. *Compliance With Past Agreements:* In evaluating funding requests under this NOFO, the NCUA will consider an Applicant's record of compliance with past agreements. The NCUA, in its sole discretion, will determine whether to consider an Application from an Applicant with a past record of noncompliance, including any deobligation (*i.e.* removal of unused awards) of funds.

i. *Default Status:* If an Applicant is in default of a previously executed agreement with the NCUA, the NCUA will not consider an Application for funding under this NOFO.

ii. *Undisbursed Funds:* If an Applicant is a prior awardee under the CDRLF program and has unused grant awards as of the date of Application, the NCUA will request a narrative from the Applicant that addresses the reason for its record of noncompliance. The NCUA, in its sole discretion, will determine whether the reason is sufficient to proceed with the review of the Application.

## D. Application and Submission Information

### 1. Application Form

The application and related documents can be found on the NCUA's website at <https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx>.

### 2. Minimum Application Content

A complete Application will consist of similar components for each CDRLF program initiative. At a minimum, each initiative requires a narrative response that describes how the CDRLF award will be used by the Applicant. The NCUA reserves the right to waive this requirement for initiatives deemed to be satisfactory without a written description. If an initiative does not require a narrative response, the NCUA will explain this in the program guidelines.

a. *Data Universal Numbering System:* The Data Universal Numbering System (DUNS) number is a unique nine-character number used to identify your organization. The federal government uses the DUNS number to track how federal money is allocated. Applicants can obtain a DUNS number by visiting the Dun & Bradstreet (D&B) website or calling 1-866-705-5711 to register or search for a DUNS number. Registering for a DUNS number is FREE. The NCUA will not consider an Application that does not include a valid DUNS number issued by Dun and Bradstreet (D&B). Such an Application will be deemed incomplete and will be declined.

b. *System for Award Management:* All Applicants are required by federal law to have an active registration with the federal government's System for Award Management (SAM) prior to applying for funding. SAM is a web-based, government-wide application that collects, validates, stores, and disseminates business information about the Federal Government's trading partners in support of the contract awards, grants, and electronic payment processes. Applicants can register by visiting [www.sam.gov](http://www.sam.gov). An active SAM account status and CAGE number is required to apply for the NCUA's

CDRLF programs. The SAM registration process is FREE. Applicants that have an existing registration with SAM must recertify and maintain an active status annually. The NCUA will not consider an Applicant that does not have an active SAM status. Such an Application will be deemed incomplete and will be declined.

c. *Employer Identification Number:* Each Application must include a valid and current Employer Identification Number (EIN) issued by the U.S. Internal Revenue Service (IRS). The NCUA will not consider an Application that does not include a valid and current EIN. Such an Application will be deemed incomplete and will be declined. Information on how to obtain an EIN may be found on the IRS's website at [www.irs.gov](http://www.irs.gov).

d. *Large Loans:* An Applicant requesting a loan in excess of \$300,000 is required to complete an online application form that contains additional narrative comments to support the request. In addition, the NCUA may also require a business plan.

i. The business plan must: Describe the community's need for financial products and services and the Applicant's need for funding; summarize the services, financial products, and services provided by the Applicant; describe the Applicant's involvement with other entities; describe the credit union's marketing strategy to reach members and the community; and include financial projections.

e. *Non-Federally Insured Applicants:* Each Applicant that is a non-federally insured, state-chartered credit union must submit additional application materials. These additional materials are more fully described in § 705.7(b) (3) of the NCUA's regulations and in the Application.

i. *Examination by the NCUA:* Non-federally insured, state-chartered credit unions must agree to be examined by the NCUA. The specific terms and covenants pertaining to this condition will be provided in the loan or grant agreement of the Participating Credit Union.

### 3. Submission Dates and Times

The application period for each CDRLF program initiative is highlighted in Table 4. Applications must be submitted online in the NCUA's web-based application system, CyberGrants, by the deadline in order to be considered. Late Applications will not be considered under any circumstance.

TABLE 4—APPLICATION SUBMISSION DATES AND TIMES

Initiative	Application start date	Application end date
Grant—Digital Services and Security ..... Grant—Leadership Development Grant—Underserved Outreach	July 1, 2018, 9:00 a.m. ET .....	August 18, 2018, 11:59 p.m. ET.
Loan .....	Open All Year Round Until Funds are Exhausted.	

4. Other Submission Requirements

Under this NOFO, Applications must be submitted online at <http://www.cybergrants.com/ncua/applications>.

E. Application Review Information

1. Review and Selection Process for Loans

a. *Eligibility and Completeness Review:* The NCUA will review each Application to determine whether it is complete and that the Applicant meets the eligibility requirements described in the Regulations and in this NOFO. An incomplete Application or one that does not meet the eligibility requirements will be declined without further consideration.

b. *Substantive Review:* After an Applicant is determined eligible and its Application is determined complete, the NCUA will conduct a substantive review in accordance with the criteria and procedures described in the Regulations. The NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the Application. If so contacted, the Applicant must respond within the time specified by the NCUA or the NCUA, in its sole discretion, may decline the application without further consideration.

c. *Evaluation:* The evaluation criteria are more fully described in § 705.7(c) of the NCUA's regulations. The NCUA will evaluate each Application that receives a substantive review on the four criteria described in the regulation, this NOFO and the applicable guideline: Financial performance, compatibility, feasibility, and examination information and applicable concurrence. Each initiative, due to its structure and impact, have varying degrees of evaluation criteria assigned which are reflected in the guidelines for credit union's information. Overall, the evaluation strategy consists of the following which may be reduced or increased based on award amount, initiative and/or risk.

i. *Assessment of Impact:* The Compatibility criteria will take into consideration the extent of community need and projected impact of the

funding on the Applicant's members and community.

ii. *Effective Strategy:* The Feasibility criteria will take into consideration the quality of the Applicant's strategy and its capacity to execute the strategy as demonstrated by its past performance, partnering relationships, and other relevant factors.

iii. *Evaluating Prior Award Performance:* For prior participants of the CDRLF program, loans may not be awarded if the participant: (1) Is noncompliant with any active award; (2) failed to make timely loan payments to the NCUA during fiscal years prior to the date of Application; and (3) had an award deobligated (*i.e.* removal of unused awarded funds) during fiscal years prior to the date of Application.

d. *Examination Information and Applicable Concurrence:* The NCUA will not approve an award to a credit union for which it's NCUA regional examining office or SSA, if applicable, indicates it has safety and soundness concerns. If the NCUA regional office or SSA identifies a safety and soundness concern, the NCUA, in conjunction with the regional office or SSA, will assess whether the condition of the Applicant is adequate to undertake the activities for which funding is requested, and the obligations of the loan and its conditions. The NCUA, in its sole discretion, may defer decision on funding an Application until the credit union's safety and soundness conditions improve.

e. *Funding Selection:* The NCUA will make its funding selections based on a consistent scoring tier for each Applicant. The NCUA will consider the impact of the funding. In addition, the NCUA may consider the geographic diversity of the Applicants in its funding decisions. When loan demand is high, Applications will be ranked based on the aforementioned.

2. Review and Selection Process for Grants

a. *Eligibility and Completeness Review:* The NCUA will review each Application to determine whether it is complete and that the Applicant meets the eligibility criteria described in the Regulations, this NOFO, and the grant

guidelines. An incomplete Application or one that does not meet the eligibility criteria will be declined without further consideration.

b. *Substantive Review:* After an Applicant is determined eligible and its Application is determined complete, the NCUA will conduct a substantive review in accordance with the criteria and procedures described in the Regulations, this NOFO, and the grant guidelines. The NCUA reserves the right to contact the Applicant during its review for the purpose of clarifying or confirming information contained in the Application. If so contacted, the Applicant must respond within the time specified by the NCUA or the NCUA, in its sole discretion, may decline the Application without further consideration.

c. *Evaluation and Scoring:* The evaluation criteria for each initiative is fully described in the grant guidelines.

d. *Input from Examiners:* The NCUA may not approve an award to a credit union for which it's NCUA regional examining office or State Supervisory Agency (SSA), if applicable, indicates it has safety and soundness concerns. If the NCUA regional office or SSA identifies a safety and soundness concern, CURE, in conjunction with the regional office or SSA, will assess whether the condition of the Applicant is adequate to undertake the activities for which funding is requested, and the obligations of the grant and its conditions. The NCUA, in its sole discretion, may defer decision on funding an Application until the credit union's safety and soundness conditions improve.

e. *Award Selection:* The NCUA will make its award selections based on a consistent scoring system where each Applicant will receive a ranking position. The NCUA will also consider the impact of funding and rank Applications based on the factors listed in the grant guidelines.

F. Federal Award Administration

1. Federal Award Notices

The NCUA will notify each Applicant of its funding decision by email. In addition, the NCUA will publish a press release and post on its website a list of

the successful awardees for grants. Additional instructions for post-award activities will be provided by email and in other post-award materials. Applicants that are approved for funding will also receive instructions on how to proceed with disbursement of the award.

## 2. Administrative and National Policy Requirements

The specific terms and conditions governing a CDRLF award will be established in the program guidelines for each initiative.

a. *Grant Agreement:* Each Participating Credit Union under this NOFO must enter into agreement with the NCUA before the NCUA will disburse the grant funds. The Agreement will include the terms and conditions of funding, including but not limited to the: (i) Award amount; (ii) grant award details; (iii) roles and responsibilities; (iv) accounting treatment; (v) signature pages; and (vi) reporting requirements.

b. *Loan Agreement:* Each Participating Credit Union under this NOFO must enter into agreement with the NCUA before the NCUA will disburse the award funds. The agreement documents include, for example, a promissory note, loan agreement, repayment schedule, and security agreement (if applicable). The Agreement will include the terms and conditions of funding, including but not limited to the: (i) Award amount; (ii) interest rate; (iii) repayment requirements; (iv) accounting treatment; (v) impact measures; and (vi) reporting requirements.

c. *Failure to Sign Agreement:* The NCUA, in its sole discretion, may rescind an award if the Applicant fails to sign and return the agreement or any other requested documentation, within the time specified by the NCUA.

d. *Multiple Disbursements:* The NCUA may determine, in its sole discretion, to fund a loan in multiple disbursements. In such cases, the process for disbursement will be specified by the NCUA in the Loan Agreement.

## 3. Reporting

a. *Loans:* The reporting requirements are more fully described in § 705.9 of the NCUA's regulations. Annually, each Participating Credit Union will submit a report to the NCUA. The report will address the Participating Credit Union's use of the loan funds; the impact of funding; and explanation of any failure to meet objectives for use of proceeds, outcome, or impact. The NCUA, in its sole discretion, may modify these requirements. However, such reporting

requirements will be modified only after notice to affected credit unions.

*Report Form:* Applicable credit unions will be notified regarding the submission of the report form. A Participating Credit Union is responsible for timely and complete submission of the report. The NCUA will use such information to monitor each Participating Credit Union's compliance with the requirements of its loan agreement and to assess the impact of the CDRLF loan.

b. *Grants:* All successful Applicants are responsible for the timely and complete submission of the post-grant award activities. This includes, but it is not limited to, signing the grant agreement, submitting a project status update, and completing a reimbursement request.

Successful Applicants must submit a reimbursement request in order to receive the awarded funds. The reimbursement requirements are specific to each initiative. In general, the reimbursement request will require evidence of expenses, project related documentation, a summary of project accomplishments and outcomes, and a certification form signed by a credit union official (e.g., CEO, manager, or Board Chairperson) authorized to request the reimbursement and make the certifications. The NCUA, in its sole discretion, may modify these requirements. In general, successful Applicants are required to submit the reimbursement request within the expiration date specified in the approval letter.

## G. Agency Contacts

### 1. Methods of Contact

Further information can be found at <https://www.ncua.gov/services/Pages/resources-expansion/grants-loans.aspx>. For questions email: National Credit Union Administration, Office of Credit Union Resources and Expansion at [CUREAPPS@ncua.gov](mailto:CUREAPPS@ncua.gov).

### 2. Information Technology Support

People who have visual or mobility impairments that prevent them from using the NCUA's website should call (703) 518-6610 for guidance (this is not a toll free number).

By the National Credit Union Administration Board on May 24, 2018.

**Gerard Poliquin,**

*Secretary of the Board.*

[FR Doc. 2018-11689 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

## POSTAL REGULATORY COMMISSION

[Docket No. CP2016-107]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* June 4, 2018.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

#### I. Introduction

The Commission gives notice that the Postal Service has filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The 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.<sup>1</sup> 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>)

<sup>1</sup> While the Postal Service cites no specific authority for its filing, the Commission construes the request as filed under 39 CFR 3015.5 which governs amendments to rates or classes not of general applicability.

[www.prc.gov](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)*.: CP2016–107; *Filing Title*: USPS Notice of Amendment to First-Class Package Service Contract 44, Filed Under Seal; *Filing Acceptance Date*: May 24, 2018; *Filing Authority*: 39 CFR 3015.5; *Public Representative*: Kenneth R. Moeller; *Comments Due*: June 4, 2018.

This notice will be published in the **Federal Register**.

**Stacy L. Ruble**,  
Secretary.

[FR Doc. 2018–11719 Filed 5–30–18; 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 required notice*: May 31, 2018.

**FOR FURTHER INFORMATION CONTACT**: Elizabeth 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 May 25, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 434 to Competitive Product List*. Documents

are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2018–156, CP2018–225.

**Elizabeth Reed**,

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2018–11726 Filed 5–30–18; 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 required notice*: May 31, 2018.

**FOR FURTHER INFORMATION CONTACT**: Elizabeth 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 May 25, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 435 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2018–157, CP2018–226.

**Elizabeth Reed**,

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2018–11727 Filed 5–30–18; 8:45 am]

**BILLING CODE 7710–12–P**

---

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From*: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

*Extension*:

Rule 17Ac2–2 and Form TA–2; SEC File No. 270–298, OMB Control No. 3235–0337

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the existing collection of information provided for in Rule 17Ac2–2 (17 CFR 240.17Ac2–2) and Form TA–2 under the Securities Exchange Act of 1934 (15

U.S.C. 78a *et seq.*) (“Exchange Act”). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 17Ac2–2 and Form TA–2 require registered transfer agents to file an annual report of their business activities with the Commission. These reporting requirements are designed to ensure that all registered transfer agents are providing the Commission with sufficient information on an annual basis about the transfer agent community and to permit the Commission to effectively monitor business activities of transfer agents.

The amount of time needed to comply with the requirements of amended Rule 17Ac2–2 and Form TA–2 varies. Of the total 373 registered transfer agents, approximately 9.2% (or 34 registrants) would be required to complete only questions 1 through 3 and the signature section of amended Form TA–2, which the Commission estimates would take each registrant approximately 30 minutes, for a total burden of 17 hours (34 × .5 hours). Approximately 26.5% of registrants (or 99 registrants) would be required to answer questions 1 through 5, question 11 and the signature section, which the Commission estimates would take approximately 1 hour and 30 minutes, for a total of 148.5 hours (99 × 1.5 hours). Approximately 64.2% of the registrants (or 239 registrants) would be required to complete the entire Form TA–2, which the Commission estimates would take approximately 6 hours, for a total of 1,434 hours (239 × 6 hours). The aggregate annual burden on all 373 registered transfer agents is thus approximately 1,599.5 hours (17 hours + 148.5 hours + 1,434 hours) and the average annual burden per transfer agent is approximately 3.8 hours (1,434 ÷ 373).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: May 24, 2018.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-11593 Filed 5-30-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83332; File No. SR-FINRA-2018-021]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to District Committee Structure and Governance

May 25, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 18, 2018, Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a “non-controversial” rule change under paragraph (f)(6) of Rule 19b-4 under the Act,<sup>3</sup> which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend the By-Laws of FINRA Regulation, Inc. (“FINRA Regulation By-Laws” or “By-Laws”), FINRA’s regulatory subsidiary, with regard to the District Committee structure and governance by, among other things, reorganizing the District Committees into Regional Committees that mirror the regions in which

FINRA’s districts are administratively grouped and managed by FINRA and revising candidate and member voting eligibility standards in a manner designed to result in committees that better reflect the industry and members within each region. The proposed rule change also makes conforming amendments to the FINRA Regulation By-Laws and FINRA rules to replace, where appropriate, District Committee references with Regional Committee references.<sup>4</sup>

The text of the proposed rule change is available on FINRA’s website at <http://www.finra.org>, at the principal office of FINRA and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

###### a. Background

In March 2017, FINRA issued a *Special Notice*<sup>5</sup> on engagement soliciting comment regarding its engagement programs, including FINRA’s District Committees generally. Several commenters to the *Special Notice* provided observations and suggestions regarding the District

Committees.<sup>6</sup> Some commenters commended the District Committees,<sup>7</sup> noting among other things, that they provide an opportunity to interact with FINRA senior staff,<sup>8</sup> serve as an important means of receiving constructive feedback,<sup>9</sup> and provide important service on disciplinary panels.<sup>10</sup> One commenter also stated that the committee meetings offer FINRA the opportunity to obtain more field-based feedback from financial advisors that directly serve investors and that the financial advisors benefit from open dialogue on timely, relevant topics.<sup>11</sup> Another commenter, however, questioned the committees’ usefulness, referring to the committee meetings as “one-way information session[s]” about soon-to-be-introduced rules.<sup>12</sup> In a different vein, one commenter suggested increasing committee “diversity” by including non-industry representatives.<sup>13</sup>

In addition to the *Special Notice* feedback, FINRA has noted the membership’s general lack of interest in District Committee service. The number of District Committee seat vacancies is the primary indicator of the membership’s declining interest in District Committee service. For the past six years, there has been an average of 29 vacant District Committee seats per year. Of this 29-seat average, 13 (approximately 45%) have been contested seats (two or more candidates), eight (approximately 28%) have been seats with only one candidate, and eight (approximately 28%) have been seats without any candidates, thus requiring FINRA to find an eligible person to appoint to the seat.<sup>14</sup>

<sup>6</sup> Richard Wallace (“Wallace”), Wells Fargo Advisors (“Wells Fargo”), National Society of Compliance Professionals (“NSCP”), Commonwealth Financial Network (“Commonwealth”), Richard K. Bryant (“Bryant”), Midwest Region Committees, Elmore Securities, LLC, Better Markets, Inc., Financial Services Institute (“FSI”) and Lara, May & Associates, LLC (“Lara, May”).

<sup>7</sup> Wallace, Commonwealth, NSCP, Wells Fargo, and FSI.

<sup>8</sup> Commonwealth.

<sup>9</sup> FSI.

<sup>10</sup> Wallace.

<sup>11</sup> Wells Fargo. The commenter also recommended adding two quarterly teleconference District Committee meetings in addition to the District Committees’ bi-annual in-person meetings.

<sup>12</sup> Bryant.

<sup>13</sup> Better Markets, Inc.

<sup>14</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.8(b) (in the event there is no candidate designated for a vacant seat, FINRA’s Chief Executive Officer or his or her designee shall appoint a qualified individual to fill the vacancy for a full term). A number of reasons may contribute to individuals’ failure to pursue a District Committee seat, such as a lack of awareness by

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 17 CFR 240.19b-4(f)(6).

<sup>4</sup> The current FINRA rulebook consists of: (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from New York Stock Exchange LLC (“NYSE”) (“Incorporated NYSE Rules”) (together, the NASD Rules and Incorporated NYSE Rules are referred to as the “Transitional Rulebook”). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (“Dual Members”). The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, see *Information Notice*, March 12, 2008 (Rulebook Consolidation Process).

<sup>5</sup> *Special Notice—Engagement Initiative* (March 21, 2017), available at <http://www.finra.org/industry/special-notice-032117>. The comment period closed on June 19, 2017. FINRA received 46 comment letters in response to the *Special Notice*.

## b. Proposed Rule Change

FINRA is proposing to amend the FINRA Regulation By-Laws to reorganize the District Committees as Regional Committees and to modify the committees' size, structure, and governance to respond to *Special Notice* feedback and address decreasing interest in District Committee service.

### Reorganizing District Committees as Regional Committees

The By-Laws require the FINRA Regulation Board of Directors ("FINRA Regulation Board")<sup>15</sup> to establish districts to assist with the administration of its affairs and provide that the FINRA Regulation Board may organize the districts into regions to promote efficiency and sound administration.<sup>16</sup> The By-Laws further provide that the FINRA Regulation Board may make changes from time to time in the number or boundaries of the districts or regions as it deems necessary or appropriate.<sup>17</sup> The FINRA Regulation Board has established 11 districts, overseen by FINRA District Offices, and has organized them into five regions:

- West (Districts 1 (San Francisco), 2 (Los Angeles) and 3 (Denver));
- Midwest (Districts 4 (Kansas City) and 8 (Chicago));
- South (Districts 5 (New Orleans), 6 (Dallas) and 7 (Atlanta and Boca Raton));
- North (Districts 9 (Philadelphia and New Jersey) and 11 (Boston)); and
- New York (District 10 (Long Island and New York)).<sup>18</sup>

Pursuant to the By-Laws, each district elects a District Committee.<sup>19</sup> FINRA currently manages the 11 District Committees as region-wide committees based on the administrative groupings outlined above, including having them meet bi-annually on a regional basis.<sup>20</sup>

some members of the opportunity and benefits of serving on a District Committee, a perceived lack of time to devote to the position or an individual's belief that he or she lacks sufficient industry experience to carry out a District Committee member's responsibilities. In addition, based on the *Special Notice* commenters' feedback outlined above, some people may not consider the District Committees to be useful or performing a meaningful role.

<sup>15</sup> FINRA Regulation, Inc. ("FINRA Regulation") is a subsidiary of FINRA that operates according to the Plan of Allocation and Delegation of Functions by FINRA to FINRA Regulation, Inc.

<sup>16</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.1 (Establishment of Districts and Regions).

<sup>17</sup> See *supra* note 16.

<sup>18</sup> See Schedule A to FINRA Regulation By-Laws and <http://www.finra.org/industry/finra-district-offices>.

<sup>19</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.2(a).

<sup>20</sup> See Securities Exchange Act Release No. 64363 (April 28, 2011), 76 FR 25397 (May 4, 2011) (Order

FINRA proposes to formally restructure the District Committees as Regional Committees. The proposed change will align the committee structure with FINRA's practice of managing the District Committees as region-wide committees.

### Regional Committee Composition and Size

FINRA proposes amending Section 8.2(a) of the FINRA Regulation By-Laws to require that each Regional Committee have six elected members from each district within that committee's region. Regional Committees representing three districts (*i.e.*, the South and West) will have 18 members, and Regional Committees representing two districts (*i.e.*, Midwest, North, and New York) will have 12 members. Currently, District Committees are generally composed of seven to 14 elected members, with each committee reflecting a configuration of three small, one mid-size and three large firm representatives.<sup>21</sup> The three-one-three composition is intended to align District Committee representation more closely with the industry representation on the FINRA Board.<sup>22</sup> However, that configuration does not necessarily reflect the industry composition within the regions as each region differs regarding firm number, size and business lines. For instance, while the vast majority of branch offices within each region are large firm branch offices, most of the firms headquartered in each region are small firms.<sup>23</sup> In addition,

Approving File No. SR-FINRA-2011-011 ("2011 Rule Filing Approval Order") (amending the By-Laws to, among other things, codify the practice of having the District Committees meet on a regional basis).

<sup>21</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.2(a); see also FINRA Regulation By-Laws, Article I, paragraph (j) (definition of "Small Firm"), FINRA Regulation By-Laws, Article I, paragraph (aa) (definition of "Mid-Size Firm"), and FINRA Regulation By-Laws, Article I, paragraph (y) (definition of "Large Firm").

<sup>22</sup> See *supra* note 20 (2011 Rule Filing Approval Order amending the FINRA Regulation By-Laws to, among other things, adjust the size and composition of the District Committees to require three-sevenths of the District Committee members to be associated with Small Firms (up to 150 registered persons), one-seventh with Mid-Size Firms (151 to 499 registered persons), and three-sevenths with Large Firms (500 or more registered persons), thereby aligning District Committee representation more closely with the industry representation on the FINRA Board).

<sup>23</sup> Based on data from the Central Registration Depository ("Web CRD"®), the West Region has 31,075 large-firm, 2,198 mid-size-firm, and 2,292 small-firm branch offices and 24 large firms, 24 mid-size firms, and 592 small firms headquartered in the region. The Midwest Region has 34,661 large-firm, 3,071 mid-size-firm, and 2,269 small-firm branch offices and 48 large firms, 50 mid-size firms, and 486 small firms headquartered in the region. The South Region has 36,290 large-firm, 2,680 mid-

when vacancies arise, the three-one-three District Committee configuration can make it more challenging to find eligible individuals within the districts who can be appointed to serve as committee members. Although large firms have many branches per district, FINRA staff has found it more difficult to find large-firm individuals to serve in districts where the firm is not headquartered. Conversely, FINRA staff has found that small-firm individuals are interested in committee service, but otherwise eligible individuals cannot be appointed if the prescribed small-firm committee positions are already filled. Thus, FINRA is not proposing to retain the three-one-three configuration.

The proposed amendments would reduce the number of committee members in the West and South regions from 21 to 18 and in the Midwest, North, and New York regions from 14 to 12. This size recalibration is intended to align the number of committee seats with the declining membership interest in committee service while still maintaining adequate district-level representation on the Regional Committees.<sup>24</sup>

### Regional Committee Member Eligibility and Member Voting Standards

FINRA also proposes amending FINRA Regulation By-Laws Section 8.2(a) to require that each Regional Committee member be associated with a FINRA member eligible to vote in the district-level elections and work for a FINRA member headquartered within the district the member will be representing on the committee. For purposes of the provision, a firm is headquartered where it designates its main address on the firm's Form BD. A firm can only have one main address on its Form BD, and FINRA's member firms are assigned to one of the 11 districts outlined above based on the location of their main office.

The proposed eligibility requirement differs from the current requirement that

size-firm, and 2,560 small-firm branch offices and 26 large firms, 33 mid-size firms, and 606 small firms headquartered in the region. The North Region has 28,663 large-firm, 1,899 mid-size-firm, and 2,392 small-firm branch offices and 39 large firms, 47 mid-size firms, and 726 small firms headquartered in the region. The New York Region has 4,022 large-firm, 463 mid-size-firm, and 1,590 small-firm branch offices and 40 large firms, 42 mid-size firms, and 936 small firms headquartered in the region.

<sup>24</sup> The proposed amendments to Section 8.2(a) retain the current committee size parameters that a committee consist of no fewer than five and no more than 20 members, unless otherwise provided by resolution of the FINRA Regulation Board and the provision that any reduction in the authorized number of such members shall not shorten any existing member's term. See proposed FINRA Regulation By-Laws, Article VIII, Section 8.2(a).



District Committee members must be associated with a FINRA member firm eligible to vote in the district and work primarily from the member's principal office or a branch office that is located within the district where the member would serve on a District Committee.<sup>25</sup> FINRA believes that requiring committee member candidates to work for a firm that is headquartered in the district being represented rather than working from a firm's office in a particular district will result in committee member candidates that better reflect the type of firms within the respective regions, while ensuring that all districts have adequate representation within their respective Regional Committees. Committee member candidates from firms headquartered in a district also often bring regional and product expertise pertinent to that area.

FINRA proposes retaining the requirement that a committee member be registered in the capacity of a branch manager or principal or denoted as a corporate officer of the FINRA member.<sup>26</sup> This requirement is designed to ensure that committee members have requisite experience for purposes of participating in meetings.<sup>27</sup>

In addition, the proposed amendments retain district-level elections for Regional Committee members. As noted above, each district within its respective region will elect six Regional Committee members.<sup>28</sup> Each firm headquartered in the district shall be eligible to cast one vote for each position to be filled on a district's election ballot with the candidate receiving the largest number of votes cast by FINRA members eligible to vote in the district filling the vacant seat.<sup>29</sup> The proposed amendments do not retain the current requirement that member firms are only eligible to vote for committee members based on the applicable classification of the firm with which the committee member candidates are associated (e.g., only large firms are currently eligible to vote for one of the three large-firm committee member candidates).<sup>30</sup> Also, as noted previously, firms with a branch office located in the district will no longer be

eligible to vote in the district-level elections (unless a firm with a branch office in a particular district is also headquartered in that district). However, the proposed change will expand the voting opportunities for eligible member firms headquartered within a district by providing them the opportunity to cast a vote for every open seat rather than requiring that each firm vote only for seats representing that firm's size classification (small, mid-size or large). In addition, as with the other proposed composition and eligibility changes, FINRA believes that the revised voting eligibility requirements and election process will reduce potential impediments that could hinder Regional Committee composition from reflecting the industry within that region. FINRA intends to monitor Regional Committee composition and will consider other changes, as appropriate, if the proposed changes do not achieve the intended goal. The proposed amendments retain the direct candidate self-nomination and vacancy appointment process currently used for District Committee elections.<sup>31</sup>

As a transitional measure, and to ensure that the Regional Committees begin with a full complement of members, upon the proposed rule change becoming effective, FINRA would appoint all current District Committee members to serve on the Regional Committees. As a result, the Regional Committee members initially would include: (1) Any current District Committee members from within each region who meet the proposed eligibility requirement that the member be associated with a firm headquartered in the district the member is representing; and (2) the six current District Committee members who do not meet the proposed eligibility requirement that they be associated with a member firm headquartered within the district they are representing. This transitional measure will allow all current committee members to serve their full terms, consistent with the By-Laws,<sup>32</sup> and prevent them from being disenfranchised as a result of the proposed rule change.<sup>33</sup> If the number of District Committee members is insufficient to fulfill all the Regional Committee seats, FINRA will appoint

eligible individuals who are willing to serve on the Regional Committees.<sup>34</sup>

The initial 12 or 18 members for each Regional Committee would be appointed for rolling terms, with four or six members appointed for three years, four or six members appointed for two years, and four or six members appointed for one year. As noted previously, the majority of the initial Regional Committee members will be current District Committee members. FINRA intends to appoint the District Committee members for terms concurrent with the expiration of their current terms. Thus, the District Committee members elected or appointed in 2017 for full terms will serve three-year terms, the District Committee members elected or appointed in 2016 for full terms will serve two-year terms, and the District Committee members elected or appointed in 2015 for full terms will serve one-year terms. The purpose of the rolling terms is to preserve the current practice described below of providing that one-third of the committees' positions will be available for election each year.

#### Regional Committee Term of Office and Meeting Location and Frequency

The proposed amendments retain for Regional Committee members the District Committees' three-year "full term" limit.<sup>35</sup> Also, consistent with the District Committees' term of office provisions, the proposed rule change does not impose a limit on the number of total terms that may be served, with the exception that a committee member may serve no more than two full terms consecutively.<sup>36</sup> The proposed rule change differs from the current provision that District Committee members may not serve two consecutive full terms. The proposed change is based, in part, on a *Special Notice* commenter's suggestion that FINRA eliminate the prohibition against District Committee members serving two consecutive full terms.<sup>37</sup> In

<sup>34</sup> FINRA would appoint the initial Regional Committee members using its power to appoint qualified persons to fill Regional Committee vacancies where there is no designated candidate. See proposed FINRA Regulation By-Laws, Article VIII, Section 8.8(b).

<sup>35</sup> See proposed FINRA Regulation By-Laws, Article VIII, Section 8.3.

<sup>36</sup> See *supra* note 35. The proposed rule change would not prohibit someone appointed or elected to the committee to serve a partial term from serving two consecutive terms in addition to the partial term.

<sup>37</sup> Commonwealth. One *Special Notice* commenter suggested limiting District Committee members to one term. See Elmcore Securities, LLC. (noting also that she did not have enough input regarding the District Committees' activities to

<sup>25</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.2(a)(1)-(2).

<sup>26</sup> See proposed FINRA Regulation By-Laws, Article VIII, Section 8.2(a)(1).

<sup>27</sup> See Securities Exchange Act Release No. 64002 (March 2, 2011), 76 FR 12390 (March 7, 2011) (Notice of Filing of File No. SR-FINRA-2011-011).

<sup>28</sup> See proposed FINRA Regulation By-Laws, Article VIII, Section 8.2(a).

<sup>29</sup> See proposed FINRA Regulation By-Laws, Article VIII, Section 8.9 and Section 8.17.

<sup>30</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.9 and Section 8.17.

<sup>31</sup> See proposed FINRA Regulation By-Laws, Article VIII, Section 8.8.

<sup>32</sup> See FINRA Regulation By-Laws, Article VIII, Section 8.2(a) (providing that no decrease in the authorized number of members of a District Committee shall shorten the term of office of any member).

<sup>33</sup> Four of the committee members have one year remaining on their terms, while the other two committee members have two years remaining on their terms.



addition, as noted above, the proposed amendments continue the current District Committee practice of staggering the three-year committee membership terms to provide that one-third of each Regional Committee's positions be available for election each year.

FINRA also proposes that the Regional Committees retain the current requirement to meet on a regional basis.<sup>38</sup> In addition, the Regional Committees will meet in-person two times a year, consistent with the general practice for District Committee meeting frequency.

#### Regional Committee Regulatory Role and Purpose

FINRA proposes that the Regional Committees assume the District Committees' regulatory roles outlined in the FINRA Regulation By-Laws to:

- Serve as panelists in disciplinary proceedings in accordance with FINRA rules;
- consider and recommend policies and rule changes to the Board; and
- endeavor to educate FINRA members and others as to the objects, purposes and work of FINRA and FINRA Regulation.<sup>39</sup>

In addition, FINRA intends to have Regional Committee members be responsible for communicating high-level information regarding meeting discussions to their constituents. This responsibility would be consistent with the role noted above that the Regional Committees educate FINRA members and others regarding FINRA and its work. The added responsibility also is consistent with a *Special Notice* commenter's suggestion that District Committees be used to greater effect by helping educate FINRA about district developments.<sup>40</sup>

#### Regional Committee Administration and Procedures

The staff proposes retaining without significant changes (other than

answer the *Special Notice* question asking about the District Committees' usefulness). Another commenter approved the current prohibition against serving two consecutive full terms. *See* Midwest Region Committees; *see also* Lara, May (indicating, without further detail, support for the current three-year term and term limits). Both commenters supported their suggestions as a means of providing more opportunities for interested individuals to become committee members and provide input. However, as noted above, there has been a general lack of interest in committee service. In addition, FINRA does not have any evidence supporting the supposition that interest in committee service will increase by imposing term limitations.

<sup>38</sup> *See* proposed FINRA Regulation By-Laws, Article VIII, Section 8.5.

<sup>39</sup> *See* proposed FINRA Regulation By-Laws, Article VIII, Section 8.2(a).

<sup>40</sup> NSCP.

conforming changes to reflect the proposed elimination of firm-size classifications and the committee member candidate and member voting eligibility criteria that a firm have a principal or branch office within a district) the administrative and procedural provisions relating to meetings, vacancies, committee support, expenses and compensation, self-nomination, ballots, candidate solicitation, voter qualification list, extensions of time, and definitions.<sup>41</sup>

#### Proposed Conforming Amendments

FINRA is proposing to amend Article I (Definitions) of the FINRA Regulation By-Laws to delete the term "District Committee" and add the term "Regional Committee"<sup>42</sup> and make conforming amendments to the FINRA Regulation By-Laws to replace District Committee references with Regional Committee references. FINRA also proposes amending the FINRA 9000 Rule Series (Code of Procedure) to replace, where appropriate, the term "District Committee" with "Regional Committee." In addition, FINRA proposes amending FINRA Rule 9120 (Definitions) to clarify that the "District Committee" definition is referring to the District Committees that will be replaced by the proposed Regional Committees, replace the term "Primary District Committee" with "Primary Regional Committee," and add the term "Regional Committee."<sup>43</sup>

FINRA also is proposing amendments to FINRA Rule 9231 (Appointment by the Chief Hearing Officer of Hearing Panel or Extended Hearing Panel or Replacement Hearing Officer) and FINRA Rule 9820 (Appointment of Hearing Officer and Hearing Panel) to clarify that former District Committee members and current and former

<sup>41</sup> *See generally* proposed FINRA Regulation By-Laws, Article VIII, Sections 8.2(b)-(d), 8.4 (Filling of Vacancies on Regional Committees), 8.5 (Meetings of Regional Committees), 8.6 (Expenses of Regional Committees), 8.7 (Solicitation of Candidates and Secretary's Notice to FINRA Members), 8.8 (Self-Nomination of Candidates and Vacancy Appointments), 8.10 (Administrative Support), 8.11 (Ballots), 8.12 (Vote Qualification List), 8.13 (Ballots Returned as Undelivered), 8.14 (General Procedures for Qualification and Accounting of Ballots), 8.15 (Ballots Set Aside), 8.16 (Invalid Ballots), 8.17 (Election Results), 8.18 (Extensions of Time and Additional Procedures), 8.19 (Definitions) and 9.1 (Compensation of Board, Council, and Committee Members).

<sup>42</sup> *See* proposed FINRA Regulation By-Laws, Article I(hh) (definition of "Regional Committee").

<sup>43</sup> *See* proposed amendments to FINRA Rule 9120(g) (adding the term "former" to the District Committee definition) and FINRA Rule 9120(y) (replacing the term "District" with "Regional" in the "Primary District Committee" definition) and proposed FINRA Rule 9120(z) ("Regional Committee").

Regional Committee members are eligible to serve as disciplinary hearing panelists.<sup>44</sup> FINRA also is exploring options to enlarge the pool of panelists and better educate the Regional Committees about the critical function of serving on hearing panels in FINRA disciplinary proceedings.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing so FINRA can implement the proposed rule change immediately.

#### 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(4) of the Act,<sup>45</sup> which requires, among other things, that FINRA rules must be designed to assure a fair representation of its members in the selection of its directors and administration of its affairs, and with Section 15A(b)(6) of the Act,<sup>46</sup> which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change will result in a more effective Regional Committee structure that aligns with how FINRA administratively groups and manages the current District Committees. The proposed rule change also will continue to provide members with the opportunity to elect and serve as committee members. More specifically, the proposed rule change will expand the voting opportunities for members headquartered within a district by providing them the opportunity to cast a vote for every open seat rather than requiring each member to vote only for seats representing that member's size classification (small, mid-size or large). However, pursuant to the proposed rule change, members with a branch office located in the district will no longer be eligible to vote in the district-level elections (unless a firm with a branch office in a particular district is also headquartered in that district). As further detailed above, the representation of Regional Committee members will more closely reflect the membership and industry configuration within the respective regions.

<sup>44</sup> The proposed rule change also updates the cross-reference to FINRA Rule 9231 in FINRA Rule 9232(d) (Criteria for Appointment of a Panelist).

<sup>45</sup> 15 U.S.C. 78o-3(b)(4).

<sup>46</sup> 15 U.S.C. 78o-3(b)(6).

FINRA further believes that the proposed rule change is consistent with Section 15A(b)(8) of the Act,<sup>47</sup> which requires, among other things, that FINRA rules must be designed to provide a fair procedure for the disciplining of members and persons associated with members. The proposed rule change maintains the necessary eligibility requirements to ensure that the pool of potential panelists is composed of qualified members. In addition, by reducing the number of committee members in the West and South Regions from 21 to 18 and in the Midwest, North, and New York Regions from 14 to 12, the proposed rule change only reduces by 12 the maximum number of eligible panelists who would be current committee members. FINRA is exploring options to enlarge the pool of panelists and better educate the Regional Committees about the critical function of serving on hearing panels in FINRA disciplinary proceedings.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any direct costs or additional regulatory obligations on members. FINRA will continue its practice of covering committee meeting costs and expenses committee members incur by attending meetings in person.

The proposed rule change will reduce representation within each Regional Committee from seven seats to six seats per district. However, FINRA does not believe that it reduces overall opportunities for members to interact with FINRA staff or serve on committees. As noted in *Special Notice*, FINRA has over 30 advisory and ad hoc committees that include member representatives who routinely provide input and feedback on regulatory initiatives, proposed rule changes, and emerging regulatory issues. FINRA regularly engages with the industry through its public comment process on proposed rule changes. In addition, FINRA conducts member outreach through a number of regularly scheduled events, including member meetings, round tables, district compliance meetings, and conferences.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received on the proposed rule change. As noted above, in March 2017, FINRA issued a *Special Notice* on engagement, which solicited comment regarding FINRA's engagement programs, including the District Committees generally, and, in response, several commenters discussed the District Committees.<sup>48</sup>

#### **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) of the Act<sup>49</sup> and Rule 19b-4(f)(6) thereunder.<sup>50</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FINRA-2018-021 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.

<sup>48</sup> See *supra* notes 5 and 6.

<sup>49</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>50</sup> 17 CFR 240.19b-4(f)(6).

All submissions should refer to File Number SR-FINRA-2018-021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FINRA-2018-021, and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>51</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-11728 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

### **Submission for OMB Review; Comment Request**

*Upon Written Request Copies Available From:* U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

#### *Extension:*

OWMI Contract Standard for Contractor Workforce Inclusion; SEC File No.270-666, OMB Control No. 3235-0725

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities

<sup>51</sup> 17 CFR 200.30-3(a)(12).

<sup>47</sup> 15 U.S.C. 78o-3(b)(8).

and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information discussed below.

Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the Dodd-Frank Act) provided that certain agencies, including the Commission, establish an Office of Minority and Women Inclusion (OMWI).<sup>1</sup> Section 342(c)(2) of the Dodd-Frank Act requires the OMWI Director to include in the Commission’s procedures for evaluating contract proposals and hiring service providers a written statement that the contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and, as applicable, subcontractors.

In addition, section 342(c)(3)(A) of the Dodd-Frank Act requires the OMWI Director to establish standards and procedures for determining whether an agency contractor or subcontractor “has failed to make a good faith effort to include minorities and women” in its workforce. Section 342(c)(3)(B)(i) provides that if the OMWI Director determines that a contractor has failed to make good faith efforts, the Director shall recommend to the agency administrator that the contract be terminated. Upon receipt of such a recommendation, section 342(c)(3)(B)(ii) provides that the agency administrator may terminate the contract, make a referral to the Office of Federal Contract Compliance Programs of the Department of Labor, or take other appropriate action. To implement the acquisition-specific requirements of Section 342(c) of the Dodd-Frank Act, the Commission adopted a Contract Standard for Contractor Workforce Inclusion (Contract Standard).

The Contract Standard, which is included in the Commission’s solicitations and resulting contracts for services with a dollar value of \$100,000 or more, contains a “collection of information” within the meaning of the Paperwork Reduction Act. The Contract Standard requires that a Commission contractor provide documentation, upon request from the OMWI Director, to demonstrate that it has made good faith efforts to ensure the fair inclusion of minorities in its workforce and, as applicable, to demonstrate its covered subcontractors have made such good faith efforts. The documentation requested may include, but is not limited to: (1) The total number of

employees in the contractor’s workforce, and the number of employees by race, ethnicity, gender, and job title or EEO–1 job category (e.g., EEO–1 Report(s)); (2) a list of covered subcontract awards under the contract that includes the dollar amount of each subcontract, date of award, and the subcontractor’s race, ethnicity, and/or gender ownership status; (3) the contractor’s plan to ensure the fair inclusion of minorities and women in its workforce, including outreach efforts; and (4) for each covered subcontractor, the information requested in items 1 and 3 above. The OMWI Director will consider the information submitted in evaluating whether the contractor or subcontractor has complied with its obligations under the Contract Standard.

The information collection is mandatory.

*Estimated number of respondents:*

The Commission estimates that 190 contractors would be subject to the Contract Standard.<sup>2</sup> Approximately 115 of these contractors have 50 or more employees, while 75 have fewer than 50 employees. Since the last approval of this information collection, we adjusted the estimated number of contractors from 170 contractors to 190 contractors based on the number of contractors awarded contracts during the last two years that were subject to the Contract Standard. In addition, we adjusted the number of contractors that have 50 or more employees and the number that have fewer than 50 employees to reflect the percentages of contractors meeting these workforce size thresholds among all contractors reviewed by OMWI for compliance with the Contract Standard during the last two years.

*Estimate of recordkeeping burden:*

The information collection under the Contract Standard imposes no new recordkeeping burden on the estimated 115 contractors that have 50 or more employees. Such contractors are generally subject to recordkeeping and reporting requirements under the regulations implementing Title VII of the Civil Rights Act<sup>3</sup> and Executive Order 11246 (“E.O. 11246”).<sup>4</sup> Their contracts and subcontracts must include the clause implementing E.O. 11246—FAR 52.222–26, Equal Opportunity. In addition, contractors that have 50 or more employees (and a contract or subcontract of \$50,000 or more) are required to maintain records on the race, ethnicity, gender, and EEO–1 job

category of each employee under Department of Labor regulations implementing E.O. 11246.<sup>5</sup> The regulations implementing E.O. 11246 also require contractors that have 50 or more employees (and a contract or subcontract of \$50,000 or more) to demonstrate that they have made good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results,<sup>6</sup> and to develop and maintain a written program, which describes the policies, practices, and procedures that the contractor uses to ensure that applicants and employees receive equal opportunities for employment and advancement.<sup>7</sup> In lieu of developing a separate plan for workforce inclusion, a contractor may submit its existing written program prescribed by the E.O. 11246 regulations as part of the documentation that demonstrates the contractor’s good faith efforts to ensure the fair inclusion of minorities and women in its workforce. Thus, approximately 115 contractors are already required to maintain the information that may be requested under the Contract Standard.

The estimated 75 contractors that employ fewer than 50 employees are required under the regulations implementing E.O. 11246 to maintain records showing the race, ethnicity and gender of each employee. We believe that these contractors also keep job title information during the normal course of business. However, contractors that have fewer than 50 employees may not have the written program prescribed by the E.O. 11246 regulations or similar plan that could be submitted as part of the documentation to demonstrate their good faith efforts to ensure the fair inclusion of women and minorities in their workforces. Accordingly, contractors with fewer than 50 employees may have to develop a plan to ensure workforce inclusion of minorities and women.

In order to estimate the burden on contractors associated with developing a plan for ensuring the inclusion of minorities and women in their workforces, we considered the burden estimates for developing the written programs required under the regulations implementing E.O. 11246.<sup>8</sup> We also

<sup>5</sup> See 41 CFR 60–1.7.

<sup>6</sup> See 41 CFR 60–2.17(c).

<sup>7</sup> See 41 CFR part 60–2.

<sup>8</sup> According to the Supporting Statement for the OFCCP Recordkeeping and Requirements—Supply Service, OMB Control No. 1250–0003 (“Supporting Statement”), it takes approximately 73 burden hours for contractors with 1–100 employees to develop the initial written program required under

<sup>2</sup> Unless otherwise specified, the term “contractors” refers to contractors and subcontractors.

<sup>3</sup> 42 U.S.C. 2000e, *et seq.*

<sup>4</sup> Executive Order 11246, 30 FR 12,319 (Sept. 24, 1965).

<sup>1</sup> 12 U.S.C. 5452.

revised the estimated time required to develop and update a plan for workforce inclusion of minorities and women since the last approval of this information collection. Based on OMWI's review of the plans and other documentation submitted by contractors with fewer than 50 employees to demonstrate compliance with the Contract Standard, we believe such contractors would require approximately 25 percent of the hours that contractors of similar size spend on developing the written programs required under the E.O. 11246 regulations. Accordingly, we estimate that contractors would spend about 18 hours of employee resources to develop a plan for workforce inclusion of minorities and women. This one-time implementation burden annualized would be 450 hours. After the initial development, we estimate that each contractor with fewer than 50 employees would spend approximately 8 hours each year updating and maintaining its plan for workforce inclusion of minorities and women. The Commission estimates that the annualized recurring burden associated with the information collection would be 375 hours. Thus, the Commission estimates the annual recordkeeping burden for such contractors would total 825 hours.

The Contract Standard requires contractors to maintain information about covered subcontractors' ownership status, workforce demographics, and workforce inclusion plans. Contractors would request this information from their covered subcontractors, who would have an obligation to keep workforce demographic data and maintain plans for workforce inclusion of minorities and women because the Contract Standard is included in their subcontracts. Based on data describing recent Commission subcontractor activity, we believe that few subcontractors will have subcontracts for services with a dollar value of \$100,000 or more under Commission service contracts.<sup>9</sup> These subcontractors

the regulations implementing E.O. 11246. We understand the quantitative analyses prescribed by the Executive Order regulations at 41 CFR part 60-2 are a time-consuming aspect of the written program development. As there is no requirement to perform these types of quantitative analyses in connection with the plan for workforce inclusion of minorities and women under the Contract Standard, we believe the plan for workforce inclusion will take substantially fewer hours to develop. The Supporting Statement is available at [reginfo.gov](http://reginfo.gov).

<sup>9</sup> A search of subcontract awards on the [usaspending.gov](http://usaspending.gov) website showed that three subcontractors in FY 2016 and six subcontractors in FY 2017 had subcontracts of \$100,000 or more. See

may already be subject to similar recordkeeping requirements as principal contractors. Consequently, we believe that any additional requirements imposed on subcontractors would not significantly add to the burden estimates discussed above.

*Estimate of Reporting Burden:* With respect to the reporting burden, we estimate that it would take all contractors on average approximately one hour to retrieve and submit to the OMWI Director the documentation specified in the proposed Contract Standard. We expect to request documentation from up to 100 contractors each year and therefore we estimate the total annual reporting burden to be 100 hours.

On March 19, 2018, the Commission published a notice in the **Federal Register** (83 FR 12042) of its intention to request an extension of this currently approved collection of information, and allowed the public 60 days to submit comments. The Commission received no comments.

Written comments continue to be invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The public may view the background documentation for this information collection at the following website, [www.reginfo.gov](http://www.reginfo.gov). Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: [Shagufta.Ahmed@omb.eop.gov](mailto:Shagufta.Ahmed@omb.eop.gov); and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

data on subcontract awards available at <http://usaspending.gov>.

Dated: May 24, 2018.

**Eduardo A. Aleman**,  
Assistant Secretary.

[FR Doc. 2018-11595 Filed 5-30-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83323; File No. SR-ISE-2018-47]

### Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Memorialize Its Order and Execution Information Into ISE Rule 718, Entitled "Data Feeds"

May 24, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 14, 2018, Nasdaq ISE, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to memorialize its order and execution information into ISE Rule 718, entitled "Data Feeds."

The text of the proposed rule change is available on the Exchange's website at <http://ise.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

*A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to add order and execution information into ISE Rule 718, entitled "Data Feeds." The Exchange proposes to rename this rule "Data Feeds and Trade Information." The Exchange also proposes to amend Rule 100 to add definitions.

ISE Rule 718(a)

The Exchange proposes to amend the Nasdaq ISE Top Quote Feed. The Exchange stated in that description that this feed calculates and disseminates ISE's best bid and offer position, with aggregated size (including total size in aggregate, for Public Customer<sup>3</sup> size in the aggregate and Priority Customer<sup>4</sup> size in the aggregate), based on displayable order and quote interest in the System. The Exchange proposes to amend this rule text to instead provide, "this feed calculates and disseminates ISE's best bid and offer position, with aggregated size (including total size in aggregate, for Professional Order<sup>5</sup> size in the aggregate and Priority Customer Order size in the aggregate), based on displayable order and quote interest in the System." The Exchange intended to specify that Professional Orders and Priority Customer Orders are segregated and aggregated. The Public Customer definition is too broad because it includes a portion of Priority Customer, which was already specified within the description. The Exchange proposes to remove Public Customer and replace it with Professional Order to be more specific and amend Priority Customer to Priority Customer Order to reference the types of orders that are aggregated to conform the rule text.

ISE Rule 718(b)

The Exchange proposes to adopt a new ISE Rule 718(b) and memorialize the following order and execution information, which was discussed in other rule filings by the Exchange: (i) Clearing Trade Information or "CTI";

<sup>3</sup> The term "Public Customer" means a person or entity that is not a broker or dealer in securities. See Rule 100(a)(42).

<sup>4</sup> The term "Priority Customer" means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). See 100(a)(41A). The term "Priority Customer Order" means an order for the account of a Priority Customer. See Rule 100(a)(41B).

<sup>5</sup> The term "Professional Order" means an order that is for the account of a person or entity that is not a Priority Customer. See Rule 100(a)(41C).

and (ii) FIX DROP.<sup>6</sup> The Exchange is also adding a description for TradeInfo. The TradeInfo user interface is being offered today on ISE at no cost.

The Exchange notes that while CTI and FIX Drop information are accessible through a port, TradeInfo is an interface. The Exchange notes this distinction to make clear the manner of delivery for each of these information types.

CTI

The Exchange stated in its Prior Filing that "CTI is a real-time clearing trade message that is sent to a Member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The information includes, among other things, the following: (i) The Clearing Member Trade Agreement or "CMTA" or The Options Clearing Corporation or "OCC" number; (ii) Exchange badge or house number; (iii) the Exchange internal firm identifier; and (iv) an indicator which will distinguish electronic and non-electronically delivered orders; (v) liquidity indicators and transaction type for billing purposes; (vi) capacity."<sup>7</sup>

The Exchange is proposing to amend the CTI description and memorialize it within ISE Rule 718(b)(1). The Exchange proposes to eliminate the sentence which states, "The message containing the trade details is also simultaneously sent to The Options Clearing Corporation." The Exchange's System sends clearing information to OCC for each transaction. This sentence does not add information that is useful or relevant and therefore the Exchange proposes to remove it. The Exchange also proposes to delete the words "an indicator which will distinguish electronic and non-electronically delivered orders." The only method on ISE to deliver an order is electronically.

The Exchange proposes to adopt definitions for "account number,"<sup>8</sup> "badge,"<sup>9</sup> and "mnemonic"<sup>10</sup> to be utilized within the CTI description and uniformly throughout the Rulebook. The

<sup>6</sup> See Securities Exchange Act Release No. 82568 (January 29, 2018), 83 FR 4086 (January 23, 2018) (SR-ISE-2018-07) ("Prior Filing").

<sup>7</sup> *Id.*

<sup>8</sup> An "account number" shall mean a number assigned to a Member. Members may have more than one account number. See proposed Rule 100(a)(1).

<sup>9</sup> A "badge" shall mean an account number with a letter suffix assigned to Market Makers. A Market Maker account may be associated with multiple badges. See proposed Rule 100(a)(5).

<sup>10</sup> A "mnemonic" shall mean an acronym comprised of letters and/or numbers assigned to Electronic Access Members. An Electronic Access Member account may be associated with multiple mnemonics. See proposed Rule 100(a)(34).

Exchange proposes to renumber Rule 100 to accommodate the new definitions. The Exchange is reserving 2 numbers for future use of other definitions. The Exchange proposes to replace the phrase in Rule 718(b)(1) subsection (ii) from previously filed Exchange badge or house number to proposed definitions for badge or mnemonic. The Exchange proposes to replace the phrase in Rule 718(b)(1) subsection (iii) from Exchange internal firm identifier to proposed definition for account number. The Exchange proposes to expand on Rule 718(b)(1) subsection (iv) by replacing the phrase "an indicator which will distinguish electronic and non-electronically delivered orders" with "information which identifies the transaction type (e.g. auction type) for billing purposes." Finally, the Exchange is adding an "and" before Rule 718(b)(1) subsection (v) capacity" and changing the wording to "market participant capacity." The Exchange has renumbered the CTI subsections to account for the language that was removed from the description. Finally, the Exchange is making a grammatical change and adding parenthesis around defined terms. The Exchange is expressing more specifically the type of data contained in CTI.

FIX DROP

The Exchange stated in its Prior Filing that "FIX DROP provides real-time order and execution update is a message that is sent to a Member after an order been received/modified or an execution has occurred and contains trade details. The information includes, among other things, the following: (1) Executions; (2) cancellations; (3) modifications to an existing order; and (4) busts or post-trade corrections."<sup>11</sup>

The Exchange proposes to memorialize FIX DROP within ISE Rule 718(b)(3). The Exchange notes that at the end of the first sentence of the description it is adding "specific to that Member" to make clear that FIX DROP only provides a Member its specific trade information. Also, an "and" is included before new (iv) as the numbers have been changed to roman numerals and the Exchange is proposing grammatical changes.

TradeInfo

The Exchange proposes to establish its TradeInfo offering at ISE Rule 718(b)(2). TradeInfo, a user interface, permits a Member to: (i) Search all orders submitted in a particular security or all orders of a particular type,

<sup>11</sup> See note 6.

regardless of their status (open, canceled, executed, etc.); (ii) view orders and executions; and (iii) download orders and executions for recordkeeping purposes. TradeInfo users may also cancel open orders at the order, port or firm mnemonic level through TradeInfo. TradeInfo is offered today to Members on ISE at no cost.

The Exchange considers it appropriate to establish and memorialize the order and execution information available on ISE within a rule so that Members may understand the trade information which is available on the Exchange as it pertains to a firm's trading information. This data is available to all Members and is specific to a Member's transactions on ISE.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),<sup>12</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>13</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest, by providing greater transparency as to the order and execution information offered on ISE. Each proposal is described in more detail below.

### ISE Rule 718(a)

The Exchange's proposal to amend the Nasdaq ISE Top Quote Feed to specify that Professional Orders and Priority Customer Orders are segregated and aggregated is consistent with the protection of investors and the public interest because the Exchange is correcting the categories of orders, which are segregated and aggregated. The Public Customer definition is too broad because it includes a portion of Priority Customer, which was already specified within the description. The Exchange proposes to remove Public Customer and replace it with Professional Order to be more specific and amend Priority Customer to Priority Customer Order to reference the types of orders that are aggregated to conform the rule text. The Exchange believes that this amendment will bring more transparency to the information within the feed.

### ISE Rule 718(b)

The Exchange believes that memorializing CTI and FIX DROP within a rule will provide Members with transparency as to the order and information offerings available on ISE specific to their trading on ISE. The Exchange notes that CTI and FIX DROP were described in a Prior Filing while TradeInfo's description is new. The Exchange's proposal to establish TradeInfo is consistent with the Act because the Exchange is detailing the contents of this offering as well as providing transparency as to the availability of TradeInfo. The Exchange believes that offering Members TradeInfo, which allows Members to view executions as well as other capabilities with respect to order management, enhances the ability of a Member to manage its orders. The Exchange believes that providing Members with tools to manage orders is consistent with the Act and serves to protect investors and the public interest. Further, the Exchange believes that this proposal is consistent with the Act because TradeInfo provides information regarding information available to market participants, specifically with respect to trades they execute on ISE. The information is available to all Members.

### B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,<sup>14</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal does not impose an undue burden on competition, rather the Exchange is seeking to provide greater transparency within its rules with respect to the Nasdaq ISE Top Quote Feed as well as order and execution information offered on ISE. The information is available to all Members. Specifically, TradeInfo is available to any Member that requests this service. The TradeInfo product will provide a Member information regarding that Member's executions.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>15</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>16</sup>

A proposed rule change filed under Rule 19b-4(f)(6)<sup>17</sup> normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b-4(f)(6)(iii)<sup>18</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Exchange states that waiver of the operative delay will allow the Exchange to correct the Nasdaq ISE Top Quote Feed and update its rules immediately regarding order and execution information offered on ISE. The Exchange further states that it believes the waiver will further the protection of investors and the public interest because it will provide greater transparency as to the Nasdaq ISE Top Quote Feed as well as trade detail available to market participants. Further, the Exchange states that memorializing TradeInfo will provide Members with greater information concerning a Member's executions on ISE and make its availability transparent. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.<sup>19</sup>

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>16</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and 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.

<sup>17</sup> 17 CFR 240.19b-4(f)(6).

<sup>18</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>19</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>14</sup> 15 U.S.C. 78f(b)(8).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2018-47 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-ISE-2018-47. 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

efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2018-47 and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-11613 Filed 5-30-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33108; File No. 812-14662]

### Pioneer ILS Interval Fund and Amundi Pioneer Asset Management, Inc.; Notice of Application

May 24, 2018

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c-3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges ("EWCs").

**APPLICANTS:** Pioneer ILS Interval Fund (the "Fund") and Amundi Pioneer Asset Management, Inc. (the "Adviser").

**FILING DATES:** The application was filed on June 10, 2016 and amended on December 14, 2016, September 28, 2017, and May 15, 2018.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 18, 2018, and should be accompanied by proof of

service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested.

Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090; Applicants: 60 State Street, Boston, MA 02109-1820.

**FOR FURTHER INFORMATION CONTACT:** Jennifer O. Palmer, Senior Counsel, at (202) 551-5786, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

#### Applicants' Representations

1. The Fund is a Delaware statutory trust that is registered under the Act as a non-diversified, closed-end management investment company. The Fund's investment objective is total return. The Fund normally invests at least 80% of its net assets (plus the amount of borrowings, if any, for investment purposes) in insurance-linked securities ("ILS"). Derivative instruments that provide exposure to ILS or have similar economic characteristics may be used to satisfy the Fund's 80% policy.

2. The Adviser is a Delaware corporation and is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser is an indirect, wholly-owned subsidiary of Amundi and Amundi's wholly-owned subsidiary, Amundi USA, Inc. Amundi, an asset manager headquartered in Paris, France, acquired the Adviser on July 3, 2017. The Adviser serves as investment adviser to the Fund.

3. The applicants seek an order to permit the Fund to issue multiple classes of shares, each having its own fee and expense structure, and to impose asset-based distribution and/or service fees and EWCs.

4. Applicants request that the order also apply to any continuously-offered registered closed-end management

<sup>20</sup> 17 CFR 200.30-3(a)(12).



investment company that may be organized in the future for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,<sup>1</sup> acts as investment adviser and which operates as an interval fund pursuant to rule 23c-3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e-4 under the Securities Exchange Act of 1934 ("Exchange Act") (each, a "Future Fund" and together with the Fund, the "Funds").<sup>2</sup>

5. The Fund is currently making a continuous public offering of its common shares. Applicants state that additional offerings by any Fund relying on the order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium. The Funds do not expect there to be a secondary trading market for their shares.

6. If the requested relief is granted, the Fund intends to redesignate its common shares as "Class 1 Shares" and to continuously offer "Class 2 Shares", and may also offer additional classes of shares in the future. Because of the different distribution fees, services and any other class expenses that may be attributable to the Class 1 Shares and Class 2 Shares, the net income attributable to, and the dividends payable on, each class of shares may differ from each other. The Fund's Class 1 Shares will not be subject to a front-end sales charge, whereas Class 2 Shares may be subject to a front-end sales charge. The Fund's Class 1 Shares will be subject to other expenses, but will not be subject to a distribution or service fee. The Fund's Class 2 Shares will be subject to a distribution and service fee and other expenses. Currently, Class 1 Shares and Class 2 Shares will not be subject to an EWC. However, applicants state that Class 1 Shares, Class 2 Shares and other classes may, in the future, be subject to an EWC. Shares that are not subject to an EWC when purchased will not subsequently be subject to an EWC.

7. Applicants state that, from time to time, the Fund may create additional classes of shares, the terms of which may differ from the Class 1 and Class 2

Shares in the following respects: (i) The amount of fees permitted by different distribution plans or different service fee arrangements; (ii) voting rights with respect to a distribution and/or service plan of a class; (iii) different class designations; (iv) the impact of any class expenses directly attributable to a particular class of shares allocated on a class basis as described in the application; (v) any differences in dividends and net asset value resulting from differences in fees under a distribution and/or service plan or in class expenses; (vi) any EWC or other sales load structure; and (vii) exchange or conversion privileges of the classes as permitted under the Act.

8. Applicants state that, to the extent a Fund charges a repurchase fee, shares of the Fund will be subject to a fee at a rate of no greater than 2% of the shareholder's repurchase proceeds if the interval between the date of purchase of the shares and the valuation date with respect to the repurchase of those shares is less than one year. Additionally, applicants state that any repurchase fee will equally apply to any new class of shares and to all classes of Shares of the Fund, consistent with Section 18 of the 1940 Act and Rule 18f-3 thereunder. Further, applicants represent that to the extent a Fund determines to waive, impose scheduled variations of, or eliminate any repurchase fee, it will do so consistently with the requirements of Rule 22d-1 under the Act as if the repurchase fee were a CDSL and as if the Fund were an open-end investment company and the Fund's waiver of, scheduled variation in, or elimination of, the repurchase fee will apply uniformly to all shareholders of the Fund regardless of class. Applicants state that the Fund does not currently intend to charge a repurchase fee.

9. Applicants state that the Fund has adopted a fundamental policy to repurchase a specified percentage of its shares (no less than 5% and no more than 25%) at net asset value on a quarterly basis. Such repurchase offers will be conducted pursuant to rule 23c-3 under the Act. Each of the other Funds will likewise adopt fundamental investment policies and make quarterly repurchase offers to its shareholders in compliance with rule 23c-3 or will provide periodic liquidity with respect to its shares pursuant to rule 13e-4 under the Exchange Act.<sup>3</sup> Any repurchase offers made by the Funds

will be made to all holders of shares of each such Fund.

10. Applicants represent that any asset-based service and distribution fees for each class of shares of the Funds will comply with the provisions of Financial Industry Regulatory Authority ("FINRA") Rule 2341 (formerly NASD Rule 2830(d) ("FINRA Sales Charge Rule").<sup>4</sup> Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multiple class funds under Form N-1A. As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in or elimination of sales loads in its prospectus.<sup>5</sup> In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.<sup>6</sup>

11. Each of the Funds will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to the Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

12. Each Fund will allocate all expenses incurred by it among the various classes of shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect the expenses associated with the distribution and/or service plan of that class, service fees attributable to that

<sup>4</sup> Any reference to the FINRA Sales Charge Rule includes any successor or replacement to the FINRA Sales Charge Rule.

<sup>5</sup> See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

<sup>6</sup> Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also Rules 12d1-1, *et seq.* of the Act.

<sup>1</sup> A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

<sup>2</sup> Any Fund relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

<sup>3</sup> Applicants submit that rule 23c-3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to Rule 415 under the Securities Act of 1933.



class, and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Applicants state that each Fund will comply with the provisions of rule 18f-3 under the Act as if it were an open-end investment company.

13. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may waive the EWC for certain categories of shareholders or transactions to be established from time to time. Applicants state that each of the Funds will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d-1 under the Act as if the Funds were open-end investment companies.

14. Each Fund operating as an interval fund pursuant to rule 23c-3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with the Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c-3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, "Other Funds"). Shares of a Fund operating pursuant to rule 23c-3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c-3 under the Act. Any exchange option will comply with rule 11a-3 under the Act, as if the Fund were an open-end investment company subject to rule 11a-3. In complying with rule 11a-3, each Fund will treat an EWC as if it were a contingent deferred sales load ("CDSL").

### Applicants' Legal Analysis

#### *Multiple Classes of Shares*

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its shares and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f-3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f-3 as if it were an open-end investment company.

#### *Early Withdrawal Charges*

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company shall purchase securities of which it is the

issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c-3 under the Act permits a registered closed-end investment company (an "interval fund") to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c-3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c-3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to CDSLs imposed by open-end investment companies under rule 6c-10 under the Act. Rule 6c-10 permits open-end investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c-10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c-10 under the Act as if the rule were applicable to closed-end investment companies. The Funds will disclose EWCs in accordance with the requirements of Form N-1A concerning CDSLs.

*Asset-Based Distribution and/or Service Fees*

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d-1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d-3 under the Act provides an exemption from section 17(d) and rule 17d-1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b-1 under the Act. Applicants request an order under section 17(d) and rule 17d-1 under the Act to the extent necessary to permit the Fund to impose asset-based distribution and/or service fees. Applicants have agreed to comply with rules 12b-1 and 17d-3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based fees.

For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based distribution and/or service fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants. Applicants therefore believe that the requested relief meets the standards of section 6(c) of the Act.

**Applicants' Condition**

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c-10, 12b-1, 17d-3, 18f-3, 22d-1, and, where applicable, 11a-3 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the FINRA Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-11594 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-83317; File No. SR-BOX-2018-17]**

**Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Rules 7150 and 7245**

May 24, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 14, 2018, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change**

The Exchange proposes to amend Rules 7150 and 7245. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at <http://boxoptions.com>.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change****1. Purpose**

The Exchange proposes to amend Rules 7150 (Price Improvement Period ("PIP")) and 7245 (Complex Price Improvement Period ("COPIP")) to provide additional information in the respective auction notifications. Specifically, the Exchange is proposing to provide the account type of the PIP Order<sup>3</sup> and COPIP Order<sup>4</sup> as part of the auction broadcast.<sup>5</sup>

The system commences a PIP and COPIP Auction by broadcasting a message via the High Speed Vendor Feed ("HSVF").<sup>6</sup> Currently, the broadcast: (1) States that a Primary Improvement Order<sup>7</sup> has been processed; (2) contains information concerning series,<sup>8</sup> size, start price, and side of market; and (3) states when the auction will conclude. The Exchange is now proposing that, in addition to the above information, the broadcast will include the account type of the PIP and COPIP Order.<sup>9</sup> The Exchange notes that other option exchanges provide account type information for orders on their electronic book as part of their data feeds.<sup>10</sup>

<sup>3</sup> A PIP Order is an order that is executed entirely via the Price Improvement Period ("PIP"). See Rule 7150(f).

<sup>4</sup> A COPIP Order is a Complex Order that is executed via the Complex Order Price Improvement Period ("COPIP"). See Rule 7245(f).

<sup>5</sup> BOX has the following account types: Public Customer, Professional Customer, Broker Dealer, Market Maker and Away Market Maker. See RC-2014-05A for more details.

<sup>6</sup> See Rules 7150(f) and 7245(f).

<sup>7</sup> A Primary Improvement Order is a contra side order equal to the full size of the PIP or COPIP Order. See Rules 7150(f) and 7245(f).

<sup>8</sup> For a COPIP, the strategy identifier is broadcasted.

<sup>9</sup> See proposed changes to Rules 7150(f) and 7245(f).

<sup>10</sup> See Securities Exchange Act Release No. 74759 (April 17, 2015), 80 FR 22749 (Notice of Filing and

The HSVF provides data to enhance the ability of subscribers to analyze market conditions and to create and test trading models and analytical strategies. In response to Participant feedback, the Exchange is exploring the feasibility of adding information (*i.e.* account type) that market participants can use to gain comprehensive insight into the trading activity on the Exchange as well as additional transparency with regard to orders submitted to the Exchange. The Exchange is proposing to first include the account type of the PIP and COPIP Order into the PIP Broadcast because such a change can be implemented quickly.<sup>11</sup> The Exchange believes that providing the proposed information is important as it will provide additional transparency to market participants so they may have greater insight into the order flow on the Exchange.

The Exchange does not believe the proposed change will have a material impact on competition. Specifically, the Exchange does not believe that the proposed change will have a noticeable impact on competition or the level of responses during an auction. The Exchange believes that Participants will ultimately make a determination on whether to respond to the auction based on price, size, current quote and market conditions. The proposed information will provide additional transparency to Participants; however, it should not materially affect participation during the auctions. As such, the Exchange believes the proposed change is not unfairly discriminatory.<sup>12</sup>

Immediate Effectiveness SR-MIAX-2015-28). The MIAX Order Feed provides, among other things, the origin of each order for the entire order book to its users. The Exchange notes there are certain differences between the proposal and the MIAX Order Feed. Specifically, the Exchange is only proposing to provide the account type for PIP and COPIP Orders while MIAX provides the account type of each order for the entire order book, but not for auctions. The Exchange believes this is a minor difference because both exchanges are providing the same information (*i.e.*, account type) with BOX providing it to a limited subset of orders where MIAX is not providing such information. Further, as expressed in the proposal, the Exchange does not believe that the proposed information will have a material impact on the participation during the PIP and COPIP auctions. Therefore, the Exchange believes it is reasonable and consistent with the Act to provide the proposed information for PIP and COPIP Orders. *See also* Securities Exchange Act Release No. 66993 (May 15, 2012), 77 FR 30043 (Notice of Filing and Immediate Effectiveness SR-PHLX-2012-63).

<sup>11</sup> The Exchange notes that including the account type of all orders on the BOX Book would take substantially longer to implement. The Exchange believes that providing the account type for PIP and COPIP Orders can be implemented in a short time frame and will allow the Exchange to assess whether such information would be beneficial in BOX's HSVF.

<sup>12</sup> The Exchange notes that PIP and COPIP Orders are entered into the system with a contra-side order

The Exchange anticipates implementing the proposed change during the third quarter of 2018, pending approval of this filing. The Exchange will provide at least two weeks notification to Participants of the exact implementation date via Circular.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>13</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>14</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

In particular, the Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanisms of a free and open market and a national market system by providing additional information and insight to Participants. Further, the Exchange believes that the proposed change will enhance Participants' ability to make more informed and timely trading decisions. Additionally, as set forth above, the Exchange believes that the proposed change is reasonable and appropriate as another options exchange disseminates account type information on orders.<sup>15</sup>

The Exchange believes the proposed change is not unfairly discriminatory because the proposed information will be available to all subscribers of the HSVF. As such, the Exchange does not believe the proposed change will have an adverse impact on any market participant. Additionally, as explained above, the Exchange does not believe the proposed change will have a material impact on competition during the auctions.

## B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed change will give market participants greater information on which to base their trading strategies. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, other option exchanges include account type information in their data feeds. Additionally, the Exchange does

guaranteeing the full size of the PIP or COPIP Order. Therefore, the PIP and COPIP Order is fully guaranteed and will always receive a full execution once submitted to the system.

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(5).

<sup>15</sup> *See supra* note 10.

not believe that the proposed change will have a material impact on competition during the auction.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2018-17 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-BOX-2018-17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BOX-2018-17, and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-11607 Filed 5-30-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83324; File No. SR-NYSEArca-2018-31]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend NYSE Arca Rule 5.3-E To Exclude Certain Categories of Issuers From the Exchange's Annual Meeting Requirement

May 24, 2018.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act"),<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on May 16, 2018, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Rule 5.3-E to exclude certain categories of issuers from the Exchange's annual meeting requirement. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://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

NYSE Arca proposes to amend NYSE Arca Rule 5.3-E to exclude certain categories of issuers from the Exchange's annual meeting requirement.

NYSE Arca Rule 5.3-E(e) provides that a listed company is required to hold an annual meeting of shareholders to elect directors and to take action on other corporate matters in accordance with its charter, by-laws and applicable state or other laws. The preamble to Rule 5.3-E provides that preferred and debt listings, passive business organizations (such as royalty trusts), derivative and special purpose securities<sup>4</sup> are not required to comply with certain of the Corporate Governance and Disclosure Policies set forth in NYSE Arca Rule 5.3-E.<sup>5</sup> However, the preamble does not exclude the obligation to hold an annual meeting pursuant to NYSE Arca Rule 5.3-E(e) from those requirements with which such issuers must comply.

Holders of non-voting preferred and debt securities, securities of passive

business organizations (such as royalty trusts) and derivative and special purpose securities either do not have the right to elect directors at annual meetings or have the right to elect directors only in very limited circumstances. For example, holders of non-voting preferred securities may have the right to temporarily elect directors if dividends on such securities have not been paid for a specified period of time. Absent such special circumstances, in no event do holders of the securities listed above elect directors on an annual basis. Despite the fact that there is no matter with respect to which holders of these securities have an annual voting right under state law or their governing documents, NYSE Arca rules currently do not exclude the issuers of such securities from the requirement that they hold an annual meeting of shareholders.

NYSE Arca now proposes to change the preamble to Rule 5.3-E to provide that issuers of these securities would not need to satisfy the requirement to hold an annual meeting under Rule 5.3-E(e)(1). The Exchange also proposes to clarify that the exclusions for preferred stock set forth in that provision are specifically applicable only to non-voting preferred stock. Notwithstanding the exclusions noted above, if an issuer also lists common stock or voting preferred stock, or their equivalent, such issuer must still hold an annual meeting for the holders of that common stock or voting preferred stock, or their equivalent. The Exchange further proposes to clarify NYSE Arca Rule 5.3-E(e)(1) by specifying that the annual meeting requirement contained in such rule is applicable to issuers listing common stock or voting preferred stock, and their equivalents<sup>6</sup> and that such annual meeting requirement is inapplicable to preferred and debt listings, passive business organizations (such as royalty trusts), and certain categories of derivative and special purpose securities listed pursuant to Rules 5.2-E(h), 5.2-E(j)(2)-(6) and 8-E (8.100-E, 8.200-E, 8.201-E, 8.202-E, 8.203-E, 8.204-E, 8.300-E, 8.400-E, 8.600-E and 8.700-E).

The Exchange notes that the listing rules of the NASDAQ Stock Market LLC ("NASDAQ"), Cboe BZX Exchange, Inc. ("Cboe BZX") and NYSE American LLC ("NYSE American") all provide explicit exclusions for issuers of ETFs and other derivative securities products from the annual meeting requirements in their

<sup>4</sup> Derivative and special purpose securities are securities listed pursuant to Rules 5.2-E(h), 5.2-E(j)(2)-(6) and Rule 8-E (8.100-E, 8.200-E, 8.201-E, 8.202-E, 8.203-E, 8.204-E, 8.300-E, 8.400-E, 8.600-E and 8.700-E), including Exchange Traded Funds ("ETFs") and similar products.

<sup>5</sup> See Securities Exchange Act Release No. 49810 (June 4, 2004), 69 FR 32647 (June 10, 2004).

<sup>6</sup> This language is identical to that used in the NASDAQ annual meeting rule. See NASDAQ Marketplace Rules IM-5620.

<sup>16</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

rules.<sup>7</sup> The following are rules for derivative and special purpose securities listed on the Exchange and, in each case, a reference to a rule of either NYSE American or NASDAQ providing for the listing of similar securities on NYSE American or NASDAQ that are explicitly excluded from the annual meeting requirement on such exchange:<sup>8</sup>

- NYSE Arca Rule 5.2–E(h) (Unit Investment Trusts) and NYSE American Company Guide Section 118 (Investment Trusts);

- NYSE Arca Rule 5.2–E(j)(2) (Equity Linked Notes) and NYSE American Company Guide Section 107B (Equity Linked Term Notes);

- NYSE Arca Rule 5.2–E(j)(3) (Investment Company Units) and NYSE American Rule 1002A (Index Fund Shares);

- NYSE Arca Rule 5.2–E(j)(4) (Index Linked Exchangeable Notes) and NYSE American Company Guide Section 107C (Index Linked Exchangeable Notes);

- NYSE Arca Rule 5.2–E(j)(5) (Equity Gold Shares) and NASDAQ Marketplace Rule 5711(b) (Equity Gold Shares);

- NYSE Arca Rule 5.2–E(j)(6) (Index Linked Securities) and NYSE American Company Guide Sections 107D (Index-Linked Securities), 107E (Commodity-Linked Securities), 107F (Currency-Linked Securities), 107G (Fixed Income-Linked Securities), 107H (Futures-Linked Securities), and 107I (Combination-Linked Securities);

- NYSE Arca Rule 8.100–E (Portfolio Depository Receipts) and NYSE American Rule 1000A (Portfolio Depository Receipts);

- NYSE Arca Rule 8.200–E (Trust Issued Receipts) and NYSE American Rule 1202 (Trust Issued Receipts);

- NYSE Arca Rule 8.201–E (Commodity Based Trust Shares) and NYSE American Rule 1200A (Commodity Based Trust Shares);

- NYSE Arca Rule 8.202–E (Currency Trust Shares) and NYSE American Rule 1202B (Currency Trust Shares);

- NYSE Arca Rule 8.203–E (Commodity-Index Trust Shares) and NASDAQ Marketplace Rule 5711(f) (Commodity Index Shares);

- NYSE Arca Rule 8.204–E (Commodity Futures Trust Shares) and NASDAQ Marketplace Rule

5711(g)(Commodity Futures Trust Shares);

- NYSE Arca Rule 8.300–E (Partnership Units) and NYSE American Rule 1502 (Partnership Units);

- NYSE Arca Rule 8.400–E (Paired Trust Shares) and NYSE American Rule 1402 (Paired Trust Shares).

Shareholders of ETFs and derivative securities products listed on the Exchange receive regular disclosure documents describing the pricing mechanism for their securities and detailing how they can value their holdings. Moreover, the net asset value of the categories of ETFs and other derivative securities products listed above is determined by the market price of each fund's underlying securities or other reference asset. Because shareholders can value their investments on an ongoing basis, the Exchange believes that there is less need for shareholders to engage management at an annual meeting. In addition, while holders of such securities may have the right to vote in certain limited circumstances, they do not have the right to vote on the annual election of a board of directors, further reducing the need for an annual meeting. Further, although the Exchange proposes to exclude issuers of such securities from holding an annual meeting, such issuers may still be required to hold special meetings as required by state law or their governing documents.

The Exchange proposes to include securities listed pursuant to NYSE Arca Rules 5.2–E(j)(4)–(6) in the types of derivative and special purpose securities that are excluded from certain corporate governance requirements.<sup>9</sup> The Exchange believes it is appropriate to exclude index-linked exchangeable notes listed pursuant to NYSE Arca Rule 5.2–E(j)(4) and exchange-traded notes listed pursuant to NYSE Arca Rule 5.2–E(j)(6) from the same corporate governance requirements that debt securities are currently excluded as each class of security is simply a different form of unsecured debt obligation of an issuer. Similarly, the Exchange believes it is appropriate to exclude Equity Gold Shares listed pursuant to NYSE Arca Rule 5.2–E(j)(5) from the same corporate governance requirements as it currently

excludes other categories of commodity-based derivative and special purpose securities. Like such other classes of derivative and special purpose securities, Equity Gold Shares are passive investment vehicles that hold an interest in a specified commodity and continuously create and redeem shares at the trust's net asset value and their governing documents do not require that they hold an annual meeting. Further, NYSE Arca Rule 5.2–E(j)(5) specifically states that all NYSE Arca rules that reference Investment Company Units shall include Equity Gold Shares. Therefore, the Exchange believes it is appropriate to provide the same corporate governance exclusions to Equity Gold Shares as NYSE Arca Rule 5.3–E currently provides to Investment Company Units.

The Exchange is proposing amendments to the rules for the following two categories of derivative and special purpose securities for which it has not identified explicit exclusions from the annual meeting requirement of any of the other listing exchanges:

- Managed Fund Shares (listed under NYSE Arca Rule 8.600–E), and

- Managed Trust Shares (listed under NYSE Arca Rule 8.700–E).

The Exchange believes it is appropriate to provide these exclusions for these categories of securities on the same basis as the other categories of listed derivative and special securities.

Managed Fund Shares and Managed Trust Shares share fundamental characteristics with Investment Company Units. Exchange rules require that they provide for the creation and redemption of the listed securities on a continuous basis in a manner similar to Investment Company Units. This mechanism is an important investor protection that helps to ensure that the trading price of the securities remains close to their net asset value and provides investors with an ability to readily dispose of their investment. In light of these protections and the fact that investors regularly receive disclosure documents, the Exchange believes that—like Investment Company Units—there is a reduced need for shareholders of Managed Fund Shares and Managed Trust Shares to engage directly with management at an annual meeting. Further, issuers of Managed Fund Shares and Managed Trust shares are subject to the requirements of state law and their governing documents as they relate to the requirement to hold shareholder meetings.

The Exchange proposes to remove securities listed pursuant to Rule 5.2–E(j)(1) (Other Securities), 8.3–E (Currency and Index Warrants) and

<sup>7</sup> See NASDAQ Marketplace Rules IM–5620, Cboe BZX Rule 14.10, Interpretations and Policies 15; and NYSE American Company Guide Section 704, Commentary .01.

<sup>8</sup> The NYSE American and NASDAQ rule references are illustrative and are not intended as an indication that no other national securities exchange has a listing rule for the applicable security type with an explicit exclusion from its annual meeting requirement.

<sup>9</sup> Such classes of securities are excluded from complying with the annual meeting requirements of other national securities exchanges. NYSE American Rule 704, for example, provides that its annual meeting requirement is not applicable to index-linked exchangeable notes, index-linked securities, currency-linked securities and commodity-linked securities. With respect to Equity Gold Shares, the Exchange believes that Nasdaq would exclude such securities from holding an annual meeting pursuant to Nasdaq Marketplace Rule 5711(b).

8.500-E (Trust Units) from those derivative and special purpose securities that are excluded from certain corporate governance requirements. The Exchange believes this amendment is appropriate because the attributes of such Other Securities that might be listed pursuant to Rule 5.2-E(j)(1) are presently unknown and therefore the Exchange cannot determine whether issuers of such securities should be excluded from complying with certain corporate governance requirements. Further, the Exchange does not presently list any security under the Other Securities, Currency and Index Warrants or Trust Units standards and has not done so in many years.<sup>10</sup>

The Exchange proposes to amend Rule 5.3-E to clarify that, with respect to requirements for independent directors and board committees, registered management investment companies (except for registered management investment companies that qualify as derivative and special purpose securities) are only exempt from complying with the corporate governance requirements in Rule 5.3-E(k)(2)-(4) and 5.3-E(k)(6). Such issuers are required to comply with all other provisions of Rule 5.3-E(k), including the preamble to such section.

The Exchange also proposes to make non-substantive formatting changes to Rule 5.3-E to improve readability. The Exchange also proposes to amend Rule 5.3-E(e) to divide it into subsections to make clear that issuers of preferred and debt listings, passive business organizations and certain derivative and special purpose securities are only excluded from the annual meeting requirement contained in such rule. The rule will further specify that regardless of whether an issuer is excluded from the annual meeting requirement, all issuers must comply with the Exchange's advance notification requirement for all shareholders meetings, including special meetings.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>11</sup> in general, and furthers the objectives of Sections 6(b)(5)<sup>12</sup> of the Act, in particular, in that it is designed 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. The Exchange believes that the proposed amendment is consistent with the protection of investors, as the holders of non-voting preferred stock, bonds, the listed shares of passive business organizations (such as royalty trusts), ETFs and certain other derivative and special purpose securities do not have voting rights with respect to the election of directors except in very limited circumstances as required by state law or their governing documents. In addition, the net asset value of the categories of ETFs and other derivative securities products that the Exchange proposes to exclude from its annual meeting requirement is determined by the market price of each fund's underlying securities or other reference asset. Shareholders of such ETFs and derivative securities products listed on the Exchange receive regular disclosure documents describing the pricing mechanism for their securities and detailing how they can value their holdings. Accordingly, holders of such securities can value their investment on an ongoing basis. Because of these factors, the Exchange believes there is a reduced need for shareholders to engage with management of issuers of these securities and thus no need for the issuers of such securities to hold annual shareholder meetings absent the existence of other listed securities with director election voting rights. Further, although the Exchange proposes to exclude issuers of such securities from holding an annual meeting, such issuers may still be required to hold special meetings as required by state law or their governing documents.

The Exchange believes it is appropriate to include securities listed pursuant to NYSE Arca Rules 5.2-E(j)(4)-(6) in the definition of derivative and special purpose securities that are excluded from certain corporate governance requirements. With respect to the annual meeting requirement, the Exchange believes that such classes of securities are excluded from complying with the annual meeting requirements of other national securities exchanges.<sup>13</sup> The Exchange believes it is appropriate to exclude index-linked exchangeable notes listed pursuant to NYSE Arca Rule 5.2-E(j)(4) and exchange-traded notes listed pursuant to NYSE Arca Rule 5.2-

E(j)(6) from the same corporate governance requirements that debt securities are currently excluded as each class of security is simply a different form of unsecured debt obligation of an issuer. Similarly, the Exchange believes it is appropriate to exclude Equity Gold Shares listed pursuant to NYSE Arca Rule 5.2-E(j)(5) from the same corporate governance requirements as it currently excludes other categories of commodity-based derivative and special purpose securities. Like such other classes of derivative and special purpose securities, Equity Gold Shares are passive investment vehicles that hold an interest in a specified commodity and continuously create and redeem shares at the trust's net asset value and their governing documents do not require that they hold an annual meeting. Further, NYSE Arca Rule 5.2-E(j)(5) specifically states that all NYSE Arca rules that reference Investment Company Units shall include Equity Gold Shares. Therefore, the Exchange believes it is appropriate to provide the same corporate governance exclusions to Equity Gold Shares as NYSE Arca Rule 5.3-E currently provides to Investment Company Units. For the reasons stated above, the Exchange believes the proposal to exclude securities listed pursuant to NYSE Arca Rules 5.2-E(j)(4)-(6) from certain corporate governance requirements is consistent with the investor protection goals of Section 6(b)(5) of the Act.

The Exchange believes it is appropriate to remove securities listed pursuant to Rule 5.2-E(j)(1) (Other Securities), 8.3-E (Currency and Index Warrants) and 8.500-E (Trust Units) from those derivative and special purpose securities that are excluded from certain corporate governance requirements. With respect to Other Securities, the Exchange does not have enough information about such securities to determine whether any exclusion is appropriate and with respect to Currency and Index Warrants and Trust Units, the Exchange does not anticipate listing such securities in the near future.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments will not impose any burden on competition, as they simply conform NYSE Arca's rules to those of its competitors in the market for the listing of the specified types of securities. The additional categories of

<sup>10</sup> Should the Exchange list securities under the Other Securities, Currency and Index Warrants or Trust Units standards in the future, it may consider whether to amend its rules at that time to allow for certain corporate governance exclusions applicable to such classes of securities.

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(5).

<sup>13</sup> See Footnote 9, *supra*.

securities that the Exchange proposes to exclude (*i.e.*, Managed Fund Shares and Managed Trust Shares) have similar characteristics to the categories of securities that are already excluded on other national securities exchanges. Therefore, the Exchange does not believe that it will impose any burden on competition to exclude them.

*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**

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) of the Act<sup>14</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>15</sup>

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.

**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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2018-31 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2018-31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2018-31 and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-11614 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-83318; File No. SR-BOX-2018-18]

**Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing of Proposed Rule Change To Adopt IM-7130-1 to Rule 7130**

May 24, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 16, 2018, BOX Options Exchange LLC ("BOX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 IM-7130-1 to Rule 7130. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at <http://boxoptions.com>.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

**1. Purpose**

The Exchange proposes to adopt IM-7130-1 to Rule 7130 to provide that the Exchange may make available certain

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>15</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>16</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



BOX Book<sup>3</sup> information to Participants upon request. Specifically, Participants may inquire with the Exchange as to the amount of any priority interest on the BOX Book.<sup>4</sup> This information is for advisory purposes only and will be provided on a best efforts basis verbally.<sup>5</sup> For the purposes of the proposed rule, “priority interest” is the number of Public Customer contracts and Non-Public Customer contracts that are ranked ahead of such Public Customer contracts at a given price for a specific option class. Floor Brokers may inquire with an Options Exchange

<sup>3</sup> The term “BOX Book” means the electronic book of orders on each single option series maintained by the BOX Trading Host. *See* Rule 100(a)(10).

<sup>4</sup> The proposed change is similar to the floor procedures of NYSE Arca (“Arca”). *See* Arca Regulatory Bulletin RB-16-04 (February 19, 2016). Floor Brokers on NYSE Arca may inquire at with the Trading Official at the post to the amount of any priority interest on NYSE Arca’s electronic book. The Exchange notes that there are a few minor differences between the floor procedure of NYSE Arca and the proposed rule. Specifically, the Exchange is proposing to make the proposed information available to all Participants, not only Floor Brokers. The Exchange believes this difference is reasonable because the Exchange is providing the information to all Participants and therefore the Exchange is not discriminating against any type of Participant. Further, the proposed rule provides additional clarity and specificity as to how the information is provided and what is included. The Exchange believes this difference is reasonable because the Exchange is providing greater clarity to Participants which removes the potential for any confusion. Additionally, the MIAX Order Feed offers similar information to subscribers of the data feed. Specifically, the MIAX Order Feed provides real-time data including the limit price, origin, and side of each order for the entire order book to its users. *See* Securities Exchange Act Release No. 74759 (April 17, 2018), 82 FR 22749 (April 23, 2015)(SR-MIAX-2015-28). The Exchange notes that there are a few differences between the proposal and the MIAX Order Feed. First, the MIAX Order Feed provides the limit price, origin, and size of every order on the entire order book while the Exchange is proposing to only provide the amount of priority interest. The Exchange believes this is a reasonable difference because the Exchange is providing a limited amount of relevant information to Participants executing orders. Specifically, as explained in greater detail below, the proposed information is useful for Floor Brokers executing QOO Orders from the Trading Floor. Additionally, given the manual nature of providing the proposed information, it is reasonable to limit the quantity of information provided to Participants. Second, the MIAX Order Feed is a continuous data feed while the Exchange is proposing to provide the information verbally in response to one off requests. The Exchange believes that this difference is reasonable because it allows the Exchange to provide a limited amount of information in an efficient manner without using substantial Exchange resources.

<sup>5</sup> An Options Exchange Official will provide the requested information when doing so does not interfere with their regulatory responsibilities. Further, the BOX Book is continuously being updated through the actions of other market participants; therefore, there is no guarantee that the information provided will remain accurate once verbally communicated.

Official or his or her designee. All other Participants may contact the MOC.<sup>6</sup>

The Exchange is proposing to offer this information at no cost to Participants. The process of providing the requested information to Participants is manual in nature.<sup>7</sup> An Options Exchange Official or his or her designee, or the MOC, may provide this information to Participants upon request. The Exchange notes that any information will be provided on an anonymous basis.

The proposed change will provide additional visibility to the BOX Book for Participants looking to execute orders on the Exchange. For example, a Floor Broker sourcing liquidity could use this information as another means for probing the market. Specifically, since the initiating side<sup>8</sup> of a Qualified Open Outcry Order (“QOO Order”)<sup>9</sup> will match with Public Customer Orders on the BOX Book and any other orders or quotes ranked ahead of such Public Customer Orders at the execution price first,<sup>10</sup> this information is a valuable piece in understanding the total liquidity available. By providing the amount of priority interest on the BOX Book to a Floor Broker, the Floor Broker will be able to determine the number of contracts on the BOX Book that will be able to match with the initiating side. Further, this will provide certainty to the Floor Broker of the number of contracts that must be located from additional liquidity sources in order to execute a QOO Order. Additionally, knowing the amount of priority interest will provide a Floor Broker with the number of contracts that the Floor Broker must sweep in order to execute a QOO Order when there is resting Public Customer interest at the execution price of the QOO Order.<sup>11</sup> Other Participants may also find this

<sup>6</sup> The term “Market Operations Center” or “MOC” means the BOX Market Operations Center, which provides market support for Options Participants during the trading day. *See* Rule 100(a)(32).

<sup>7</sup> Participants must request this information each time; the Exchange will not provide continuous updated information.

<sup>8</sup> A QOO Order has two sides; the initiating side and the contra-side. The initiating side is the order which must be filled in its entirety. The contra-side must guarantee the full size of the initiating side of the QOO Order and may provide a book sweep size as provided in Rule 7600(h). *See* Rule 7600(a)(1).

<sup>9</sup> A QOO Order is a two-sided order that is used by Floor Brokers to execute transactions from the Trading Floor. *See* Rule 7600.

<sup>10</sup> *See* Rule 7600(d)(2).

<sup>11</sup> The executing Floor Broker could send an order to clear out the priority interest or use the book sweep size feature as provided in Rule 7600(h). The Exchange notes that the book sweep size feature will only help the Floor Broker clear priority interest on the contra-side of the QOO Order because the initiating side of a QOO Order must be executed in its entirety.

information useful in determining the composition of liquidity on the Exchange’s Book.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>12</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>13</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, the Exchange believes the proposed rule change is consistent with the offerings of other options exchanges.<sup>14</sup>

The Exchange believes that the proposed change removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest by providing increased transparency to Participants. The Exchange believes the proposed change will enhance a Floor Broker’s ability to execute QOO Orders, leading to increased executions on the Exchange. The Exchange believes the proposed change will lead to increased interaction with the BOX Book because Floor Brokers will be aware of the amount of liquidity available on the BOX Book that may interact with their QOO Order and may choose to use such liquidity when executing orders from the Trading Floor or use a separate order to sweep that interest. As such, the proposed change has the potential to provide more liquidity on the Exchange to the benefit of all market participants. Additionally, the Exchange believes that the proposed change will be a valuable tool for all Participants probing the market by providing greater clarity on the composition and availability of liquidity. As such, the Exchange believes that the proposed change will benefit all market participants because it will provide the opportunity for increased BOX Book interaction.

The Exchange believes that providing the proposed information is fair, reasonable and not unfairly discriminatory. The proposed information is available to all Participants regardless of whether the Participant accesses the Exchange electronically or has a presence on the Trading Floor.

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>14</sup> *See supra* note 4.



### B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change would allow the Exchange to provide Participants with certain information. As discussed above, the proposed change aligns the rules of the Exchange with the floor procedures and rules of other options exchanges<sup>15</sup> and will allow the Exchange to compete with these other options exchanges. The Exchange believes it will help Participants at the Exchange to compete for executions against market participants at other exchanges by providing an additional tool to the Participants on BOX. This, in turn, helps the Exchange compete against other exchanges in a deeply competitive landscape. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BOX-2018-18 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-BOX-2018-18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. 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-BOX-2018-18 and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-11608 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83326; File No. SR-OCC-2017-022]

### Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change Related to The Options Clearing Corporation's Margin Methodology

May 24, 2018.

#### I. Introduction

On November 13, 2017, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change SR-OCC-2017-022 ("Proposed Rule Change") pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder to propose several enhancements to OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations ("STANS"), OCC's proprietary risk management system that calculates clearing member margin requirements.<sup>3</sup> The proposed changes would modify OCC's margin methodology to: (1) Obtain daily price data for equity products (including daily corporate action-adjusted returns of equities where prices and thus returns of securities are adjusted for any dividends issued, stock splits, etc.) for use in the daily estimation of econometric model parameters; (2) enhance its econometric model for updating statistical parameters (e.g., parameters concerning correlations or volatility) for all risk factors that reflect the most recent data obtained; (3) improve the sensitivity and stability of correlation estimates across risk factors by using de-volatilized<sup>4</sup> returns (but using a 500 day look back period); and (4) improve OCC's methodology related to the treatment of defaulting securities<sup>5</sup> that would result in stable and realistic risk estimates for such securities.<sup>6</sup> The Proposed Rule Change was published for comment in the **Federal Register** on December 4,

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Notice *infra* note 7, at 82 FR 57306.

<sup>4</sup> De-volatilization is a process of normalizing historical data with the associated volatility thus facilitating comparison between different sets of data.

<sup>5</sup> Within the context of OCC's margin system, securities that do not have enough historical data for calibration are classified as "defaulting securities." See Notice *infra* note 15, 82 FR at 61355.

<sup>6</sup> See Notice *infra* note 7, at 82 FR 61354.

<sup>15</sup> See *supra* note 4.

<sup>16</sup> 17 CFR 200.30-3(a)(12).

2017.<sup>7</sup> On January 18, 2018, the Commission designated a longer period of time for Commission action on the Proposed Rule Change.<sup>8</sup> As of May 23, 2018, the Commission has received one comment letter on the proposal.<sup>9</sup> This order approves the Proposed Rule Change.

## II. Description of the Proposed Rule Change<sup>10</sup>

### A. OCC's Current Margin Methodology

OCC's margin methodology, STANS, calculates clearing member margin requirements.<sup>11</sup> STANS utilizes large-scale Monte Carlo simulations to forecast price and volatility movements in determining a clearing member's margin requirement.<sup>12</sup> The STANS margin requirement is calculated at the portfolio level of clearing member accounts with positions in marginable securities and consists of an estimate of a 99% expected shortfall<sup>13</sup> over a two-

day time horizon and an add-on margin charge for model risk (the concentration/dependence stress test charge).<sup>14</sup> The STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral.<sup>15</sup>

A "risk factor" within OCC's margin system may be defined as a product or attribute whose historical data are used to estimate and simulate the risk for an associated product.<sup>16</sup> The majority of risk factors utilized in the STANS methodology are total returns on individual equity securities. Other risk factors considered include: Returns on equity indexes; returns on implied volatility risk factors that are a set of nine chosen volatility pivots per product; changes in foreign exchange rates; securities underlying equity-based products; and changes in model parameters that sufficiently capture the model dynamics from a larger set of data.<sup>17</sup>

Under OCC's current margin methodology, OCC obtains monthly price data for most of its equity-based products from a third-party vendor.<sup>18</sup> This data arrive around the second week of every month in arrears and require approximately four weeks for OCC to process prior to installing into OCC's margin system.<sup>19</sup> As a result, correlations and statistical parameters for risk factors at any point in time represent stale data and therefore may not be representative of the most recent market data.<sup>20</sup> In the absence of daily updates, OCC employs an approach where one or more identified market proxies (or "scale-factors") are used to incorporate day-to-day market volatility across all associated asset classes throughout.<sup>21</sup> The scale-factor approach, however, assumes a perfect correlation of the volatilities between the security and its scale-factor, which gives little room to capture the idiosyncratic risk of a given security and is different from the broad market risk represented by the scale-factor.<sup>22</sup>

In addition, OCC imposes a floor on volatility estimates for its equity-based products using a 500-day look back

period.<sup>23</sup> OCC believes that using monthly price data, coupled with the dependency of margins on scale-factors and the volatility floor can result in imprecise changes in margins charged to clearing members, specifically across periods of heavy volatility when the correlation between the risk factor and a scale-factor fluctuate.<sup>24</sup>

OCC's current methodology for estimating covariance and correlations between risk factors relies on the same monthly data described above, resulting in a similar lag time between updates.<sup>25</sup> In addition, correlation estimates are based off historical returns series, with estimates between a pair of risk factors being highly sensitive to the volatility of either risk factor in the chosen pair.<sup>26</sup> Accordingly, OCC believes that the current approach results in potentially less stable correlation estimates that may not be representative of current market conditions.<sup>27</sup>

Finally, under OCC's existing margin methodology, theoretical price scenarios for "defaulting securities"<sup>28</sup> are simulated using uncorrelated return scenarios with an average zero return and a pre-specified volatility called "default variance."<sup>29</sup> The default variance is estimated as the average of the top 25 percent quantile of the conditional variances of all securities.<sup>30</sup> As a result, OCC believes that these default estimates may be impacted by extremely illiquid securities with discontinuous data.<sup>31</sup> In addition, OCC believes that the default variance (and the associated scale-factors used to scale up volatility) is also subject to sudden jumps across successive months because it is derived from monthly data updates, as opposed to daily updates, which are prone to wider fluctuations and are subject to adjustments using scale-factors.<sup>32</sup>

### B. Description of the Proposal in the Proposed Rule Change<sup>33</sup>

The Proposed Rule Change proposes changes to STANS. More specifically,

<sup>23</sup> See Notice, 82 FR at 57307.

In risk management, it is a common practice to establish a floor for volatility at a certain level in order to protect against procyclicality in the model. See Notice, 82 FR at 57307, note 14.

<sup>24</sup> See Notice, 82 FR at 57307.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> See *supra* note 5.

<sup>29</sup> See Notice, 82 FR at 57307.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> The description of the proposal is substantially excerpted from the Notice. See Notice, 82 FR at 57306–57311.

<sup>7</sup> Release No. 82161 (Nov. 28, 2017), 82 FR 57306 (Dec. 4, 2017) (File No. SR–OCC–2017–022) ("Notice"). On November 13, 2017, OCC also filed a related advance notice (SR–OCC–2017–811) ("Advance Notice") with the Commission pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 and Rule 19b–4(n)(1)(i) under the Act, 12 U.S.C. 5465(e)(1) and 17 CFR 240.19b–4(n)(1)(i), respectively. The Advance Notice was published in the **Federal Register** on December 27, 2017. Release No. 82371 (Dec. 20, 2017), 82 FR 61354 (Dec. 27, 2017) (SR–OCC–2017–811).

The Financial Stability Oversight Council designated OCC a systemically important financial market utility on July 18, 2012. See Financial Stability Oversight Council 2012 Annual Report, Appendix A, available at <http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf>. Therefore, OCC is required to comply with the Payment, Clearing and Settlement Supervision Act and file advance notices with the Commission. See 12 U.S.C. 5465(e).

<sup>8</sup> Release No. 82534 (Jan. 18, 2018), 83 FR 3376 (Jan. 24, 2018) (File No. SR–OCC–2017–022).

<sup>9</sup> See letter from Michael Kitlas, dated November 28, 2017, to Eduardo A. Aleman, Assistant Secretary, Commission, available at <https://www.sec.gov/comments/sr-occ-2017-022/occ2017022.htm> ("Kitlas Letter"). After reviewing the Kitlas Letter, the Commission believes that it is nonresponsive to the Proposed Rule Change and therefore outside the scope of the proposal.

Since the proposal contained in the Proposed Rule Change was also filed as an Advance Notice, all public comments received on the proposal are considered regardless of whether the comments are submitted on the Proposed Rule Change or the Advance Notice.

<sup>10</sup> The description of the Proposed Rule Change is substantially excerpted from the Notice. See Notice, 82 FR at 57306–57313.

<sup>11</sup> See Release No. 53322 (Feb. 15, 2006), 71 FR 9403 (Feb. 23, 2006) (File No. SR–OCC–2004–20).

<sup>12</sup> See OCC Rule 601; see also Notice, 82 FR at 57307.

<sup>13</sup> See Notice, 82 FR at 57307.

The expected shortfall component is established as the estimated average of potential losses higher than the 99% value at risk threshold. See Notice, 82 FR at 57307, note 8.

<sup>14</sup> See Notice, 82 FR at 57307. A detailed description of the STANS methodology is available at <http://optionsclearing.com/risk-management/margins/>. See Notice, 82 FR at 57307, note 9.

<sup>15</sup> See Notice, 82 FR at 57307.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

OCC proposes to: (1) Obtain daily price data for equity products (including daily corporate action-adjusted returns of equities where price and thus returns of securities are adjusted for any dividends issued, stock splits, etc.) for use in the daily estimation of econometric model parameters; (2) enhance its econometric model for updating statistical parameters (e.g., parameters concerning correlations or volatility) for all risk factors that reflect the most recent data obtained; (3) improve the sensitivity and stability of correlation estimates across risk factors by using de-volitized<sup>34</sup> returns (but using a 500 day look back period); and (4) improve OCC's methodology related to the treatment of defaulting securities<sup>35</sup> that would result in stable and realistic risk estimates for such securities.

As a general matter, OCC believes that introducing daily updates for price data would result in more accurate margin requirements that are based off of the most recent market data. OCC also believes that the other model enhancements would, among other things, improve OCC's approach to estimating covariance and correlations between risk factors in an effort to achieve more accurate and timely correlation estimations.<sup>36</sup> OCC further represents that the proposed changes would improve OCC's methodology related to the treatment of defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates. Each of these proposals is discussed in more detail below.

#### 1. Daily Updates of Price Data

OCC proposes to introduce daily updates for price data for equity products, including daily corporate action-adjusted returns of equities, Exchange Traded Funds ("ETFs"), Exchange Traded Notes ("ETNs") and certain indexes.<sup>37</sup> OCC believes that the proposed change would help ensure

In addition to the proposed methodology changes described herein, OCC also would make some clarifying and clean-up changes, unrelated to the proposed changes described herein, to update its margin methodology to reflect existing practices for the daily calibration of seasonal and non-seasonal energy models and the removal of methodology language for certain products that are no longer cleared by OCC. See Notice, 82 FR at 57307, note 17.

<sup>34</sup> De-volatilization is a process of normalizing historical data with the associated volatility thus facilitating comparison between different sets of data.

<sup>35</sup> See *supra* note 5.

<sup>36</sup> OCC's covariance and correlation analytics estimate whether risk factors are positively or inversely related and to what extent any relationship exists.

<sup>37</sup> See Notice, 82 FR at 57307.

that OCC's margin methodology is reliant on data that is more representative of current market conditions, thereby resulting in more accurate and responsive margin requirements.<sup>38</sup> In addition, OCC believes that the introduction of daily price updates would enable OCC's margin methodology to better capture both market and idiosyncratic risk by allowing for daily updates to the parameters associated with the econometric model (discussed below) that captures the risk associated with a particular product, and therefore help ensure that OCC's margin requirements are based on more current market conditions.<sup>39</sup> As a result, OCC would also reduce its reliance on the use of scale-factors to incorporate day-to-day market volatility, which OCC believes give little room to capture the idiosyncratic risk of a given security and is different from the broad market risk represented by the scale-factor.<sup>40</sup>

#### 2. Proposed Enhancements to the Econometric Model

In addition to introducing daily updates for price and corporate action-adjusted returns data, OCC proposes to make enhancements to its econometric model for calculating statistical parameters for all qualifying risk factors that reflect the most recent data obtained (e.g., OCC would be able to calculate parameters such as volatility and correlations on a daily basis using the new daily price data discussed above). More specifically, OCC proposes to enhance its econometric model by: (i) Introducing daily updates for statistical parameters; (ii) introducing features in its econometric model that are designed to take into account asymmetry in the model used to forecast volatility associated with a risk factor; (iii) modifying the statistical distribution used to model the returns of equity prices; (iv) introducing a second-day forecast for volatility into the model to estimate the two-day scenario distributions for risk factors; and (v) imposing a floor on volatility estimates using a 10-year look back period. These proposed model enhancements are described in detail below.

##### i. Daily Updates for Statistical Parameters

Under the proposal, the statistical parameters for the model would be updated on a daily basis using the new daily price data obtained by OCC from a reliable third-party (as described

above).<sup>41</sup> As a result, OCC would no longer need to rely on scale-factors to approximate day-to-day market volatility for equity-based products.<sup>42</sup> OCC believes that calibrating statistical parameters on a daily basis would allow OCC to calculate more accurate margin requirements that represent the most recent market data.<sup>43</sup>

##### ii. Proposed Enhancements To Capture Asymmetry in Conditional Variance

The current approach for forecasting the conditional variance for a given risk factor does not consider the asymmetric volatility phenomenon observed in financial markets (also called the "leverage effect") where volatility is more accurate and timely and reactive to market downturns.<sup>44</sup> Under the proposal, OCC would amend its econometric model to include new features (i.e., incorporating asymmetry into its forecast volatility) designed to allow the conditional volatility forecast to be more accurate and timely to market downturns and thereby capture the most significant dynamics of the relationship between price and volatility observed in financial markets.<sup>45</sup> OCC believes the proposed enhancement would result in more accurate and responsive margin requirements, particularly in market downturns.<sup>46</sup>

##### iii. Proposed Change in Statistical Distribution

OCC also proposes to change the statistical distribution used to model the returns of equity prices. OCC's current methodology uses a fat tailed distribution<sup>47</sup> (the Student's t-distribution) to model returns;<sup>48</sup> however, price scenarios generated using very large log-return scenarios (positive) that follow this distribution can approach infinity and could potentially result in excessively large price jumps, a known limitation of this distribution.<sup>49</sup> Under the proposal, OCC would adopt a more defined distribution (Standardized Normal

<sup>41</sup> See Notice, 82 FR at 57307. OCC notes that this change would apply to most risk factors with the exception of certain equity indexes, Treasury securities, and energy futures products, which are already updated on a daily basis. See Notice, 82 FR 57307, at note 18.

<sup>42</sup> See Notice, 82 FR at 57307.

<sup>43</sup> *Id.*

<sup>44</sup> See Notice, 82 FR at 57306.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> A data set with a "fat tail" is one in which extreme price returns have a higher probability of occurrence than would be the case in a normal distribution. See Notice, 82 FR at 57307, note 21.

<sup>48</sup> See Notice, 82 FR at 57307.

<sup>49</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

Reciprocal Inverse Gaussian or NRI) for modeling returns, which OCC believes would more appropriately simulate future returns based on the historical price data for the products in question and allow for more appropriate modeling of fat tails.<sup>50</sup> As a result, OCC believes that the proposed change would lead to more consistent treatment of log returns both on the upside as well as downside of the distribution.<sup>51</sup>

#### iv. Second Day Volatility Forecast

OCC further proposes to introduce a second-day forecast for volatility into the econometric model to estimate the two-day scenario distributions for risk factors.<sup>52</sup> Under the current methodology, OCC typically uses a two-day horizon to determine its risk exposure to a given portfolio.<sup>53</sup> This is done by simulating 10,000 theoretical price scenarios for the two-day horizon using a one-day forecast conditional variance, and the value at risk and expected shortfall components of the margin requirement are then determined from the simulated profit/loss distributions.<sup>54</sup> These one-day and two-day returns scenarios are both simulated using the one-day forecast conditional variance estimate.<sup>55</sup> OCC believes that this could lead to a risk factor's coverage differing substantially on volatile trading days.<sup>56</sup> As a result, OCC proposes to introduce a second-day forecast variance for all equity-based risk factors.<sup>57</sup> The second-day conditional variance forecast would be estimated for each of the 10,000 Monte Carlo returns scenarios, resulting in more accurately estimated two-day scenario distributions, and therefore more accurate and responsive margin requirements.<sup>58</sup>

#### v. Anti-Procyclical Floor for Volatility Estimates

In addition, OCC proposes to modify its floor for volatility estimates. OCC currently imposes a floor on volatility estimates for its equity-based products using a 500-day look back period.<sup>59</sup> Under the proposal, OCC would extend this look back period to 10 years (2520 days) in the enhanced model and apply

this floor to volatility estimates for other products (excluding implied volatility risk factor scenarios).<sup>60</sup> OCC believes that using a longer 10-year look back period will help ensure that OCC captures sufficient historical events/market shocks in the calculation of its anti-procyclical floor.<sup>61</sup>

#### 3. Proposed Enhancements to Correlation Estimates

As described above, OCC's current methodology for estimating covariance and correlations between risk factors relies on the same monthly price data feeding the econometric model, resulting in a similar lag time between updates.<sup>62</sup> In addition, correlation estimates are based off historical returns series, with estimates between a pair of risk factors being highly sensitive to the volatility of either risk factor in the chosen pair.<sup>63</sup> The current approach therefore results in correlation estimates being sensitive to volatile historical data.<sup>64</sup>

In order to address these limitations, OCC proposes to enhance its methodology for calculating correlation estimates by moving to a daily process for updating correlations (with a minimum of one week's lag) to help ensure clearing member account margins are more current and thus more accurate.<sup>65</sup> Moreover, OCC proposes to enhance its approach to modeling correlation estimates by de-volatilizing<sup>66</sup> the returns series to estimate the correlations.<sup>67</sup> Under the proposed approach, OCC would first consider the returns excess of the mean (*i.e.*, the average estimated from historical data sample) and then further scale them by the corresponding estimated conditional variances.<sup>68</sup> OCC believes that using de-volatilized returns would lead to normalizing returns across a variety of asset classes and make the correlation estimator less sensitive to sudden market jumps and therefore more stable.<sup>69</sup>

#### 4. Defaulting Securities Methodology

Under the proposal, OCC would enhance its methodology for estimating the defaulting variance in its model.<sup>70</sup> OCC's margin system is dependent on market data to determine clearing

member margin requirements.<sup>71</sup> Securities that do not have enough historical data are classified as "defaulting securities" within OCC systems.<sup>72</sup> As noted above, within current STANS systems, the theoretical price scenarios for defaulting securities are simulated using uncorrelated return scenarios with a zero mean and a default variance, with the default variance being estimated as the average of the top 25 percent quantile of the conditional variances of all securities.<sup>73</sup> As a result, these default estimates may be impacted by extremely illiquid securities with discontinuous data.<sup>74</sup> In addition, the default variance (and the associated scale-factors used to scale up volatility) is also subject to sudden jumps across volatile months.<sup>75</sup> To mitigate these concerns, OCC proposes to: (i) Use only optionable equity securities to estimate the defaulting variance; (ii) use a shorter time series to enable calibration of the model for all securities; and (iii) simulate default correlations with the driver Russell 2000 index ("RUT").<sup>76</sup>

#### i. Proposed Modifications to Securities and Quantile Used in Estimation

Under the proposal, only optionable equity securities, which are typically more liquid, would be considered while estimating the default variance.<sup>77</sup> This limitation would eliminate from the estimation almost all illiquid securities with discontinuous data that could contribute to high conditional variance estimates and thus a high default variance.<sup>78</sup> In addition, OCC proposes to estimate the default variance as the lowest estimate of the top 10% of the floored conditional variance across the risk factors.<sup>79</sup> OCC believes that this change in methodology would help ensure that while the estimate is aggressive it is also robust to the presence of outliers caused by a few extremely volatile securities that influence the location parameter of a distribution.<sup>80</sup> Moreover, as a consequence of the daily updates described above, the default variances would change daily and there would be no scale-factor to amplify the effect of the variance on risk factor coverage.<sup>81</sup>

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* This proposed change would not apply to STANS implied volatility scenario risk factors. For those risk factors, OCC's existing methodology would continue to apply. *See* Notice, 82 FR at 57306, note 23.

<sup>53</sup> *See* Notice, 82 FR at 57307.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *See* Notice, 82 FR at 57306–57308.

<sup>72</sup> *See* Notice, 82 FR at 57307.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

### ii. Proposed Change in Time Series

Under the proposal, OCC would use a shorter time series to enable calibration of the model for all securities.<sup>82</sup> Currently, OCC does not calibrate parameters for defaulting securities that have historical data of less than two years.<sup>83</sup> OCC proposes to shorten this time period to approximately 6 months (180 days) to enable calibration of the model for all securities within OCC systems.<sup>84</sup> OCC believes that this shorter time series is sufficient to produce stable calibrated parameters.<sup>85</sup>

### iii. Proposed Default Correlation

Under the proposal, returns scenarios for defaulting securities<sup>86</sup> would be simulated using a default correlation with the driver RUT.<sup>87</sup> The default correlation of the RUT index is roughly equal to the median of all positively correlated securities with the index.<sup>88</sup> Since 90% of the risk factors in OCC systems correlate positively to the RUT index, OCC would only consider those risk factors to determine the median.<sup>89</sup> OCC believes that the median of the correlation distribution has been steady over a number of simulations and is therefore proposing that it replace the current methodology of simulating uncorrelated scenarios, which OCC believes is not a realistic approach.<sup>90</sup>

## 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.<sup>91</sup> After carefully considering the Proposed Rule Change, the Commission finds the proposal is consistent with the requirements of the Act and the rules

and regulations thereunder applicable to OCC. More specifically, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act<sup>92</sup> and Rules 17Ad-22(e)(6)(i), (e)(6)(iii), and (e)(6)(iv)<sup>93</sup> thereunder.

### A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of Act requires that the rules of a clearing agency be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest.<sup>94</sup> Based on its review of the record, the Commission believes that the proposed changes promote the prompt and accurate clearance and settlement of securities transactions and safeguard the securities and funds in OCC's custody or control, and therefore, in general, protect investors and the public interest by enhancing OCC's margin methodology for the reasons set forth below.

First, as noted above, the STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral on behalf of its clearing members, which allows OCC to calculate its clearing members' margin requirements. Currently, STANS makes these calculation based on monthly price data obtained from a third-party vendor. To make the calculations more accurate and representative of recent market data, OCC proposes to amend its margin methodology to require the use of daily updates for equity price data instead of monthly updates, thereby reducing OCC's reliance on scale-factors.<sup>95</sup> The Commission believes that the change from monthly price data updates to daily price data updates would result in more accurate and timely estimations of OCC's clearing members' margin requirements.

Second, the proposal to amend OCC's margin methodology to require the use of daily updates for price data would allow for updates to the margin model's statistical parameters on a daily, instead of monthly, basis.<sup>96</sup> Similarly, the proposal also would amend STANS to introduce other features that would

improve the accuracy of its models and, consequently, produce risk exposure and margin requirement calculations that better reflect current market conditions. For example, the proposal would: (i) Amend STANS to account for the asymmetric volatility phenomenon observed in financial markets and allow for the conditional volatility forecast to be more accurate and timely to market downturns;<sup>97</sup> (ii) amend the statistical distribution for modeling equity price returns to more appropriately model fat tails and, consequently, more accurately model returns; (iii) introduce a second-day volatility forecast into the model to provide for more accurate and timely estimations of its two-day scenario distributions than currently provided by its one-day forecast variance; and (iv) amend STANS to impose a volatility floor using a 10-year look back period to reduce procyclicality in the margin model by capturing sufficient market events in its calculations. Taken together, the Commission believes that the introduction of these enhancements would improve the accuracy of the STANS margin models, and therefore would enable OCC to more effectively calculate clearing members' margin requirements.

Third, as described earlier, OCC proposes to enhance its approach to model correlation estimates by moving to a daily process for updating correlations and by de-volatilizing the return series to estimate the correlations. This change is intended to lead to normalized returns across a variety of asset classes and make the correlation estimator less sensitive to sudden market jumps and therefore more stable. The Commission believes that updating the correlations daily and de-volatilizing the return series to reduce the estimator's sensitivity to market jumps will promote more accurate and robust models within the STANS methodology.

Finally, to enhance its methodology for estimating the defaulting securities in its model, OCC proposes to: (i) Modify the method for estimating the default variance to include only optionable equity securities; (ii) use a shorter time series of six months instead of two years to enable calibration of the model for all securities within OCC systems; and (iii) simulate return scenarios for defaulting securities assuming a default correlation with the driver RUT. The Commission believes these changes will mitigate the effect that extremely illiquid securities with discontinuous data can have on OCC's default estimates, while further

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> See *supra* note 5.

<sup>87</sup> See Notice, 82 FR at 57307. OCC notes that, in certain limited circumstances where there are reasonable grounds backed by the existing return history to support an alternative approach in which the returns are strongly correlated with those of an existing risk factor (referred to as a "proxy") with a full price history, OCC's margin methodology allows its Financial Risk Management staff to construct a "conditional" simulation to override any default treatment that would have otherwise been applied to the defaulting security. See Notice, 82 FR at 57307, note 26.

<sup>88</sup> See Notice, 82 FR at 57307.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>92</sup> 15 U.S.C. 78q-1.

<sup>93</sup> 17 CFR 240.17Ad-22(e)(6)(i), (e)(6)(iii), and (e)(6)(iv).

<sup>94</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>95</sup> See *supra* note 37.

<sup>96</sup> *Id.*

<sup>97</sup> See Notice, 82 FR at 57307.

decreasing the degree to which the default variance is subject to sudden jumps across volatile months.

Taken together, the Commission believes that these proposals would improve the accuracy of OCC's credit exposure calculations and, consequently, OCC's calculations of its clearing members' margin requirements. As described above, the proposed changes are designed to better limit OCC's credit exposure to the clearing members in the event of a clearing member default, which could help ensure that OCC's operations are not disrupted in the event of a clearing member default. In particular, the daily updates of the pricing data, the enhancements to the econometric model, and the enhancements to the correlation estimates promote more accurate and stable model measurements that have less volatility. Moreover, the enhancements to the defaulting securities methodology will decrease the manner in which the default estimates are affected by illiquid securities and reduce the amount to which the default variance is subject to sudden jumps, further promoting stable model measurements with less volatility.

By better limiting credit exposure to its clearing members, OCC's proposed changes are designed to help ensure that, in the event of a clearing member default, OCC's operations would not be disrupted. As a result, it could continue to clear and settle securities transactions as promptly and accurately as possible and safeguard the securities and funds in its custody or control, which generally would help protect investors and the public interest. Additionally, OCC's enhanced ability to determine margin requirements should help ensure that non-defaulting clearing members would not be exposed to losses that they cannot anticipate or control, which also generally would help protect investors and the public interest.

As a result, the Commission believes the Proposed Rule Change is designed to promote the prompt and accurate clearance and settlement of securities transactions, assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.<sup>98</sup>

*B. Consistency With Rules 17Ad–22(e)(6)(i), (e)(6)(iii), and (e)(6)(iv) Under the Act*

The Commission believes that the changes proposed in the Proposed Rule Change are consistent with Rules 17Ad–22(e)(6)(i), (e)(6)(iii), and (e)(6)(iv) under the Act, which requires that OCC establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things: (i) Considers, and produces margin levels commensurate with the risks and particular attributes of each relevant product, portfolio, and market; (ii) calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default; and (iii) uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data is not readily available or reliable.<sup>99</sup>

As described above, the proposal contained in the Proposed Rule Change would make several amendments to OCC's margin methodology designed to improve how it: (i) Accounts for asymmetry in conditional variance;<sup>100</sup> (ii) models the statistical distribution of price returns;<sup>101</sup> (iii) models second-day volatility forecasts;<sup>102</sup> (iv) estimates covariance and correlations between risk factors to provide for stable and sensitive correlation estimations;<sup>103</sup> and (v) treats defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates.<sup>104</sup>

The Commission believes the modifications proposed are designed to improve the manner in which STANS would calculate daily margin requirements for OCC's clearing members. Consequently, the Commission believes that the proposal is designed to both (i) consider, and produce margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market<sup>105</sup> and (ii) calculate margin sufficient to cover OCC's potential future exposure to participants in the interval between the last margin

collection and the close out of positions following a participant default.<sup>106</sup> Additionally, as discussed in the Proposed Rule Change,<sup>107</sup> the proposal would introduce daily updates for price data for equity products, which data would be obtained from a reliable industry vendor. Taken together, the Commission believes that the changes and modifications proposed in the Proposed Rule Change would help ensure that OCC's margin methodology utilizes a reliable source of timely price data, which would better reflect current market conditions than the current monthly updates, and thereby result in more accurate and responsive margin requirements.<sup>108</sup> Consequently, the Commission finds that the proposal is consistent with Rules 17Ad–22(e)(6)(i), (e)(6)(iii), and (e)(6)(iv) under the Act.

#### IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act<sup>109</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>110</sup> that the Proposed Rule Change (SR–OCC–2017–022) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>111</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018–11615 Filed 5–30–18; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33109]

### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

May 25, 2018.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of May 2018. A copy of each application may be obtained via the Commission's website by searching for the file number, or for

<sup>99</sup> 17 CFR 240.17Ad–22(e)(6)(i), (e)(6)(iii), and (e)(6)(iv).

<sup>100</sup> See Notice of Filing of Proposed Rule Change, 82 FR at 57306.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> See Notice of Filing of Proposed Rule change, 82 FR at 57306–57307.

<sup>105</sup> See 17 CFR 240.17Ad–22(e)(6)(i).

<sup>106</sup> See 17 CFR 240.17Ad–22(e)(6)(iii).

<sup>107</sup> See Notice, 82 FR at 57307.

<sup>108</sup> See 17 CFR 240.17Ad–22(e)(6)(iv).

<sup>109</sup> In approving this Proposed Rule Change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>110</sup> 15 U.S.C. 78s(b)(2).

<sup>111</sup> 17 CFR 200.30–3(a)(12).

<sup>98</sup> *Id.*

an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing.

Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 19, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

**FOR FURTHER INFORMATION CONTACT:** Shawn Davis, Branch Chief, at (202) 551-6413 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

**Alpine Equity Trust [File No. 811-05684]**

**Alpine Income Trust [File No. 811-21210]**

**Alpine Series Trust [File No. 811-10405]**

*Summary:* Each applicant seeks an order declaring that it has ceased to be an investment company. Applicants transferred their assets to the Aberdeen Funds and, on May 7, 2018, made final distributions to their shareholders based on net asset value. Aggregate expenses of \$704,589 incurred in connection with the reorganizations were paid by the applicants' investment adviser and the acquiring funds' investment adviser.

*Filing Dates:* The applications were filed on May 11, 2018, and amended on May 23, 2018.

*Applicants' Addresses:* 2500 Westchester Avenue, Suite 215, Purchase, New York 10577.

**Bond Portfolio II [File No. 811-23008]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On April 21, 2016, applicant made a liquidating distribution to its shareholders, based

on net asset value. No expenses were incurred in connection with the liquidation.

*Filing Dates:* The application was filed on May 5, 2017, and amended on May 1, 2018.

*Applicant's Address:* Two International Place, Boston, Massachusetts 02110.

**Compass Strategic Investments Fund [File No. 811-09021]**

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering. Applicant will continue to operate in reliance on Section 3(c)(1) or 3(c)(7) of the Act, or another applicable exclusion or exemption.

*Filing Dates:* The application was filed on April 5, 2018, and amended on May 18, 2018.

*Applicant's Address:* MIO Partners, Inc, 245 Park Avenue, 13th Floor, New York, New York 10167.

**Partners Income Fund [File No. 811-06708]**

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Compass Special Situations Fund LLC, and, on November 1, 2006, made a final distribution to its shareholders based on net asset value. Expenses of \$42,065 incurred in connection with the reorganization were paid by the acquiring fund.

*Filing Dates:* The application was filed on April 5, 2018, and amended on May 18, 2018.

*Applicant's Address:* MIO Partners, Inc, 245 Park Avenue, 13th Floor, New York, New York 10167.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-11729 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83321; File No. SR-OCC-2018-007]

### Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Amendment No. 1 and Order Approving Proposed Rule Change, as Modified by Amendment No. 1, Related to The Options Clearing Corporation's Trade Acceptance and Novation Rules

May 24, 2018.

On March 23, 2018, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> proposed rule change SR-OCC-2018-007. The proposed rule change was published for comment in the **Federal Register** on April 9, 2018.<sup>3</sup> The Commission did not receive any comments on the proposed rule change. On April 19, 2018, OCC filed Amendment No. 1 to the proposed rule change.<sup>4</sup> The Commission is publishing this notice to solicit comment on Amendment No. 1 from interested persons and is approving the proposed rule change, as modified by Amendment No. 1.

#### I. Description of the Proposed Rule Change<sup>5</sup>

OCC proposed to amend OCC's By-Laws ("By-Laws") and Rules to: (1) Clarify the time at which OCC accepts and novates<sup>6</sup> the transactions that it clears; (2) streamline provisions in the By-Laws and Rules related to trade reporting and novation; and (3) delete provisions that apply only to certain dormant products that OCC no longer clears and settles or that are no longer applicable to OCC's current clearing processes.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Securities Exchange Act Release No. 82984 (April 3, 2018), 83 FR 15181 (April 9, 2018) (SR-OCC-2018-007) ("Notice").

<sup>4</sup> OCC submitted Amendment No. 1 to correct an error in Exhibit 5B of the Notice, which did not accurately reflect the text of existing OCC Rule 2202(c) and erroneously contained proposed changes to that inaccurate text. Amendment No. 1 clarifies that the rule text for existing Rule 2202(c) would remain unchanged and would not be affected by the proposed rule change.

<sup>5</sup> The subsequent description of the proposed rule change is substantially excerpted from OCC's description in the Notice. See Notice, 83 FR 15181-15186.

<sup>6</sup> In this context, novation is the process through which OCC is substituted as the buyer to the seller and the seller to the buyer for each cleared contact.



## Background

### Acceptance and Novation Timing

Clearly stating the specific time at which OCC accepts transactions for clearance and settlement is important to Clearing Members because it signifies the time under the By-Laws and Rules at which the following events occur: (1) OCC is substituted through novation as the central counterparty (“CCP”) to each Clearing Member that was an initial party to the transaction; (2) the rights of the initial Clearing Member parties to the transaction become solely as against OCC; and (3) OCC becomes obligated to each Clearing Member in accordance with the By-Laws and Rules,<sup>7</sup> including as a guarantor of the settlement obligations associated with transactions that OCC accepts and novates.<sup>8</sup>

### Current Acceptance and Novation of Confirmed Trades

While most trades are functionally novated upon proper submission to OCC for clearing, OCC’s current By-Laws and Rules require a user to parse through a number of provisions and definitions in various locations to identify the time at which acceptance and novation occur. For example, the term Confirmed Trade<sup>9</sup> is defined to include all of the products for which OCC currently provides clearance and settlement services, with the exception of certain Stock Loan<sup>10</sup> transactions. A Confirmed Trade is novated upon OCC’s acceptance of the trade, but acceptance is not deemed to occur until a designated Commencement Time. Commencement Time is defined differently for different products that meet the definition of a Confirmed Trade, but one section of the By-Laws (regarding OCC’s obligations) generally defines it as the time at which OCC makes available to Clearing Members a Daily Position Report reflecting the Confirmed Trade.<sup>11</sup> Another section of the By-Laws (regarding the reporting of

Confirmed Trades) specifies that this acceptance is subject to the condition that the Exchange or OTC Trade Source on which the transaction occurred has reported to OCC, during such times as OCC has prescribed, certain information regarding the Confirmed Trade and that such information passes OCC’s initial validation checks.<sup>12</sup>

Under yet another section of the By-Laws, OCC generally has no right (other than regarding certain types of Confirmed Trades discussed below) to reject a Confirmed Trade due to the failure of the Purchasing Clearing Member to pay any amount due to OCC at or before the settlement time.<sup>13</sup> This means that transactions in most products that are Confirmed Trades will inevitably be accepted for clearing and novated at the Commencement Time simply due to the passage of time.<sup>14</sup> OCC proposed the changes herein to reflect this reality.

### Different Commencement Times and Rejection Rights for Certain Confirmed Trades

Certain categories of Confirmed Trades are not subject to the general Commencement Time described above, and OCC retains certain rights to reject such transactions. Specifically, Article VI, Section 5 of the By-Laws excludes the products described below from the general Commencement Time, while setting forth the following alternate definitions of Commencement Time:

(1) For futures issued in exchange-for-physical transactions,<sup>15</sup> block trades,<sup>16</sup> or other trades designated as non-competitively executed: The time after the transaction is reported to OCC that OCC receives the first variation settlement payment;<sup>17</sup>

(2) For cross-rate FX options and FX index options: The time that is three

hours following the settlement time of the Confirmed Trade in which such contract was purchased;<sup>18</sup> and

(3) For OTC Options (other than Backloaded OTC Options): The time when a report of OCC’s acceptance is made available to Clearing Members through OCC’s clearing system.<sup>19</sup>

That same section of the By-Laws specifies that, for Backloaded OTC Options, the transaction is not accepted for clearing until the Selling Clearing Member has met its regular morning settlement obligation on the business day following the reporting of the trade to OCC.<sup>20</sup>

In addition to the separate Commencement Times for these types of Confirmed Trades, OCC also currently has certain authority to reject such trades due to the failure of the Purchasing Clearing Member to pay an amount due to OCC at or before the applicable settlement time.<sup>21</sup> In contrast to most other types of Confirmed Trades, this means that OCC continues to have authority to reject these transactions even after they are properly submitted for clearing. OCC’s authority to reject these types of Confirmed Trades arises under the following circumstances:

(1) For futures issued in exchange-for-physical transactions, block trades, or other trades designated as non-competitively executed: In the event OCC fails to receive any variation payment due in the accounts of the Clearing Members;<sup>22</sup>

(2) For cross-rate FX options and FX index options: In the event OCC fails to receive from the Purchasing Clearing Member premiums denominated in the proper trading currency in the account in which the transaction is effected;<sup>23</sup> and

(3) For Backloaded OTC Options: In the event the Selling Clearing Member does not meet its regular morning settlement obligation on the business day following the reporting of the trade to OCC.<sup>24</sup>

<sup>7</sup> See, e.g., Article VI, Section 5 of the By-Laws.

<sup>8</sup> See generally 15 U.S.C. 78q-1; 17 CFR 240.17Ad-22.

<sup>9</sup> Under the By-Laws, a Confirmed Trade is defined as “a transaction for the purchase, writing, or sale of a cleared contract, or for the closing out of a long or short position in a cleared contract, that is (i) effected on or through the facilities of an Exchange and submitted to the Corporation for clearance or (ii) affirmed through the facilities of an OTC Trade Source and submitted to the Corporation for clearance.”

<sup>10</sup> See Article I, Section 1.S.(21) of the By-Laws. The term Stock Loan may refer to either a Hedge Loan that is part of OCC’s Stock Loan/Hedge Program or a Market Loan that is part of OCC’s Market Loan Program. Matters regarding the acceptance and novation of these products are addressed separately below.

<sup>11</sup> Article VI, Section 5 of the By-Laws. This typically occurs at the end of each business day.

<sup>12</sup> Article VI, Section 7 of the By-Laws.

<sup>13</sup> See Article VI, Section 8 of the By-Laws.

<sup>14</sup> An Exchange or OTC Trade Source, however, may instruct OCC to disregard a transaction that it previously reported as a Confirmed Trade “because of a subsequent determination that (i) the trade information submitted by the Purchasing Clearing Member and Selling Clearing Member did not agree, (ii) the trade information did not contain all the information required by the Corporation as set forth in the By-Laws and Rules, or (iii) new or revised trade information was required to properly clear the transaction.” See Article VI, Section 7 of the By-Laws. This authority would be preserved and relocated into OCC’s Rules in connection with the proposed changes described herein.

<sup>15</sup> An exchange-for-physical transaction (or “EFP”) is a transaction between two parties in which a futures contract on a commodity or security is exchanged for the actual physical good.

<sup>16</sup> A block trade is a trade involving a large number of shares being traded at an arranged price between parties, outside of the open markets, in order to lessen the impact of such a large trade being made public.

<sup>17</sup> See Article XII, Section 7 of the By-Laws.

<sup>18</sup> See Articles XX, Section 1 and XXIII, Section 1 of the By-Laws.

<sup>19</sup> See Article VI, Section 5 of the By-Laws.

<sup>20</sup> *Id.*

<sup>21</sup> See generally Article VI, Section 8 of the By-Laws identifying these exceptions.

<sup>22</sup> See Article XII, Section 7 of the By-Laws.

<sup>23</sup> See Article XX, Section 5, Article XXIII, Section 7 of the By-Laws.

<sup>24</sup> See Article VI, Section 8 of the By-Laws. In addition, OCC will not accept a Backloaded OTC Option for clearing if OCC receives it from the OTC Trade Source after 4 p.m. Central on the business day that is four business days prior to its expiration.



*Proposed Changes to Acceptance and Novation Rules*

Proposed Uniform Acceptance and Novation Timing for Nearly All Confirmed Trades

To provide greater certainty and clarity to Clearing Members and other interested parties regarding the acceptance and novation timing for transactions that OCC clears and settles, OCC proposed to amend the substance of Article VI, Section 5 of the By-Laws<sup>25</sup> to set forth a uniform acceptance and novation time for nearly all Confirmed Trades. As described in more detail below, OCC would retain exceptions from the uniform acceptance and novation time for Confirmed Trades in Backloaded OTC Options and Confirmed Trades in futures issued in exchange-for-physical transactions, block trades, or other trades designated as non-competitively executed.

To accomplish this, OCC proposed to eliminate the concept of Commencement Time and instead deem nearly all Confirmed Trades to be accepted and simultaneously novated when they are reported to OCC and the related position information has been recorded in OCC's clearing system (which occurs on a real-time basis).<sup>26</sup> This would, however, be subject to the condition that the required transaction information reported to OCC by the Exchange or OTC Trade Source first passes OCC's validation procedures<sup>27</sup> and is provided to OCC at such time as OCC prescribes. This change is intended to provide a more definitive indication of the point after which OCC no longer has authority to reject such transactions for clearing.<sup>28</sup> Eliminating the concept of Commencement Time also necessitates deleting the term from the defined terms in Article I, Section 1 of the By-Laws and replacing all references to Commencement Time with references to the time at which OCC accepts a transaction for clearing. To do this, OCC

<sup>25</sup> As described below under the heading *Reorganization*, OCC also proposes to relocate the provisions currently in Article VI, Section 5 of the By-Laws to Rules 401 and 404.

<sup>26</sup> OCC notes that upon acceptance and recording of position information in OCC's ENCORE clearing system, Clearing Members have the ability to see the trades they are responsible for via position information screens in the ENCORE system and through real-time messaging.

<sup>27</sup> All inbound trades to OCC are subject to coded validation of the required fields for trades. These fields contain the critical details of the trade, including but not limited to the trade source, symbol, expiration, strike, call or put, quantity, price, and Clearing Member details of both sides of the trade.

<sup>28</sup> As described above, an Exchange or OTC Trade Source would continue to have the authority to instruct OCC to disregard a Confirmed Trade. *See supra* 10.

proposed to amend the following provisions of its By-Laws: Article I (definition of "American; American-style"); Sections 5, 6, and 12 of Article VI;<sup>29</sup> and Section 7 of Article XII.

OCC also proposed to amend Rule 401 to clarify the trade information required to be submitted by the participant Exchange to OCC as a condition to acceptance and novation. For options transactions, amended Rule 401(a)(1)(i) would provide that these terms include: (a) The identity of the Purchasing Clearing Member and Writing Clearing Member to the transaction; (b) the clearing date; (c) the transaction time; (d) the trade source; (e) the trade quantity; (f) the trade price; (g) the security type; (h) the ticker symbol; (i) the series/contract date; (j) whether the trade is a put or a call; (k) the strike price; (l) whether the trade is a purchase or a sale; (m) the account type; (n) the allocation indicator, if applicable; (o) the CMTA indicator, if applicable; (p) the Give-Up Clearing Member, if applicable; (q) the trade type, including, in the case of futures options, whether the transaction is a block trade, exchange-for-physical, or any other trade designated by the futures market or security futures market reporting the trade as a non-competitively executed trade; (r) in the case of OTC options transactions in a securities customers' account, a unique customer ID for the customer for whom the trade was executed; and (s) in the case of OTC options, such other variable terms as provided in Section 6 of Article XVII of the By-Laws. In addition, new Rule 401(a)(1)(ii) would provide that OCC may also request certain optional trade information that is not required as a condition for acceptance.<sup>30</sup>

For futures transactions, Rule 401(a)(2)(i) would be amended to provide that the required terms for acceptance and novation include: (a) The identity of the Purchasing Clearing Member and the Selling Clearing Member to the transaction; (b) the clearing date; (c) the transaction time; (d) the trade source; (e) the trade quantity; (f) the trade price; (g) the security type; (h) the ticker symbol; (i) the series/contract date; (j) whether the trade is a purchase or a sale; (k) the account type; (l) the allocation indicator, if applicable; (m) the CMTA

<sup>29</sup> As described in more detail below, OCC proposes to relocate Article VI, Sections 5 and 6 to Rules 401, 404, and 405 to help streamline and reorganize provisions addressing trade reporting and novation.

<sup>30</sup> OCC makes available to its participant Exchanges and Clearing Members the complete list of required and optional trade information in an inbound reference guide for Exchange trades.

indicator, if applicable; (n) the Give-Up Clearing Member, if applicable; and (o) whether the trade is an exchange-for-physical or block trade or any other trade designated by the futures market or security futures market reporting the trade as a non-competitively executed trade. In addition, new Rule 401(a)(2)(ii) would provide that OCC may also request certain optional trade information that is not required as a condition for acceptance.

Taken together, these changes are designed to provide a uniform approach for nearly all Confirmed Trades regarding acceptance and novation. OCC believes the changes will reduce the complexity of its Rules and By-Laws, while at the same time providing significantly greater clarity and transparency in OCC's legal framework for Clearing Members and other interested parties concerning the point at which OCC does not have authority to reject a transaction after it has been properly submitted to and validated by OCC. OCC believes that adopting this uniform approach regarding acceptance and novation will neither functionally change the time at which OCC becomes obligated regarding Confirmed Trades nor otherwise alter the credit risk OCC faces with respect to such Confirmed Trades.

First, providing that nearly all Confirmed Trades are accepted and novated upon proper submission functionally would not change the time at which OCC becomes obligated regarding such Confirmed Trades because OCC currently has no right to reject Confirmed Trades, upon proper submission, due to the failure of a Purchasing Clearing Member to pay any amount due to OCC at or before the settlement time. Second, OCC generally does not collect margin with respect to such Confirmed Trades until 9:00 a.m. Central the following business day.<sup>31</sup> OCC, therefore, already faces this same credit risk between the acceptance of the Confirmed Trades and the time that it collects margin from Clearing Members. Accordingly, OCC does not anticipate that moving the novation time from the general Commencement Time to earlier in the day as described above—at the point of acceptance—would alter the credit risk OCC faces with respect to such Confirmed Trades. In addition, OCC would continue to have the same authority that it does today to address any credit risk as

<sup>31</sup> *See* Article I, Section 1.S.(16) of the By-Laws (defining the term "settlement time" in respect of a Clearing Member's obligation to pay amounts owed to OCC).

necessary through intra-day margin collection.<sup>32</sup>

Further, OCC believes that it would be appropriate to also apply the uniform acceptance and novation time to OTC Options that are not Backloaded OTC Options. OTC Options currently are subject to an alternative Commencement Time, designated for OTC Options that are not Backloaded OTC Options as the time when a report of OCC's acceptance is made available to Clearing Members through OCC's clearing system.<sup>33</sup> In practice, OCC automatically makes a report of its acceptance of such OTC Options available to Clearing Members in its clearing system, provided the OTC Option is properly reported to OCC, the contract passes OCC's validation process, and the contract is not rejected, all of which generally is completed immediately upon submission of the contract to OCC.<sup>34</sup> This is consistent with the new uniform approach OCC proposed, which would deem nearly all Confirmed Trades to be accepted and simultaneously novated when they are reported to OCC and the related position information has been recorded in OCC's clearing system, which occurs on a real-time basis. Accordingly, OCC believes there is no operational, risk management, or other reason to exclude OTC Options that are not Backloaded OTC Options from the proposed uniform acceptance and novation timing.

#### Proposed Exceptions to the Uniform Acceptance and Novation Timing

For other categories of Confirmed Trades that currently are not subject to the general definition of Commencement Time (*i.e.*, Confirmed Trades in futures issued in exchange-for-physical transactions, block trades, or other trades designated as non-competitively executed), OCC proposed to preserve the existing structure under which OCC has authority to reject the transactions even after they are properly submitted for clearing by creating an exception to the uniform acceptance and novation timing for such trades. OCC believes that delayed novation continues to be appropriate for such non-competitively executed transactions because there is a heightened risk that non-competitive execution may cause them to be effected at off-market prices, which could lead to significant losses if

<sup>32</sup> See OCC Rule 609 (addressing OCC's authority to require intra-day margin).

<sup>33</sup> Article VI, Section 5 of the By-Laws.

<sup>34</sup> See Securities Exchange Act Release No. 68434 (December 14, 2012), 77 FR 75243 (December 19, 2012) (SR-OCC-2012-14 and AN-OCC-2012-01) (discussing the trade submission mechanics for OTC Options).

a Clearing Member defaults on the related settlement obligations.<sup>35</sup>

As proposed, an exception to the uniform acceptance and novation timing also would be made for Confirmed Trades that are Backloaded OTC Options, which are defined as OTC Options for which the premium payment date is prior to the business day on which the transaction is submitted to OCC for clearing.<sup>36</sup> OCC believes that an exception for Backloaded OTC Options remains necessary because their "backloaded" nature means that the premium payment has already been made. Backloaded OTC Options also are subject to being non-competitively executed and therefore present the same heightened settlement default risk regarding other non-competitively executed transactions discussed above. In addition, because OCC is not able to immediately validate a Backloaded OTC Options transaction or check its price reasonability upon submission, OCC believes that it remains appropriate to continue its existing practice of delaying acceptance and novation for these contracts until the selling Clearing Member has met its regular morning settlement obligations on the business day following trade reporting.

#### Provisional Information Regarding Confirmed Trades

OCC proposed that its acceptance and novation time would no longer be tied to publication of a Daily Position Report, given that OCC's acceptance of a Confirmed Trade would instead be reflected in the position information that OCC makes available to Clearing Members throughout the business day. Accordingly, OCC proposed to amend Interpretation and Policy .01 to Rule 501 to: (1) Clarify that OCC makes updated position data reflecting accepted and novated trades available to its Clearing Members throughout the day; and (2) remove from that provision a statement that Clearing Members must rely on the Daily Position Report for definitive information regarding their positions.

<sup>35</sup> OCC also proposes to add new Interpretation and Policy .05 to provide that OCC will not treat an EFP or block trade as a noncompetitively executed trade subject to Article XII, Section 7 of the By-Laws if the Exchange on which such trade is executed has made representations satisfactory to OCC that the Exchange has rules, policies or procedures that require each EFP and block trade that is submitted to OCC to be executed at a reasonable price and that such price is validated by the Exchange. This new Interpretation and Policy to Rule 401 would reiterate current Interpretation and Policy .04 to Article XII, Section 7 of the By-Laws to provide additional clarity in the Rules around the acceptance and novation time for competitively executed EFPs and block trades.

<sup>36</sup> See Article I, Section 1.B.(1) of the By-Laws.

#### Hedge Loans and Market Loans

In addition to its clearance and settlement of Confirmed Trades, OCC also acts as a CCP for certain stock lending transactions that are part of its Stock Loan/Hedge Program and Market Loan Program. OCC proposed to amend its rules for both programs to better describe its process for accepting Hedge Loans and Market Loans and to appropriately harmonize certain provisions governing each type of Stock Loan.<sup>37</sup>

*Stock Loan/Hedge Loan Program.* Hedge Loans are initiated as stock lending transactions that are negotiated and settled between Clearing Members at The Depository Trust Company ("DTC") before they are reported to OCC. Rule 2202(b) provides that OCC must generally accept these stock lending transactions upon receipt of a report from DTC that shows a completed transaction.<sup>38</sup> However, OCC may reject a transaction if it determines that it is: (1) Not in accordance with OCC's By-Laws or Rules; (2) one or both account numbers specified are invalid for Hedge Loans; or (3) the information provided by DTC contains errors or omissions. Moreover, Rule 2202(b) provides that if OCC does not affirmatively reject a reported transaction by such a time as OCC is authorized to specify from time to time then the transaction is deemed accepted as a Hedge Loan. Upon acceptance, OCC becomes the lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member. Although OCC has discretion during each business day to make provisional information available to Clearing Members regarding their lending and borrowing activity, only the Stock Loan Mark to Market Activity Report is recognized as providing definitive Hedge Loan positions.<sup>39</sup>

OCC proposed to amend Rule 2202(b) to clarify that OCC receives and accepts completed transaction information from DTC throughout the day, and it would delete the statement that a transaction is deemed accepted by a particular cut off time if OCC does not affirmatively notify Clearing Members of a rejection. Rule 2202(b) would instead state that OCC generally accepts completed transactions reported to it unless: (1) OCC is otherwise required to reject a transaction because it is not in accordance with the By-Laws or Rules;

<sup>37</sup> See OCC Rules 2202(b); 2202A(b), (c).

<sup>38</sup> OCC is not obligated to accept the stock lending transactions of a Clearing Member that has been suspended by DTC. See OCC Rule 2210(a). The same condition applies regarding Market Loans. See OCC Rule 2210A(a).

<sup>39</sup> See Rule 2202, Interpretation and Policy .01.

(2) one or both account numbers specified are invalid; or (3) the information provided contains unresolved errors or omissions. OCC believes that these changes will help clarify the time at which Hedge Loans are accepted and the specific circumstances in which Hedge Loans will be rejected. As discussed more fully below, the change also would ensure consistency between parallel provisions in the Stock Loan/Hedge Program and Market Loan Program regarding the initiation process, which OCC believes should apply equally across both programs. Finally, a reference to the Stock Loan Mark to Market Activity Report being the only definitive statement of positions would be deleted because Hedge Loan positions would be definitive upon acceptance in OCC's clearing system.

*Market Loan Program.* In connection with the Market Loan Program initiation process, DTC also sends information to OCC regarding completed stock lending transactions. Rule 2202A(b) provides that, upon OCC's receipt of an end of day stock loan activity file from DTC, OCC must accept the transactions as Market Loans unless it is required to reject them for the same reasons described above concerning Hedge Loans. The Rule further provides that, upon OCC's affirmative acceptance, OCC becomes the lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member.

As with the proposed changes to the Stock Loan Hedge Program, OCC proposed to clarify that OCC receives and accepts completed transaction information from DTC throughout the day. OCC also proposed to delete a reference to affirmative acceptance in Rule 2202A(b) because the other proposed changes would clarify that acceptance will generally take place automatically unless OCC is specifically required to reject transactions due to the deficiencies described above. A conforming change also would be made in this regard in Rule 2202A(c). References to the definitive nature of the Stock Loan Mark to Market Activity Report would be deleted for the same reasons described above regarding Hedge Loans.

#### Streamlining and Reorganization

As part of its continued effort to streamline its By-Laws and Rules, OCC proposed to relocate certain provisions from Article VI, Sections 4 through 8 of the By-Laws to Chapter IV of the Rules. This change would promote a centralized location for provisions that address trade reporting and novation.

OCC also proposed to consolidate certain provisions in Chapter IV of the Rules to eliminate redundancy. These proposed organizational changes are summarized below.

OCC would relocate Article VI, Section 4 of OCC's By-Laws regarding a Purchasing Clearing Member's obligations with respect to a Confirmed Trade, without amendment, to a new Rule 403. As described above, OCC would amend Article VI, Section 5 of the By-Laws regarding OCC's obligations with respect to a Confirmed Trade, and it would be incorporated into existing Rule 401 and new Rule 404. As described above, OCC would amend Article VI, Section 6 of the By-Laws regarding the issuance of cleared contracts, and it would be relocated to a new Rule 405. OCC would relocate Article VI, Section 7 of the By-Laws regarding the reporting of confirmed trades incorporate it into Rule 401. More specifically, Article VI, Section 7(b) of the By-Laws would become Rule 401(e), Section 7(c) would become Rule 401(f), and Interpretation and Policy .01 to Section 7 would become Interpretation and Policy .03 to Rule 401. As described above, OCC would amend Article VI, Section 8 of the By-Laws regarding payments made to OCC and relocate it to new Rule 406. To accommodate these new rules in Chapter IV, current Rule 403 would be renumbered as 407, and current Rule 405 would be renumbered as Rule 408. Cross-references also would be updated to reflect this renumbering throughout Chapter IV of the Rules, as well as in Article I, Section 1.G.(3) and (4), Article VI, Section 2, and Article XVII, Sections 2(a) and 2(c)(1) of the By-Laws, and Rules 504(e), 504(g), and 611(a).

Additionally, to create a more centralized trade reporting rule, OCC proposed to delete existing Rule 404 regarding the reporting of confirmed trades in OTC Options and to incorporate its substance into Rule 401. This would require the addition of references to OTC Trade Sources in Rule 401(a) and (b), and the merger of language from Rule 404(b) into Rule 401(b) and from Rule 404(c) into Rule 401(d).

#### Elimination of Dormant Products and Rules

OCC no longer clears and settles cross-rate foreign currency options and flexibly-structured index options denominated in a foreign currency. Accordingly, OCC proposed to delete certain provisions from its By-Laws and Rules that only apply to such products. When OCC still actively cleared and settled these products they were subject

to delayed novation. OCC therefore believes that eliminating the rules governing these products at this time would avoid confusion and enhance clarity regarding OCC's proposed uniform approach to trade acceptance and novation timing. Consequently, OCC proposed to delete Articles XX and XXIII of its By-Laws, which governs cross-rate foreign currency options, and Chapters XXI and XXIV of its Rules, which govern flexibly-structured index options denominated in a foreign currency. Additionally, OCC proposed to eliminate all other references to such products throughout its By-Laws and Rules, including in Section 1(d) of Article V, and Interpretation and Policy .03 to Section 1 of Article V of the By-Laws and Rules 607, 1107(a)(3) and 1107(a)(4), as well as in the definitions of Option Contract, Trading Currency, and Underlying Currency in Article I of the By-Laws.

OCC also proposed to delete Rule 402 concerning the supplementary reporting of Confirmed Trades. Rule 402 grants OCC the discretion to, in certain extraordinary circumstances, accept from an Exchange after the cut-off time for receiving Confirmed Trade information for a particular business day ("trade date"), supplementary Confirmed Trade information reflecting the comparison of additional trades executed on or before the trade date that remained unconfirmed at the cut-off time. Rule 402 was adopted at a time when OCC received matched trade information from Exchanges for a given trade date in a single batch submission after the close of the trading day.<sup>40</sup> Under this old process, trades that remained unmatched when an Exchange prepared its nightly trade tape to OCC were omitted from the tape and, if a trade was subsequently matched, the Exchange reported the trade to OCC the following night to be processed as if it had not been executed until the date when it was reported. OCC adopted Rule 402 to accommodate the late submission of trades that had not been matched in time to be submitted on the Exchange's original trade tape, thereby allowing those trades to be processed as if they were submitted on their original trade date. OCC proposed to delete Rule 402 because it is no longer applicable to OCC's current clearing processes, whereby OCC continuously receives matched trade information from Exchanges on a real-time basis.

<sup>40</sup> See Filing and Order Granting Accelerated Approval of Proposed Rule Change of Options Clearing Corporation, Securities Exchange Act Release No. 21233 (August 10, 1984) (SR-OCC-84-12).

## II. 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.<sup>41</sup> After carefully considering the proposed rule change, the Commission believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission believes that the proposal is consistent with Section 17A(b)(3)(F) of the Act<sup>42</sup> and Rule 17Ad-22(e)(1) under the Act.<sup>43</sup>

### A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act<sup>44</sup> requires, among other things, that the rules of a clearing agency be designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, promote the prompt and accurate clearance and settlement of securities and derivatives transactions, and, in general, protect investors and the public interest. As described above, the proposed rule change is intended to provide a clear and uniform acceptance and novation time for nearly all Confirmed Trades and to clarify the acceptance and novation timing regarding Stock Loans by specifying the time at which novation occurs and when Confirmed Trades and Stock Loans may no longer be rejected by OCC. Under the proposed uniform acceptance time, OCC would deem nearly all Confirmed Trades to be accepted and simultaneously novated when they are reported to OCC, provided that the transaction information reported to OCC passes OCC's validation procedures and is provided to OCC at such time as OCC's rules prescribe. In addition, the proposed rule change would eliminate certain dormant rules no longer applicable to OCC's clearance and settlement services and processes.

The Commission believes that these changes would provide greater clarity and transparency to Clearing Members, other users of OCC, and the general public regarding OCC's processes for the reporting of transactions, acceptance, and novation. Instead of parsing through

multiple different definitions and provisions in various locations throughout OCC's By-Laws and Rules to identify the different times at which acceptance and novation occurs for different transactions, users and other interested parties will be able to refer to more uniform approach set forth in a single chapter of OCC's Rules. This, in turn, will help avoid potential confusion and ambiguity. Accordingly, the Commission believes that, taken together, these changes will help foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, promote the prompt and accurate clearance and settlement of securities and derivatives transactions, and, in general, protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Act.<sup>45</sup>

### B. Consistency with Rule 17Ad-22(e)(1)

Rule 17Ad-22(e)(1)<sup>46</sup> requires a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. The Commission believes the proposed changes are consistent with Rule 17Ad-22(e)(1) for the reasons set forth below.

First, by modifying the current process so that all Confirmed Trades, subject to limited exceptions, would be deemed accepted and simultaneously novated when they are reported to OCC and the related position information has been recorded in OCC's clearing system, the proposed rule change would provide a clear and uniform time regarding OCC's acceptance and novation for nearly all Confirmed Trades and clarify OCC's acceptance and novation process regarding Stock Loans. The Commission believes this would bring clarity and transparency to OCC's By-Laws and Rulebook and help simplify the process of reporting transactions, acceptance, and novation, which in turn will help ensure that OCC has a well-founded, clear, transparent, and enforceable legal basis regarding the rights and obligations of OCC and Clearing Members regarding Confirmed Trades, consistent with Rule 17Ad-22(e)(1).

Second, the Commission believes that the streamlining and reorganizing all of the provisions concerning transaction reporting, acceptance, and novation and consolidating them in Chapter IV of the Rules would promote consistency and readability and help avoid potential

confusion and ambiguity, and therefore allow the provisions to be more easily understood. For example, enumerating the trade information required to be submitted by participant Exchanges to OCC for options and futures transactions would allow for greater clarity of the information required and that may be requested by OCC. Similarly, by better describing the process by which Hedge Loans and Market Loans are accepted, OCC would harmonize the relevant provisions of its Rulebook governing each type of Stock Loan. In addition, the Commission believes eliminating provisions related to processes no longer supported by OCC and dormant products that are no longer cleared and settled by OCC would improve the clarity and transparency of its By-Laws and Rules. Accordingly, the Commission believes that the changes proposed in the proposed rule change are consistent with Rule 17Ad-22(e)(1) under the Act.<sup>47</sup>

## III. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views and arguments concerning whether Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-OCC-2018-007 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-OCC-2018-007. 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

<sup>41</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>42</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>43</sup> 17 CFR 240.17Ad-22(e)(1).

<sup>44</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>45</sup> *Id.*

<sup>46</sup> 17 CFR 240.17Ad-22(e)(1).

<sup>47</sup> *Id.*

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 OCC and on OCC's website at <https://www.theocc.com/about/publications/bylaws.jsp>.

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-OCC-2018-007 and should be submitted on or before June 15, 2018.

#### IV. Approval of Proposed Rule Change, as Modified by Amendment No. 1

As discussed above, OCC submitted Amendment No. 1 to accurately reflect existing Rule 2202(c), which would not be affected by the proposed rule change. The Commission believes that Amendment No. 1 does not raise any novel issues or alter the proposed changes in any way. In addition, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Act and applicable rules thereunder for the reasons discussed above. Accordingly, the Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1 pursuant to Section 19(b)(2) of the Act.<sup>48</sup>

#### V. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act, in particular with the requirements of Section 17A of the Act<sup>49</sup> and Rule 17Ad-22(e)(1) thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2)<sup>50</sup> of the Act, that the proposed rule change (SR-OCC-2018-007) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>51</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-11611 Filed 5-30-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83320; File No. SR-NYSEArca-2018-35]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Peritus High Yield ETF

May 24, 2018

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on May 14, 2018, NYSE Arca, Inc. ("Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to change certain representations made in the respective proposed rule changes previously filed with the Commission pursuant to Rule 19b-4 relating to the Peritus High Yield ETF (the "Fund"). Shares of the Fund are currently listed and traded on the Exchange under NYSE Arca Rule 8.600-E. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://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 Commission has approved the listing and trading on the Exchange of shares ("Shares") of the Fund, under NYSE Arca Rule 8.600-E(j)(3) (formerly NYSE Arca Equities Rule 8.600), which governs the listing and trading of Managed Fund Shares.<sup>4</sup> The Fund's Shares are currently listed and traded on the Exchange under NYSE Arca Rule 8.600-E.<sup>5</sup> The Shares are offered by AdvisorShares Trust ("Trust").<sup>6</sup>

<sup>4</sup> A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) (the "1940 Act") organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2-E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

<sup>5</sup> The Commission previously approved the listing and trading of the Shares of the Fund. See Securities Exchange Act Release Nos. 63329 (November 17, 2010), 75 FR 71260 (November 24, 2010) (SR-NYSEArca-2010-86) (Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of Shares of the Peritus High Yield ETF) ("Approval Order"); 63041 (October 5, 2010), 75 FR 62905 (October 13, 2010) (SR-NYSEArca-2010-86) (Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of Shares of the Peritus High Yield ETF) ("Notice"). The Exchange subsequently filed with the Commission several proposed rule changes relating to changes in the Fund's holdings. See Securities Exchange Act Release Nos. 66818 (April 17, 2012), 77 FR 24233 (April 23, 2012) (SR-NYSEArca-2012-33) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change relating to the Peritus High Yield ETF); 70284 (August 29, 2013), 78 FR 54715 (September 5, 2013) (SR-NYSEArca-2013-83) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Investments in Leveraged Loans by the Peritus High Yield ETF); 72433 (June 19, 2014), 79 FR 36114 (June 25, 2014) (SR-NYSEArca-2014-69) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Holdings in Equity Securities by the Peritus High Yield ETF); 73181 (September 23, 2014), 79 FR 58001 (September 26, 2014) (SR-NYSEArca-2014-103) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an Increase in the Number of Securities Held by the Peritus High Yield ETF). (The Approval Order, Notice and other proposed rule changes referenced above are referred to collectively herein as the "Releases").

<sup>6</sup> The Trust is registered under the 1940 Act. On November 1, 2017, the Trust filed with the Commission an amendment to its registration

Continued

<sup>48</sup> 15 U.S.C. 78s(b)(2).

<sup>49</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>50</sup> 15 U.S.C. 78s(b)(2).

<sup>51</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

The Trust has filed a combined prospectus and proxy statement (the "Proxy Statement") with the Commission on Form N-14 describing a "Plan of Reorganization" pursuant to which, following approval of the Fund's shareholders, all or substantially all of the assets and all of the stated liabilities included in the financial statements of the Fund would be transferred to a new series of Exchange Listed Funds Trust, described below. According to the Proxy Statement, the investment objective of the Fund will be the same following implementation of the Plan of Reorganization ("Reorganization").<sup>7</sup> Following shareholder approval and closing of the Reorganization, investors will receive shares of beneficial interest of such new series of Exchange Listed Funds Trust (and cash with respect to any fractional shares held, if any) with an aggregate net asset value equal to the aggregate net asset value of the Shares of the Fund of the Trust calculated as of the close of business on the business day before the closing of the Reorganization. The name of the Fund will remain unchanged.

In this proposed rule change, the Exchange proposes to change certain representations made in the proposed rule changes previously filed with the Commission pursuant to Rule 19b-4 relating to the Fund, as described above,<sup>8</sup> which changes would be implemented as a result of the Plan of Reorganization.<sup>9</sup>

#### Peritus High Yield ETF

The Notice stated that the Fund is offered by AdvisorShares Trust. Following the Reorganization, the Fund's trust will be Exchange Listed Funds Trust. The Fund's investment adviser is AdvisorShares Investments, LLC. Following the Reorganization, the Fund's investment adviser will be Exchange Traded Concepts, LLC.<sup>10</sup> The

statement on Form N-1A under the Securities Act of 1933 (15 U.S.C. 77a) ("1933 Act") and the 1940 Act relating to the Fund (File Nos. 333-157876 and 811-22110). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 29291 (May 28, 2010) (File No. 812-13677) ("Exemptive Order").

<sup>7</sup> See registration statement on Form N-14 under the 1933 Act, dated April 13, 2018 (File No. 333-223505) ("Proxy Statement").

<sup>8</sup> See note 4 [sic], *supra*.

<sup>9</sup> The Fund's investment adviser, AdvisorShares Investments, LLC, represents that it will manage the Fund in the manner described in the proposed rule changes for the Fund as referenced in note 4, *supra*, and the changes described herein will not be implemented until this proposed rule change is operative.

<sup>10</sup> Exchange Traded Concepts, LLC and Peritus I Asset Management, LLC are not registered as a broker-dealer or affiliated with a broker-dealer. In the event (a) Exchange Traded Concepts, LLC or

Fund's sub-adviser, Peritus I Asset Management, LLC, will remain the sub-adviser for the Fund following the Reorganization.

The investment objective of the Fund will remain unchanged. In addition, the Fund's portfolio meets and will continue to meet the representations regarding the Fund's investments as described in the Releases.

#### 2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)<sup>11</sup> that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, and is designed to

Peritus I Asset Management, LLC becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. In addition, personnel who make decisions on the Fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's portfolio.

An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the "Advisers Act"). As a result, with respect to the Fund, Exchange Traded Concepts, LLC and Peritus I Asset Management, LLC, as adviser and sub-adviser, respectively, and their related personnel, are subject to the provisions of Rule 204A-1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A-1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

<sup>11</sup> 15 U.S.C. 78f (b)(5).

promote just and equitable principles of trade and to protect investors and the public interest.

Exchange Listed Funds Trust has filed the Proxy Statement describing the Reorganization pursuant to which, following approval of the Fund's shareholders, all assets of the Fund would be transferred to a corresponding fund of the Exchange Listed Funds Trust, which will have the name Peritus High Yield ETF. This filing proposes to reflect organizational and administrative changes that would be implemented as a result of the Reorganization, including changes to the trust entity issuing shares of the Fund and the adviser to the Fund. As noted above, Exchange Traded Concepts, LLC and Peritus I Asset Management, LLC are not registered as a broker-dealer or affiliated with a broker-dealer. In the event (a) Exchange Listed Funds Trust or Peritus I Asset Management, LLC becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. According to the Proxy Statement, the investment objective of the Fund will be the same following implementation of the Reorganization. The Exchange believes these changes will not adversely impact investors or Exchange trading. In addition, the Fund's portfolio meets and will continue to meet the representations regarding the Fund's investments as described in the Releases.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change will enhance competition and benefit of investors and the marketplace by permitting continued listing and trading of Shares of the Fund following implementation of the changes described above that would follow the Reorganization, which changes would not impact the investment objective of the Fund.

*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

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative prior to 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) of the Act<sup>12</sup> and Rule 19b-4(f)(6) thereunder.<sup>13</sup>

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. Because the vote on the Reorganization will occur before the end of the operative delay, waiver of the operative delay would allow the Exchange to begin implementing the two organizational and administrative changes described above to immediately upon shareholder approval of the Reorganization. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest and hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.<sup>14</sup>

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.

### 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2018-35 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2018-35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2018-35 and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-11610 Filed 5-30-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83322; File No. SR-Phlx-2018-41]

### Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Risk Protections

May 24, 2018

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 16, 2018, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1095, entitled "Automated Removal of Quotes" and Rule 1099, entitled "Order Protections."

The text of the proposed rule change is available on the Exchange's website at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>13</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and 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.

<sup>14</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to amend Rule 1099, entitled "Order Protections" and reorganize the Rulebook. The Exchange proposes to rename Rule 1099 "Risk Protections" and relocate all the risk protections into a single rule. The Exchange also proposes to categorize the risk protections as order protections, order and quote protections or Specialist<sup>3</sup> and Registered Options Trader<sup>4</sup> protections. The Exchange believes that reorganizing the various risk protection rules into a single rule and providing labels for the different types of protections will provide an easy reference for market participants. The Exchange is not amending the text of the existing rules, rather the Exchange proposes to reletter and renumber the rule as well to provide a more organized structure. The Exchange believes that categorizing the various protections provides more information to market participants as to each of the risk protections.

Order Price Protection

The Exchange proposes to relocate Order Price Protection from Rule 1099(c) to proposed Rule 1099(a)(1) under the title of order protections.

Market Order Spread Protection

The Exchange proposes to relocate Market Order Spread Protection from Rule 1099(d) to proposed Rule 1099(a)(2) under the title of order protections.

Acceptable Trade Range

The Exchange proposes to renumber the Acceptable Trade Protection rule text as Rule 1099(b)(1) under the title for order and quote protections.

Anti-Internalization

The Exchange proposes to renumber the Anti-Internalization rule from Rule Rule [sic] 1099(b) to 1099(c)(1) under the title Specialist and Registered Options Traders protections.

<sup>3</sup> A Specialist is an Exchange member who is registered as an options Specialist. See Phlx Rule 1020(a).

<sup>4</sup> Rule 1014(b) defines a ROT as "a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account." For purposes of Rule 1014, the term "ROT" shall include a Streaming Quote Trader and a Remote Streaming Quote Trader, as defined in Rule 1014.

Automated Removal of Quotes and Orders

The Exchange proposes to relocate the Automated Removal of Quotes rule from Rule 1095 to Rule 1099(c)(2) under the title Specialist and Registered Options Traders protections. The Exchange proposes to reserve Rule 1095.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>5</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>6</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by grouping the various risk protections into a single rule for ease of reference and adding headers to the rule to make clear whether the risk protection is an order, quote or order protection or a protection applicable to Specialists and Registered Options Traders. The Exchange believes the reorganization of the existing rule and relocation of various rules into Rule 1099 is a non-substantive rule change. The Exchange believes that this rule change is consistent with the protection of investors and the public interest because it will bring greater transparency to the protections offered on Phlx.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal does not impose an intra-market burden on competition with respect to the reorganization and relocation of the various rules into Rule 1099 because the various risk protections will continue to apply uniformly to all market participants.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect

<sup>5</sup> 15 U.S.C. 78f(b).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

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) of the Act<sup>7</sup> and Rule 19b-4(f)(6) thereunder.<sup>8</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>9</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>10</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. Waiver of the operative delay would allow the Exchange to reorganize its rules without delay to provide market participants with a single point of reference for the risk protections offered by the Exchange. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.<sup>11</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and 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.

<sup>9</sup> 17 CFR 240.19b-4(f)(6).

<sup>10</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>11</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).



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](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2018-41 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2018-41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2018-41, and should be submitted on or before June 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-11612 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83319; File No. SR-NYSEArca-2018-15]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, As Modified by Amendment No. 1 Thereto, To Continue Listing and Trading Shares of the PGIM Ultra Short Bond ETF Under NYSE Arca Rule 8.600-E

May 24, 2018.

#### I. Introduction

On March 6, 2018, NYSE Arca, Inc. ("Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares ("Shares") of the PGIM Ultra Short Bond ETF ("Fund"), a series of PGIM ETF Trust ("Trust"), under NYSE Arca Rule 8.600-E. The proposed rule change was published for comment in the **Federal Register** on March 23, 2018.<sup>3</sup> On April 25, 2018, the Exchange filed Amendment No. 1 to the proposal, which replaced and superseded the proposed rule change in its entirety.<sup>4</sup> On May 4, 2018, the Commission extended the time the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> The Commission has received no comments on the proposal. This order approves the proposed rule

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 82899 (Mar. 19, 2018), 83 FR 12824.

<sup>4</sup> In Amendment No. 1, the Exchange: (1) Provided additional information regarding certain of the Fund's permitted investments; (2) clarified that the Fund may invest up to 25% of its total assets in the Affiliated Short Term Bond Fund Shares (defined below) and 10% of its total assets in other non-exchange-traded open-end management investment company securities; (3) described the availability of price information for certain of the Fund's permitted investments; and (4) made changes of a technical nature. Amendment No. 1 is not subject to notice and comment because it does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues. Amendment No. 1 is available at: <https://www.sec.gov/comments/sr-nysearca-2018-15/nysearca201815-3510337-162292.pdf>.

<sup>5</sup> See Exchange Act Release No. 83174, 83 FR 21794 (May 10, 2018). The Commission designated June 21, 2018, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

change as modified by Amendment No. 1.

#### II. Description of the Proposal<sup>6</sup>

The Trust is registered under the 1940 Act.<sup>7</sup> The Shares<sup>8</sup> are listed and traded on the Exchange under Commentary .01 to NYSE Arca Rule 8.600-E,<sup>9</sup> which provides generic criteria applicable to the listing and trading of Managed Fund Shares.<sup>10</sup> However, the Fund intends to change its investment strategy such that the Shares would no longer qualify for generic listing on the Exchange. Specifically, the Fund's portfolio would continue to satisfy all of the generic listing requirements except that:

- Investments in non-agency, non-government sponsored entity and privately issued mortgage-related and other asset-backed securities ("Private ABS/MBS") may account for up to 20% of the total assets of the Fund (rather than 20% of the weight of the fixed income portion of the portfolio, as required under Commentary .01(b)(5));
- fixed income securities that do not meet any of the criteria in Commentary .01(b)(4) will not exceed 10% of the total assets of the Fund (rather than

<sup>6</sup> Additional information regarding, among other things, the Shares, the Fund, its investment objective, its permitted investments, its investment strategies and methodology, its investment restrictions, its investment adviser and subadviser, its fees, its creation and redemption procedures, availability of information, trading rules and halts, and surveillance procedures can be found in Amendment No. 1 and in the Registration Statement. See Amendment No. 1, *supra* note 4, and Registration Statement, *infra* note 7, respectively.

<sup>7</sup> On January 8, 2018, the Trust filed with the Commission its registration statement on Form N-1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333-222469 and 811-23324) ("Registration Statement"). The Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 31095 (Jun. 24, 2014) (File No. 812-14267).

<sup>8</sup> The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities.

<sup>9</sup> The Shares commenced trading on the Exchange on April 10, 2018. See Amendment No. 1, *supra* note 4, at 3, n.1.

<sup>10</sup> A Managed Fund Share is a security that: (1) Represents an interest in a registered investment company ("Investment Company") organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value; and (c) when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined net asset value. See NYSE Arca Rule 8.600-E(c)(1).

<sup>12</sup> 17 CFR 200.30-3(a)(12).

such securities not comprising more than 10% of the fixed income weight of the portfolio, as prescribed by that criterion); and

- the Fund's investments in non-exchange-traded open-end management investment company securities, including "Affiliated Short Term Bond Fund Shares,"<sup>11</sup> would not meet the requirements of Commentary .01(a)(1)(A) through (E) to Rule 8.600–E.<sup>12</sup>

According to the Exchange, these deviations from the generic requirements are necessary for the Fund to achieve its investment objective in a manner that is cost-effective and that maximizes investors' returns.<sup>13</sup>

### III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>14</sup> In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Exchange Act,<sup>15</sup> which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. As mentioned above, the Fund's portfolio would continue to meet all of the generic listing criteria except for the requirements of Commentary .01(b)(5) to NYSE Arca Rule 8.600–E,<sup>16</sup> Commentary .01(b)(4) to NYSE Arca

Rule 8.600–E,<sup>17</sup> and Commentary .01(a)(1) to NYSE Arca Rule 8.600–E.<sup>18</sup> The Commission believes that Fund's proposed maximum level of investment in Private ABS/MBS is consistent with the Commission's previous approval of the listing of shares of other actively managed ETFs that could invest up to 20% of their total assets in non-U.S. Government, non-agency, non-GSE and other privately issued ABS and MBS.<sup>19</sup>

<sup>17</sup> Commentary .01(b)(4) provides that component securities that in the aggregate account for at least 90% of the fixed income weight of the portfolio must be either: (a) From issuers that are required to file reports pursuant to Sections 13 and 15(d) of the Act; (b) from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of \$700 million or more; (c) from issuers that have outstanding securities that are notes, bonds debentures, or evidence of indebtedness having a total remaining principal amount of at least \$1 billion; (d) exempted securities as defined in Section 3(a)(12) of the Act; or (e) from issuers that are a government of a foreign country or a political subdivision of a foreign country.

<sup>18</sup> Commentary .01(a)(1) to Rule 8.600–E provides that the component stocks of the equity portion of a portfolio that are U.S. Component Stocks shall meet the following criteria initially and on a continuing basis:

(A) Component stocks (excluding Derivative Securities Products and Index-Linked Securities) that in the aggregate account for at least 90% of the equity weight of the portfolio (excluding such Derivative Securities Products and Index-Linked Securities) each shall have a minimum market value of at least \$75 million;

(B) Component stocks (excluding Derivative Securities Products and Index-Linked Securities) that in the aggregate account for at least 70% of the equity weight of the portfolio (excluding such Derivative Securities Products and Index-Linked Securities) each shall have a minimum monthly trading volume of 250,000 shares, or minimum notional volume traded per month of \$25,000,000, averaged over the last six months;

(C) The most heavily weighted component stock (excluding Derivative Securities Products and Index-Linked Securities) shall not exceed 30% of the equity weight of the portfolio, and, to the extent applicable, the five most heavily weighted component stocks (excluding Derivative Securities Products and Index-Linked Securities) shall not exceed 65% of the equity weight of the portfolio;

(D) Where the equity portion of the portfolio does not include Non-U.S. Component Stocks, the equity portion of the portfolio shall include a minimum of 13 component stocks; provided, however, that there shall be no minimum number of component stocks if (i) one or more series of Derivative Securities Products or Index-Linked Securities constitute, at least in part, components underlying a series of Managed Fund Shares, or (ii) one or more series of Derivative Securities Products or Index-Linked Securities account for 100% of the equity weight of the portfolio of a series of Managed Fund Shares; and

(E) Except as provided herein, equity securities in the portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 of Regulation NMS under the Securities Exchange Act of 1934.

<sup>19</sup> See, e.g., Securities Exchange Act Release No. 80946 (June 15, 2017) 82 FR 28126 (June 20, 2017) (SR–NASDAQ–2017–039); Securities Exchange Act Release No. 76412 (November 10, 2015), 80 FR 71880 (November 17, 2015) (SR–NYSEArca–2015–111).

With respect to the Fund's investments in shares of non-exchange-traded open-end management investment company securities, including "Affiliated Short Term Bond Fund Shares," the Commission notes that: (1) Such securities must satisfy applicable 1940 Act diversification requirements; and (2) the value of such securities is based on the value of securities and financial assets held by those investment companies.<sup>20</sup> The Commission therefore believes that the Fund's investments in non-exchange-traded open-end management investment company securities,<sup>21</sup> including "Affiliated Short Term Bond Fund Shares," would not make the Shares susceptible to fraudulent or manipulative acts and practices. Similarly, the Commission believes that the level of investment by the Fund in securities that do not satisfy the requirements of Commentary .01(b)(4) to NYSE Arca Rule 8.600–E, *i.e.*, no more than 10% of the Fund's net assets, would not make the Shares susceptible to fraudulent or manipulative acts and practices.

The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange represents that the Fund's investment adviser and subadviser are not registered as broker-dealers but are affiliated with the Fund's distributor, which is a broker-dealer, and have implemented and will maintain a "fire wall" with respect to such broker-dealer regarding access to information concerning the composition or changes to the Fund's portfolio.<sup>22</sup>

Trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by Financial Industry Regulatory Authority ("FINRA") on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information regarding trading in the Shares, certain exchange-traded

<sup>11</sup> "Affiliated Short Term Bond Fund Shares" are shares of the Prudential Core Ultra Short Bond Fund or, if the Prudential Core Ultra Short Bond Fund is no longer offered with the same investment objective, shares of any successor fund or other affiliated open-end investment company registered under the 1940 Act with a substantially similar investment objective. See Amendment No. 1, *supra* note 4, at 6–7.

<sup>12</sup> Investments in Affiliated Short Term Bond Fund Shares will not exceed 25% of the total assets of the Fund, and investments in other non-exchange-traded open-end management investment company securities will not exceed 10% of the total assets of the Fund. See *id.* at 15.

<sup>13</sup> See *id.* at 13.

<sup>14</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. See 15 U.S.C. 78c(f).

<sup>15</sup> 15 U.S.C. 78f(b)(5).

<sup>16</sup> Commentary .01(b)(5) to NYSE Arca Rule 8.600–E provides that non-agency, non-government sponsored entity and privately issued mortgage-related and other asset-backed securities components of a portfolio may not account, in the aggregate, for more than 20% of the weight of the fixed income portion of the portfolio.

<sup>20</sup> See Amendment No. 1, *supra* note 4, at 16.

<sup>21</sup> See *supra* note 12.

<sup>22</sup> See *id.* at 5. Additionally, the Exchange represents that, in the event (a) the adviser or the subadviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a "fire wall" with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures, each designed to prevent the use and dissemination of material non-public information regarding such portfolio. See *id.*

options and certain futures from markets and other entities that are members of Intermarket Surveillance Group (“ISG”) or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange is able to access from FINRA, as needed, trade information for certain fixed income securities held by the Fund reported to the Trade Reporting and Compliance Engine (“TRACE”) of FINRA. FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to certain municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,<sup>23</sup> which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Intra-day and closing price information regarding exchange-traded options will be available from the exchange on which such instruments are traded. Intra-day and closing price information regarding the Principal Investment Instruments<sup>24</sup> also will be available from major market data vendors. Price information relating to over-the-counter options and swaps will be available from major market data vendors. Intra-day price information for exchange-traded derivative instruments will be available from the applicable exchange and from major market data vendors. For exchange-listed securities (including ETFs), intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable). Intraday and other price information for the fixed income securities in which the Fund invests will be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other market participants. Additionally, TRACE will be a source of price information for corporate bonds, privately-issued securities, MBS and ABS, to the extent transactions in such securities are reported to TRACE.<sup>25</sup>

Money market funds and the Affiliated Short Term Bond Fund are typically priced once each Business Day and their prices will be available through the applicable fund’s website or from major market data vendors.<sup>26</sup> Electronic Municipal Market Access (“EMMA”) will be a source of price information for municipal bonds. Price information regarding U.S. government securities, repurchase agreements, reverse repurchase agreements and cash equivalents generally may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements.

The Commission believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each Business Day, before commencement of trading in Shares in the Core Trading Session on the Exchange,<sup>27</sup> the Fund discloses on its website the Disclosed Portfolio as defined in NYSE Arca Rule 8.600–E(c)(2) that forms the basis for the Fund’s calculation of the net asset value (“NAV”) at the end of the Business Day.<sup>28</sup> The Exchange has obtained a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

In addition, the Portfolio Indicative Value, as defined in NYSE Arca Rule 8.600–E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session. The Transfer Agent, through the National Securities Clearing

such debt securities will have at issuance a maturity that exceeds one calendar year. For fixed income securities that are not reported to TRACE, (i) intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable) and (ii) price information will be available from feeds from market data vendors, published or other public sources, or online information services, as described above.

<sup>26</sup> The Fund’s website ([www.pginvestments.com](http://www.pginvestments.com)) will include the prospectus for the Fund that may be downloaded. The Fund’s website will include additional quantitative information updated on a daily basis.

<sup>27</sup> The “Core Trading Session” is defined in NYSE Arca Rule 7.34–E(a)(2).

<sup>28</sup> Under accounting procedures followed by the Fund, trades made on the prior Business Day (“T”) will be booked and reflected in NAV on the current Business Day (“T+1”). Accordingly, the Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

Corporation, makes available on each Business Day, immediately prior to the opening of business on the Exchange (currently 9:30 a.m. E.T.), the list of the names and the required number of securities for each Deposit Instrument to be included in the current Portfolio Deposit (based on information at the end of the previous Business Day), as well as information regarding the Cash Amount for the Fund. Such Portfolio Deposit is applicable, subject to any adjustments as described below, in order to effect creations of Creation Units of the Fund until such time as the next-announced Portfolio Deposit composition is made available.

The Exchange represents that trading in Shares will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.<sup>29</sup> NYSE Arca Rule 8.600–E(d)(2)(D) also sets forth circumstances under which trading in the Shares may be halted.

In support of this proposal, the Exchange has also made the following representations:

(1) The Shares will be subject to NYSE Arca Rule 8.600–E, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.<sup>30</sup>

(2) All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares on the Exchange.<sup>31</sup>

(3) The issuer will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5(m)–E.<sup>32</sup>

<sup>29</sup> These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. See Amendment No. 1, *supra* note 4, at 20.

<sup>30</sup> See *id.* at 21.

<sup>31</sup> See *id.* at 22.

<sup>32</sup> See *id.*

<sup>23</sup> 15 U.S.C. 78k–1(a)(1)(C)(iii).

<sup>24</sup> The term “Principal Investment Instruments” is defined in Amendment No. 1, *supra* note 4, at 6.

<sup>25</sup> Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally,

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.<sup>33</sup>

(5) The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.<sup>34</sup>

(6) For initial and continued listing, the Fund will be in compliance with Rule 10A-3 under the Act, as provided by NYSE Arca Rule 5.3-E.<sup>35</sup>

(7) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.<sup>36</sup>

(8) Investments in the Affiliated Short Term Bond Fund will not exceed 25% of the total assets of the Fund.<sup>37</sup>

(9) The Fund may invest up to 10% of the total assets of the Fund in shares of other non-exchange-traded open-end management investment company securities.<sup>38</sup>

This approval order is based on all of the Exchange's representations, including those set forth above and in Amendment No. 1.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act<sup>39</sup> and the rules and regulations thereunder applicable to a national securities exchange.

**IV. Conclusion**

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act, that the proposed rule change (SR-NYSEArca-2018-15), as modified by Amendment No. 1, is hereby approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>40</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-11609 Filed 5-30-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Surrender of License of Small Business Investment Company**

Pursuant to the authority granted to the United States Small Business Administration under the Small

Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 04/04-0299 issued to Plexus Fund I, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: May 23, 2018.

**A. Joseph Shepard,**

*Associate Administrator for Investment and Innovation.*

[FR Doc. 2018-11668 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #15539 and #15540; Mississippi Disaster Number MS-00106]**

**Administrative Declaration of a Disaster for the State of Mississippi**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Mississippi dated 05/22/2018.

*Incident:* Severe Storms and Tornadoes.

*Incident Period:* 04/13/2018.

**DATES:** Issued on 05/22/2018.

*Physical Loan Application Deadline Date:* 07/23/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/22/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Lauderdale.

*Contiguous Counties:*

Mississippi: Clarke, Jasper, Kemper, Neshoba, Newton.

Alabama: Choctaw, Sumter.  
The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	3.625
Homeowners without Credit Available Elsewhere .....	1.813
Businesses with Credit Available Elsewhere .....	7.160
Businesses without Credit Available Elsewhere .....	3.580
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere .....	2.500
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	3.580
Non-Profit Organizations without Credit Available Elsewhere .....	2.500

The number assigned to this disaster for physical damage is 15539 C and for economic injury is 15540 O.

The States which received an EIDL Declaration # are Mississippi, Alabama.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: May 22, 2018.

**Linda E. McMahan,**  
*Administrator.*

[FR Doc. 2018-11666 Filed 5-30-18; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #15524 and #15525; Kentucky Disaster Number KY-00066]**

**Administrative Declaration of a Disaster for the Commonwealth of Kentucky**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the Commonwealth of Kentucky dated 05/22/2018.

*Incident:* Severe Storms and Heavy Flooding.

*Incident Period:* 02/21/2018 through 03/21/2018.

**DATES:** Issued on 05/22/2018.

*Physical Loan Application Deadline Date:* 07/23/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/22/2019.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

<sup>33</sup> See *id.* at 21.

<sup>34</sup> See *id.*

<sup>35</sup> See *id.* at 21. See also 17 CFR 240.10A-3.

<sup>36</sup> See *id.* at 21.

<sup>37</sup> See *id.* at 15.

<sup>38</sup> See *id.* at 8-9.

<sup>39</sup> 15 U.S.C. 78f(b)(5).

<sup>40</sup> 17 CFR 200.30-3(a)(12).

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Hardin, Jefferson.

*Contiguous Counties:*

Kentucky: Breckinridge, Bullitt, Grayson, Hart, Larue, Meade, Nelson, Oldham, Shelby, Spencer.  
 Indiana: Clark, Floyd, Harrison.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	3.625
Homeowners without Credit Available Elsewhere .....	1.813
Businesses with Credit Available Elsewhere .....	7.160
Businesses without Credit Available Elsewhere .....	3.580
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere .....	2.500
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	3.580
Non-Profit Organizations without Credit Available Elsewhere .....	2.500

The number assigned to this disaster for physical damage is 15524 6 and for economic injury is 15525 0.

The States which received an EIDL Declaration # are Kentucky, Indiana.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: May 22, 2018.

**Linda E. McMahon,**  
*Administrator.*

[FR Doc. 2018-11667 Filed 5-30-18; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Reporting and Recordkeeping Requirements Under OMB Review**

**AGENCY:** Small Business Administration.

**ACTION:** 30-Day Notice.

**SUMMARY:** The Small Business Administration (SBA) is publishing this

notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public of that submission.

**DATES:** Submit comments on or before July 2, 2018.

**ADDRESSES:** Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer*, Curtis Rich, Small Business Administration, 409 3rd Street, SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer*, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Curtis Rich, Agency Clearance Officer, (202) 205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

*Copies:* A copy of the Form OMB 83-1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**SUPPLEMENTARY INFORMATION:** This form facilitates online registration for the Boots to Business course for eligible service members and their spouses. The collected data will be used to report course statistics, manage course operations more efficiently, tailor individual classes based on the experience and interests of the participants, and ultimately contact Boots to Business alumni.

*Solicitation of Public Comments:* Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

*Summary of Information Collections:*  
*Title:* Boots to Business Course Registration.

*Description of Respondents:* Transitioning Service Members.

*Form Number:* N/A.

*Estimated Annual Respondents:* 10,500.

*Estimated Annual Responses:* 10,500.

*Estimated Annual Hour Burden:* 2,100.

**Curtis B. Rich,**  
*Management Analyst.*

[FR Doc. 2018-11584 Filed 5-30-18; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Surrender of License of Small Business Investment Company**

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 01/01-0408 issued to SEED Ventures, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: May 23, 2018.

**A. Joseph Shepard,**  
*Associate Administrator for Investment and Innovation.*

[FR Doc. 2018-11672 Filed 5-30-18; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF STATE**

[Delegation of Authority No. 446]

**Delegation of Authorities in Section 101(A)(27)(D) of the Immigration and Nationality Act To Approve Recommendations That Special Immigrant Status Be Granted to Aliens in Exceptional Circumstances and To Find That Granting Such Status Is in the U.S. National Interest**

By virtue of the authority vested in the Secretary of State, including by Section 1 of the Department of State Basic Authorities Act, as amended (22 U.S.C. 2651a), and by the Immigration and Nationality Act (INA), I hereby delegate to the Assistant Secretary of State for Consular Affairs:

(1) The authority set forth in section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101) to approve recommendations for the granting of special immigrant status to aliens who qualify under this section in exceptional circumstances and to find that it is in the national interest to grant such status; and

(2) The authority set forth in 22 CFR 42.32(d)(2)(v) to extend the validity of such approval of special immigrant status or of a petition issued on the basis of such status for not more than one additional year.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time. The authorities covered by this delegation of authority may be re-

delegated, to the extent authorized by law.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, and the Under Secretary for Management may at any time exercise any authority or function delegated herein.

This delegation of authority does not supersede or amend Delegation of Authority 367 or any other delegation of authority currently in effect.

This delegation of authority shall be published in the **Federal Register**.

Dated: May 16, 2018.

**Mike Pompeo**,  
Secretary of State.

[FR Doc. 2018-11740 Filed 5-30-18; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice: 10423]

### Renewal of Defense Trade Advisory Group Charter

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Department of State announces the renewal of the Charter for the Defense Trade Advisory Group (DTAG). The DTAG advises the Department on its support for and regulation of defense trade to help ensure the foreign policy and national security of the United States continue to be protected and advanced, while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of U.S. friends and allies. It is the only Department of State advisory committee that addresses defense trade related topics. The DTAG will remain in existence for two years after the filing date of the Charter unless terminated sooner.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Dearth, Alternate Designated Federal Officer, Defense Trade Advisory Group, Directorate of Defense Trade Controls, Department of State, Washington, DC 20520, telephone: (202) 663-2836 or email [DearthAM@state.gov](mailto:DearthAM@state.gov).

**SUPPLEMENTARY INFORMATION:** The DTAG is authorized by 22 U.S.C. 2651a and 2656 and the Federal Advisory Committee Act, 5 U.S.C. Appendix.

**Anthony Dearth**,  
Alternate Designated Federal Officer, Defense Trade Advisory Group, Department of State.

[FR Doc. 2018-11106 Filed 5-30-18; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### NextGen Advisory Committee

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of NextGen Advisory Committee (NAC) establishment.

**SUMMARY:** The FAA is issuing this notice to advise the public of the establishment of the NAC for 2 years. The Federal Aviation Administration (FAA) is establishing the NAC under agency authority in accordance with the provisions of the Federal Advisory Committee Act (FACA). The NAC is necessary and in the public interest. The nature and purpose of the NAC is to seek resolution of issues and challenges involving concepts, requirements, operational capabilities, the associated use of technology, and related considerations to aeronautical operations that affect the future of the Air Traffic Management System and the integration of new technologies.

**FOR FURTHER INFORMATION CONTACT:** Pamela Gomez at [Pamela.Gomez@faa.gov](mailto:Pamela.Gomez@faa.gov) or (202) 251-6048, located at 1250 Maryland Ave SW, Washington, DC 20024.

**SUPPLEMENTARY INFORMATION:** The Federal advisory committee's meetings will be open to the public and announced in the **Federal Register**, except as authorized by Section 10(d) of the Federal Advisory Committee Act.

Issued in Washington, DC, on May 25 2018.

**John Wesley Raper**,  
Manager, Partnership Branch, ANG-A17, NextGen, Management Services, Federal Aviation Administration.

[FR Doc. 2018-11696 Filed 5-25-18; 4:15 pm]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Drone Advisory Committee

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Drone Advisory Committee (DAC) establishment.

**SUMMARY:** The FAA is issuing this notice to advise the public of the establishment of the DAC for 2 years. The Federal Aviation Administration (FAA) is establishing the DAC under agency authority in accordance with the provisions of the Federal Advisory Committee Act (FACA). The DAC is necessary and in the public interest.

The nature and purpose of the DAC is to provide an open venue for FAA and Unmanned Aircraft Systems (UAS) stakeholders to work in partnership to develop a consensus-based set of resolutions for issues and challenges regarding the efficiency and safety of integrating UAS into the National Airspace System and to develop recommendations to address these issues and challenges.

**FOR FURTHER INFORMATION CONTACT:** Chris Harm at [Chris.Harm@faa.gov](mailto:Chris.Harm@faa.gov) or 202-267-5401, located at 490 L'Enfant Plaza SW, Suite 7225 Washington, DC 20024.

**SUPPLEMENTARY INFORMATION:** The Federal advisory committee's meetings will be open to the public and announced in the **Federal Register**, except as authorized by Section 10(d) of the Federal Advisory Committee Act.

Issued in Washington, DC, on May 25, 2018.

**John Wesley Raper**,  
Manager, Partnership Branch, ANG-A17, NextGen, Management Services, Federal Aviation Administration.

[FR Doc. 2018-11697 Filed 5-25-18; 4:15 pm]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

**TIME AND DATE:** The meetings will occur on the following schedule and will take place in the Eastern (Daylight) Time Zone:

#### Sunday, June 3, 2018

9:45 a.m.–10:30 a.m.: Procedures Subcommittee

10:30 a.m.–11:00 a.m.: Audit Subcommittee

11:00 a.m.–11:30 a.m.: Finance Subcommittee

11:30 a.m.–12:00 Noon: Registration System Subcommittee

12:00 Noon–12:30 p.m.: Dispute Resolution Subcommittee

#### Tuesday, June 5, 2018

10:15 a.m.–10:35 a.m.: Procedures Subcommittee

10:35 a.m.–10:55 a.m.: Audit Subcommittee

10:55 a.m.–11:20 a.m.: Finance Subcommittee

11:20 a.m.–11:40 a.m.: Registration System Subcommittee

11:40 a.m.–12:00 Noon: Dispute Resolution Subcommittee

**Wednesday, June 6, 2018**

The Board meeting will be held from 12:00 noon to 3:00 p.m.

**PLACE:** These meetings will be open to the public at the Sonesta Ft. Lauderdale Beach Blvd. Hotel, 999 Ft. Lauderdale, FL 33304, and via conference call. Those not attending the meetings in person may call toll-free 1-877-422-1931, passcode 2855443940, to listen and participate in the meetings.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board. An agenda for these meetings will be available no later than 5:00 p.m. Eastern Daylight Time, May 25, 2018 at: <https://ucrplan.org>.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827-4565.

Issued on: May 25, 2018.

**Larry W. Minor,**

*Associate Administrator, Office of Policy, Federal Motor Carrier Safety Administration.*

[FR Doc. 2018-11765 Filed 5-29-18; 11:15 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration**

[FTA Docket No. FTA 2018-0007]

**Agency Information Collection Activity Under OMB Review**

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Job Access and Reverse Commute (JARC) Program.

**DATES:** Comments must be submitted before July 30, 2018.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting

comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at [www.regulations.gov](http://www.regulations.gov). Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202-366-7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

*Instructions:* You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to [www.regulations.gov](http://www.regulations.gov). You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit [www.regulations.gov](http://www.regulations.gov).

*Docket:* For access to the docket to read background documents and comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Elan Flippin, Office of Program Management (202) 366-3800 or email: [elan.flippin@dot.gov](mailto:elan.flippin@dot.gov).

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity

of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* Job Access and Reverse Commute (OMB Number: 2132-0563).

*Background:* The Job Access and Reverse Commute (JARC) program, provided grants for filling gaps in employment transportation. The primary beneficiaries of this program were low-income families and families coming off welfare assistance who otherwise would have a difficult time getting to jobs and related services, such as child care and training. The program was begun in 1999 and was continued under Section 5316 of the federal transportation legislation, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed by Congress in 2005. The JARC program authorized two kinds of grants: Job Access grants (aimed at developing new transportation services for low-income workers and/or filling in gaps in existing services) and Reverse Commute projects (intended to provide transportation to suburban jobs from urban, rural and other suburban locations—but not necessarily just for low-income people). The JARC program was repealed under the Moving Ahead for Progress in the 21st Century Act (MAP-21). Although the program has expired, JARC activities are eligible for funding under FTA's Urbanized Area Formula Grants (Section 5307) and the Formula Grants for Rural Areas (Section 5311) programs. However, funds previously authorized for the program repealed by MAP-21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

*Estimated Annual Number of Respondents:* 160 respondents.

*Estimated Total Annual Burden:* 46,074 hours.

*Frequency:* Annually.

**William Hyre,**

*Deputy Associate Administrator for Administration.*

[FR Doc. 2018-11605 Filed 5-30-18; 8:45 am]

**BILLING CODE 4910-57-P**



**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**Allocation of Public Transportation Emergency Relief Funds in Response to Hurricanes Harvey, Irma, and Maria**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Allocation of Emergency Relief funds.

**SUMMARY:** The Federal Transit Administration (FTA) announces the allocation of \$277.5 million under the Public Transportation Emergency Relief Program (Emergency Relief Program) to States, Territories, and public transportation agencies affected by Hurricanes Harvey, Irma, and Maria. Within the \$277.5 million announced in this notice, FTA is allocating \$233.3 million for response, recovery, and rebuilding projects and \$44.2 million for project elements or stand-alone projects that increase the resilience of the affected transit systems to future disasters. Such resilience investments shall be subject to specific conditions cited in this notice.

**FOR FURTHER INFORMATION CONTACT:** Contact the appropriate FTA regional office found at <http://www.transit.dot.gov> for application-specific information and other assistance needed in preparing a Transit Award Management System (TrAMS) grant application. For program-specific questions, please contact John Bodnar, Office of Program Management, 1200 New Jersey Ave. SE, Washington, DC 20590, phone: (202) 366-9091, or email, [John.Bodnar@dot.gov](mailto:John.Bodnar@dot.gov). For legal questions, contact Bonnie Graves, Office of Chief Counsel, 90 Seventh St., Ste 15-300, San Francisco, CA 94103, phone: (202) 366-0944, or email, [Bonnie.Graves@dot.gov](mailto:Bonnie.Graves@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Considerations for Recipients of Emergency Relief Funds
  - A. Background and Allocation of Funds
  - B. Allocation Methodology
  - C. Matching Share
  - D. Pre-award Authority
  - E. Resilience Program of Projects
  - F. Waiver of Remaining Useful Life Requirement
  - G. Treatment of Insurance Proceeds
  - H. Eligible Sources of Local Match
  - I. Waiver Process
- II. Award Administration
  - A. Grant Application
  - B. Payment
  - C. Grant Requirements
  - D. Reporting Requirements
  - E. Oversight and Audits

**I. Considerations for Recipients of Emergency Relief Funds**

*A. Background and Allocation of Funds*

Beginning in August 2017, President Trump issued major disaster declarations associated with Hurricanes Harvey, Irma, and Maria for the following States and Territories: Florida, Georgia, Louisiana, Puerto Rico, South Carolina, Texas, and the United States Virgin Islands. Numerous counties and parishes in these States and Territories have been designated as eligible for assistance under the major disaster declarations.

The Bipartisan Budget Act of 2018 (Pub. L. 115-123) appropriated \$330 million for FTA’s Emergency Relief Program (49 U.S.C. 5324, Catalog of Federal Domestic Assistance #20.527) for transit systems affected by Hurricanes Harvey, Irma, and Maria. FTA is allocating funds consistent with the requirements of the final rule for the Emergency Relief Program, 49 CFR part 602, published in the **Federal Register** on October 7, 2014. FTA’s Emergency Relief Program provides FTA with primary responsibility for reimbursing emergency response and recovery costs

after an emergency or major disaster that affects public transportation systems. As such, public transportation agencies, States, Territories, local governmental authorities, Indian tribes, and other FTA grant recipients that provide or fund public transportation service in the affected areas are eligible for Emergency Relief funding under the program. Of the \$330 million appropriated, a total of \$2,475,000 is set aside for administrative expenses and ongoing program management oversight activities as authorized under the Bipartisan Budget Act.

From the remaining \$327,525,000 currently available for allocation, FTA is allocating \$277,525,000 as follows:

1. \$232,308,000 for response, recovery, and rebuilding for States, Territories, and FTA direct recipients with estimated FTA Emergency Relief costs, including costs of subrecipients, eligible for reimbursement of more than \$25,000
2. \$44,217,000 for resilience projects in Florida, Puerto Rico, Texas, and the United States Virgin Islands
3. \$1 million for response, recovery, and rebuilding for States, FTA direct recipients, and their subrecipients without a direct allocation of funds

FTA is reserving \$50 million for latent damages, damages not assessed in smaller areas, cost increases, and additional Emergency Relief needs that exceed the amounts made available in this notice. FTA may update allocations without further notice based on revised validated damage assessments.

Recipients are strongly encouraged to review FTA’s Emergency Relief Manual, found at <https://www.transit.dot.gov/funding/grant-programs/emergency-relief-program/emergency-relief-manual-reference-manual-states> to assist in the identification of potentially eligible projects and emergency expenses.

**TABLE A—ALLOCATION SUMMARY**

Direct Allocations for Response, Recovery, and Rebuilding .....	\$ 232,308,000
Allocation for States and Direct Recipients Without a Direct Allocation .....	1,000,000
Resilience Allocations .....	44,217,000
Unallocated [Reserved for Latent Damages, Damages Not Assessed in Smaller Areas, Cost Increases, and Additional Emergency Relief needs that Exceed the Amounts Made Available in this Notice] .....	50,000,000
Reserved for Administrative Expenses and Program Management Oversight .....	2,475,000
<b>Total Appropriation .....</b>	<b>330,000,000</b>

*B. Allocation Methodology*

**1. Response, Recovery, and Rebuilding Allocation Methodology**

FTA is allocating funding in this notice for response, recovery, and

rebuilding based on emergency operations costs and detailed damage assessments submitted by affected agencies and prepared in cooperation with FTA and the Federal Emergency Management Administration (FEMA)

staff. The total estimated cost for emergency transit operations and damage to transit agency assets from Hurricanes Harvey, Irma, and Maria is \$254.1 million. Emergency operations costs, including evacuations and other



extraordinary passenger services, total approximately \$36.3 million for all the transit agencies affected by these three disasters. The damage assessments include an estimated overall capital cost of recovery and rebuilding for the affected agencies, excluding projects to improve the resilience of the affected systems to future disasters. FTA validated the methodologies affected agencies used to estimate the costs of

the damage, which total approximately \$217.8 million.

Based on these estimates, FTA is allocating a total of \$232.3 million for the Federal share (discussed in more detail below) of response, recovery, and rebuilding for States, Territories and FTA direct recipients estimated to have Hurricane Harvey, Irma, and Maria related costs (including costs of subrecipients) eligible for

reimbursement by the FTA Emergency Relief Program in excess of \$25,000.

In the event an affected recipient believes there has been a change to their overall damage assessment, the recipient should notify the relevant FTA regional office and provide documentation supporting the change for FTA review and validation. If, upon review, FTA concurs in the change, FTA may allocate additional funds to that agency.

TABLE B—DIRECT ALLOCATIONS FOR RESPONSE, RECOVERY, AND REBUILDING

State or territory	Recipient	Discretionary funding ID	Allocation
FL	Brevard County	D2018-EMER-001	\$153,000
FL	Broward County	D2018-EMER-002	857,000
FL	Charlotte County	D2018-EMER-003	57,000
FL	Collier County	D2018-EMER-004	226,000
FL	Hillsborough Area Regional Transit Authority	D2018-EMER-005	110,000
FL	Jacksonville Transportation Authority	D2018-EMER-006	734,000
FL	Key West, City of	D2018-EMER-007	209,000
FL	Lee County	D2018-EMER-008	515,000
FL	Lynx/Central Florida Regional Transportation Authority	D2018-EMER-009	432,000
FL	Manatee County Board of County Commissioners	D2018-EMER-010	70,000
FL	Miami-Dade Department of Transportation and Public Works	D2018-EMER-011	11,432,000
FL	Pinellas Suncoast Transit Authority	D2018-EMER-012	80,000
FL	Sarasota County	D2018-EMER-013	111,000
FL	South Florida Regional Transportation Authority	D2018-EMER-014	1,136,000
FL	StarMetro (Tallahassee)	D2018-EMER-015	41,000
GA	Chatham Area Transit (Savannah)	D2018-EMER-016	187,000
PR	Autoridad Metropolitana de Autobuses	D2018-EMER-017	13,599,000
PR	Barceloneta	D2018-EMER-018	901,000
PR	Bayamón	D2018-EMER-019	164,000
PR	Caguas	D2018-EMER-020	1,116,000
PR	Camuy	D2018-EMER-021	159,000
PR	Carolina	D2018-EMER-022	414,000
PR	Cataño	D2018-EMER-023	928,000
PR	Cayey	D2018-EMER-024	2,452,000
PR	Ciales	D2018-EMER-025	708,000
PR	Cidra	D2018-EMER-026	193,000
PR	Dorado	D2018-EMER-027	49,000
PR	Fajardo	D2018-EMER-028	77,000
PR	Guaynabo	D2018-EMER-029	482,000
PR	Hatillo	D2018-EMER-030	306,000
PR	Hormigueros	D2018-EMER-031	29,000
PR	Humacao	D2018-EMER-032	1,823,000
PR	Juncos	D2018-EMER-033	311,000
PR	Manatí	D2018-EMER-034	233,000
PR	Ponce	D2018-EMER-035	906,000
PR	Puerto Rico Highways and Transportation Authority	D2018-EMER-036	169,412,000
PR	San Juan	D2018-EMER-037	2,701,000
PR	San Lorenzo	D2018-EMER-038	258,000
PR	Toa Baja	D2018-EMER-039	131,000
PR	Vega Alta	D2018-EMER-040	230,000
PR	Vega Baja	D2018-EMER-041	148,000
PR	Yauco	D2018-EMER-042	59,000
TX	Brazos Transit District	D2018-EMER-043	188,000
TX	Capital Metropolitan Transportation Authority	D2018-EMER-044	64,000
TX	Fort Bend County Public Transportation (Fort Bend Transit)	D2018-EMER-045	77,000
TX	Golden Crescent Regional Planning Commission (Victoria Transit)	D2018-EMER-046	69,000
TX	Harris County Community Services Department	D2018-EMER-047	129,000
TX	Metropolitan Transit Authority of Harris County (Houston METRO)	D2018-EMER-048	13,545,000
TX	Port Arthur, City of	D2018-EMER-049	180,000
TX	Texas Department of Transportation	D2018-EMER-050	96,000
TX	Woodlands Township, The	D2018-EMER-051	2,267,000
VI	Virgin Islands Department of Public Works	D2018-EMER-052	1,554,000
Total			232,308,000

Eligible State, Territory and FTA direct recipients not listed in Table B may apply for funding through the

appropriate FTA regional office by following the same process as those entities that have been allocated funds

in this notice. See Table C: FTA Regional Office Contact Information.

TABLE C—FTA REGIONAL OFFICE CONTACT INFORMATION

States served	Contact information
Florida, Georgia, Puerto Rico, South Carolina, United States Virgin Islands.	FTA Region 4 Office, 230 Peachtree NW, Suite 1400, Atlanta, Georgia 30303, Telephone: (404) 865-5600.
Louisiana, Texas	FTA Region 6 Office, Fritz Lantham Federal Building, 819 Taylor Street, Room 14A02, Fort Worth, Texas 76102, Telephone: (817) 978-0550.

FTA will host a webinar for FTA recipients interested in applying for FTA Emergency Relief funds on a date to be determined. The webinar will be announced on FTA’s website and through an email announcement to those who have signed up at <https://public.govdelivery.com/accounts/USDOTFTA/subscriber/new> to receive email updates from FTA regarding the Emergency Relief Program.

2. Resilience Allocation Methodology

FTA is allocating an additional \$44.2 million in Emergency Relief Program funding for projects intended to increase

the resilience of public transportation systems (resilience projects) in the major disaster declaration areas of Hurricanes Harvey, Irma, and Maria to States and Territories that sustained at least \$1 million in transit asset damage across all reporting transit providers within the State or Territory based on the validated preliminary damage assessments. States and Territories that met the \$1 million threshold are Florida, Puerto Rico, Texas, and the United States Virgin Islands.

The amount of this allocation has been determined by first allocating \$5

million in Emergency Relief funds for resilience projects to each of these States and Territories, plus an additional \$24.2 million allocated proportionally by ratio of total damage claimed in the validated preliminary damage assessments for each State or Territory to the total damage claimed in the validated preliminary damage assessments for all four States and Territories combined. States and Territories are responsible for allocating funds to eligible resilience projects within the disaster area.

TABLE D—ALLOCATIONS FOR RESILIENCE

State or territory	Recipient	Discretionary funding ID	Allocation
FL	Florida Department of Transportation	D2018-EMER-053	\$ 6,619,000
PR	Puerto Rico Highways and Transportation Authority	D2018-EMER-054	25,721,000
TX	Texas Department of Transportation	D2018-EMER-055	6,713,000
VI	Virgin Islands Department of Public Works	D2018-EMER-056	5,164,000
Total			44,217,000

C. Matching Share

FTA Emergency Relief funds are eligible for Federal share as follows:

- 100 percent Federal share for emergency operations, emergency protective measures, and emergency repair costs incurred for up to 270 days from the date of the major disaster declaration;

- 90 percent Federal share for permanent repairs which include recovery and rebuilding as well as emergency operations, emergency protective measures, and emergency repair costs incurred after 270 days from the date of the declared disaster; and
  - 80 percent Federal share for resilience projects.
- For recipients in locations for which major disaster declarations were issued

for both Hurricanes Irma and Maria, the calculation for the day on which 100 percent Federal share expires will be made from the date of the major disaster declaration for which the eligible expense was incurred. Please see Table E below for calculations of 270 days from the date of major disaster declarations.

TABLE E—270 DAYS FROM DECLARATION DATE

State/territory (storm)	Date of major disaster declaration	270 days from declaration date
Texas (Harvey)	8/25/2017	5/22/2018
U.S. Virgin Islands (Irma)	9/7/2017	6/4/2018
Florida (Irma)	9/10/2017	6/7/2018
Puerto Rico (Irma)	9/10/2017	6/7/2018
Georgia (Irma)	9/15/2017	6/12/2018
U.S. Virgin Islands (Maria)	9/20/2017	6/17/2018
Puerto Rico (Maria)	9/20/2017	6/17/2018
Louisiana (Harvey)	10/16/2017	7/13/2018

TABLE E—270 DAYS FROM DECLARATION DATE—Continued

State/territory (storm)	Date of major disaster declaration	270 days from declaration date
South Carolina (Irma) .....	10/16/2017	7/13/2018

*D. Pre-award Authority*

Pre-award authority is described in the Emergency Relief Program final rule at 49 CFR 602.11. In considering the use of pre-award authority, recipients should be aware of the following:

(i) Pre-award authority is not a legal or implied commitment that the subject project will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all activities undertaken by the applicant will be eligible for inclusion in the project.

(ii) Except as waived pursuant to the waiver process described in Section I.I of this notice, all FTA statutory, procedural, and contractual requirements must be met.

(iii) The recipient must take no action that prejudices the legal and administrative findings that FTA must make in order to approve a project.

(iv) The Federal amount of any future FTA assistance awarded to the recipient for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/non-Federal match ratio at the time the funds are obligated.

(v) When FTA subsequently awards a grant for the project, the Federal Financial Report in TrAMS indicates the use of pre-award authority.

1. Response, Recovery, and Rebuilding Pre-award Authority

FTA grants pre-award authority to affected recipients for response, recovery, and rebuilding expenses incurred as a result of Hurricanes Harvey, Irma, and Maria. Pre-award authority applies to expenses incurred in preparation for the arrival of the storms in response to forecasts specific to Hurricanes Harvey, Irma, and Maria. Pre-award authority allows affected recipients to incur certain project costs before grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval.

If a recipient intends to use pre-award authority for recovery and rebuilding expenses, FTA recommends the recipient work with the appropriate FTA regional office (see Table C) to verify that all of the proposed costs are all eligible under the Emergency Relief

Program, in advance of incurring any costs to the extent practicable.

2. Resilience Pre-award Authority

Resilience projects may be granted pre-award authority after FTA reviews and approves a State or Territory’s resilience projects, as discussed later in this notice.

*E. Resilience Program of Projects*

Resilience projects funded through the FTA Emergency Relief Program resilience allocations to Florida, Puerto Rico, Texas, and United States Virgin Islands must be submitted to FTA for review and approval in either a program of projects (POP) or individually prior to grant award. For the purposes of this notice, a POP is a list of resilience projects proposed by the State or Territory to be funded from the resilience allocations in this notice. If more than one recipient will apply for grants for projects in the POP, each grant application must include the portion of the POP that identifies the projects to be funded in the grant. The POP must include a description of each project to be funded from the State or Territory’s allocation, including any suballocation among public transportation providers, total project costs, local share, and Federal share for each project. Eligibility for resilience funding also requires the applicable Metropolitan Planning Organization(s) (MPO) to list projects in the approved Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) for metropolitan areas or the approved STIP for nonmetropolitan areas.

*F. Waiver of Remaining Useful Life Requirement*

FTA is implementing a blanket waiver to relieve FTA recipients from its useful life requirement with respect to assets that were destroyed as a result of the storms and taken out of service before the end of their useful life. Such assets are presumed to have no remaining useful life. As a result of this waiver, recipients may apply for funds to replace assets at a 90% Federal share without regard to the Federal interest remaining in the destroyed asset.

Although FTA has determined that Federally-funded assets destroyed by

Hurricanes Harvey, Irma, and Maria have no remaining useful life, recipients may have a financial obligation to FTA for assets that have a fair market value (FMV) in excess of \$5,000 at the time of disposition. For disposition requirements, please see FTA Circular 5010.1E, “Award Management Requirements,” Chapter IV, subsection 4.

*G. Treatment of Insurance Proceeds*

As described in the Emergency Relief Program Manual, and consistent with the Emergency Relief Program final rule and FTA’s Circular 5010.1E: Award Management Requirements, if a recipient receives or allocates insurance proceeds to a cost for which FTA either allocated or awarded Emergency Relief Program funds, the recipient will be required to amend the grant to reflect a reduced Federal amount, and will be required to reimburse FTA for any FTA payments (drawdown of funds) in excess of the new Federal amount. FTA will deobligate any excess or unliquidated funds from the grant. FTA may subsequently reallocate these funds through the Emergency Relief Program for other eligible projects.

In the event a recipient receives insurance proceeds for an asset and decides not to replace that asset, the waiver of useful life described in Section I.F does not apply, and the recipient must reimburse FTA the remaining Federal interest in that asset in accordance with FTA Circular 5010.1E.

*H. Eligible Sources of Local Match*

The non-Federal share of Emergency Relief grants may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital. In addition, recipients may utilize the following provisions for complying with the non-Federal share requirement.

The Community Development Block Grant (CDBG) statute at 42 U.S.C. 5305(a)(9) provides that “payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under [chapter 53 of title 42]” is an eligible activity. Since the CDBG statute specifically is available to fund the “non-Federal share” of other Federal

grant programs, if the activity is eligible under the CDBG program, FTA will accept CDBG funds as local match.

Recipients may also utilize Transportation Development Credits (TDCs), formerly known as Toll Revenue Credits, in place of the non-Federal share. The use of TDCs must be approved by the State, which must send a letter to the FTA regional office certifying the availability of sufficient TDCs and approving their use prior to submitting a grant application. Recipients are advised that the use of TDCs means that no local funds will be required for projects in the grant, and that the funds allocated by FTA may not alone be sufficient to fund the entirety of the proposed Emergency Relief projects. FTA will not allocate additional Federal funds to recipients that use TDCs in place of the non-Federal share, so sufficient alternative funds may need to be located to fully finance projects utilizing TDCs. FTA will not approve a retroactive application of TDCs. Recipients are advised to contact the applicable FTA regional office regarding any questions about eligible sources of local matching funds.

#### *I. Waiver Process*

Recipients may request waivers of FTA administrative requirements by submitting a request to [www.regulations.gov](http://www.regulations.gov), FTA docket number FTA-2018-0001, as described in the Emergency Relief Program final rule at 49 CFR 602.15, however, recipients should not proceed with a project with the expectation that waivers will be provided.

## **II. Award Administration**

### *A. Grant Application*

Once FTA allocates Emergency Relief funds to a recipient, the recipient will be required to submit a grant application electronically via FTA's TrAMS system. Prior to submitting a grant application for response, recovery, or rebuilding projects, recipients are encouraged to submit a proposed list of projects and expenses to FTA's regional office for review. This review will ensure that all proposed projects and costs are eligible under the Emergency Relief Program.

States and FTA direct recipients not reporting Hurricane Harvey, Irma, and Maria related expenses of \$25,000 or more were not given a direct allocation of Emergency Relief funds in this notice. However, such entities may apply for Emergency Relief funds for response, recovery, and rebuilding by following

the same process as those entities that have been allocated funds in this notice.

Each State or Territory allocated resilience funds, in consultation with the public transportation providers in the Hurricane Harvey, Irma, or Maria major disaster declaration areas in their State or Territory, must submit proposed resilience projects either individually or as part of a program of projects to FTA for review and approval prior to submitting a grant application or modification in TrAMS. States and Territories allocated resilience funding may apply for funding on behalf of public transportation providers in Hurricane Harvey, Irma, and Maria major disaster declaration areas in their State or Territory. Direct recipients of FTA funding may also apply directly to FTA for funding for resilience projects previously identified by the State or Territory and approved by FTA.

FTA has assigned distinct project identification numbers for recovery/rebuilding projects and for resilience projects. Recipients should work with the FTA regional offices to determine when, if appropriate, multiple grant applications may be required. While there is nothing that precludes the obligation of funding allocated for resilience projects in the same grant as recovery and rebuilding projects, recipients will be required to track these costs separately and to include a separate scope for costs associated with resilience projects. This will allow FTA to track the obligation of funds for resilience costs.

Recipients are required to maintain records, including but not limited to all invoices, contracts, time sheets, and other evidence of expenses to assist FTA in validating the eligibility and completeness of a recipient's reimbursement requests under the Improper Payment Information Act.

Upon application, the eligible recipient should provide the information outlined in 49 CFR 602.17. For grant applications for reimbursement for emergency operations costs, applicants should include summary information as described in 49 CFR 602.17(c) (dates, hours, number of vehicles, and total fare revenues, if any, received for the emergency service), as well as cost and a description of services in sufficient detail for FTA to identify the costs as reasonable and eligible under the Emergency Relief Program. Back-up or supporting documentation may be requested upon FTA's review of the application or at a later date. Any costs determined to be ineligible after

disbursement of funds must be refunded to FTA.

### *B. Payment*

Upon award, payments to recipients will be made by electronic transfer to the recipient's financial institution through FTA's Electronic Clearing House Operation (ECHO) system.

### *C. Grant Requirements*

Emergency Relief funds may only be used for eligible purposes as defined under 49 U.S.C. 5324 and as described in the Emergency Relief Program final rule (49 CFR part 602) and this notice.

Recipients of section 5324 funds must comply with all applicable Federal requirements, including FTA's Master Agreement. Each grant for section 5324 funds will include special grant conditions, including but not limited to, application of insurance proceeds, application of any FEMA funds received, and Federal share. These special conditions will be incorporated into the grant agreement for all Hurricane Harvey, Irma, and Maria Emergency Relief funds.

### *D. Reporting Requirements*

Post-award reporting requirements include submission of the Federal Financial Report and Milestone Progress Reports in TrAMS consistent with FTA's grants management Circular 5010.1E.

### *E. Oversight and Audits*

FTA will provide oversight of grants funded through the Emergency Relief Program using its standard oversight programs, including Triennial Reviews and State Management Reviews. FTA may assign program level reviews such as Procurement System Reviews or Financial Management Oversight reviews. FTA will monitor the use of insurance proceeds to ensure they meet program requirements. FTA may undertake other reviews of projects, such as Technical Capacity and Capability Assessments; Risk Assessments; Cost, Schedule, and Scope Reviews; and other reviews FTA determines are necessary.

Issued in Washington, DC, on May 23, 2018.

**K. Jane Williams,**

*Acting Administrator.*

[FR Doc. 2018-11538 Filed 5-30-18; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD-2018-0088]****Centers of Excellence for Domestic Maritime Workforce Training and Education****AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Notice and request for comments.

**SUMMARY:** This notice provides interested parties with the opportunity to comment on the Maritime Administration's (MARAD) application process to designate training entities as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). The Secretary of Transportation, acting through the Maritime Administrator, may make CoE designations and enter Cooperative Agreements with CoE designees. MARAD is developing the below Proposed Applicant Guide and invites public comment to ensure that the designation procedure and guidance is simple, clear, and comprehensive.

**DATES:** Comments must be received on or before July 2, 2018. MARAD will consider comments filed after this date to the extent practicable.

**ADDRESSES:** You may submit comments identified by DOT Docket Number MARAD-2018-0088 by any of the following methods:

- *Website/Federal eRulemaking Portal:* Go to <http://www.regulations.gov>.

Follow the instructions for submitting comments on the electronic docket site.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room PL-401, Washington, DC 20590-0001.

- *Hand Delivery:* Room PL-401 of the Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Instructions:* All submissions must include the agency name and docket number for this notice.

**Note:** All comments received will be posted without change to <http://www.regulations.gov> including any personal information provided.

*Docket:* For access to the docket to read the Applicant Guide or comments received, go to <http://www.regulations.gov> at any time or to Room PL-401 of the Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9

a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** You may contact Nuns Jain, Maritime Administration, at 757-322-5801 or by electronic mail at [Nuns.Jain@dot.gov](mailto:Nuns.Jain@dot.gov). You may send mail to Nuns Jain at Maritime Administration, Building 19, Suite 300, 7737 Hampton Boulevard, Norfolk, VA 23505.

**SUPPLEMENTARY INFORMATION:** Following the enactment of the National Defense Authorization Act of 2018, Public Law 115-91 (the "NDAA"), MARAD is developing a procedure to designate eligible institutions as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). Qualified training entities seeking to be designated as a CoE will be required to apply with MARAD. The application will include information to demonstrate that the applicant institution meets certain eligibility criteria, designation requirements, and attributes consistent with Section 3507 of the NDAA, codified at 46 U.S.C. 54102. The final MARAD application process and procedure will be made available to the public on its website [www.MARAD.dot.gov](http://www.MARAD.dot.gov). MARAD invites your comment on the below Proposed Applicant Guide and the issues specified under the Scope of Comments section.

**Scope of Comments**

In addition to seeking general comments on the proposed applicant guide, the agency is interested in learning 1. Whether the proposed definitions of "Community or Technical College", "Maritime Training Center" and "Operated by, or under the supervision of a State" are clear, appropriate and adequate to cover all institutions who may be eligible to apply for designation under the statute; 2. Whether the proposed Designation Requirements and Designation Attributes are clear, appropriate, and adequate; and 3. Whether there are less burdensome methods to evidence applicant qualifications.

**Proposed Applicant Guide**

*How To Be Designated as a Center of Excellence for Domestic Maritime Workforce Training and Education*

**1. Important Definitions**

a. "Afloat Career" means a career as a merchant mariner compensated for service aboard a vessel in the U.S. merchant marine. This includes vessels of all types covering all U.S. Merchant Marine segments, whether or not documented, including, but not limited

to—ocean-going, coastwise, Great Lakes, inland, harbor, towing, offshore industry, cruise, pleasure boats, tourist boats, ferries, dredging, research vessels, government-owned, etc.;

b. "Arctic"—means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain. [Section 112 of the Arctic Research and Policy Act of 1984, codified at 15 U.S.C. 4111];

c. "Ashore Career" means a career in the shore based maritime industry. Ashore based maritime industry includes, but is not limited to vessel operations, ship management, ship building and ship repair, port operations and management, marine terminal operations and management, vessel design, ship brokerage, marine insurance, pilotage, towing industry, offshore industry, dredging and maritime-oriented supply chain operations;

d. "Community or Technical College" means an institution of higher education that

(A) admits as regular students, persons who are beyond the age of compulsory school attendance in the State in which the institution is located; and

(B) does not provide an educational program for which the institution awards a bachelor's degree (or an equivalent degree); and

(C) (i) provides an educational program of not less than 2 years in duration that is acceptable for full credit toward a bachelor's or equivalent degree; or

(ii) offers at least a 2-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in an industry field that involves engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge; and

(D) that is partially supported by public funds from the state or its political subdivisions.

e. "Maritime Training Center" means a training institution—

(A) that provides a structured program of training courses to prepare students and/or enhance their skills for Afloat Careers and/or Ashore Careers in the maritime industry; and

(B) that is not a "Community or Technical College"

f. "Mississippi River System" means the mostly riverine network of the United States which includes the Mississippi River, and all connecting waterways, natural tributaries and distributaries. The system includes the Arkansas, Illinois, Missouri, Ohio, Red, Allegheny, Tennessee, Wabash and Atchafalaya rivers. Important connecting waterways include the Illinois Waterway, the Tennessee-Tombigbee Waterway, and the Gulf Intracoastal Waterway;

g. "Operated by, or under the supervision of a State" means operated by or under the supervision or control of a public entity of a State government or one of its subdivisions, including, but not limited to, county governments, city or local governments, and public-school systems;

h. United States Maritime Industry includes all segments of the working community involving the maritime related transportation activities involving the transportation system of the United States, both in domestic and foreign trade, blue water and brown water, coastal and inland waters, as well as non-commercial maritime activities, such as pleasure boating, and all of the industries that support such uses, including, but not limited to vessel construction and repair, vessel operations, ship logistics supply, berthing, port operations, port intermodal operations, marine terminal operations, vessel design, marine brokerage, marine insurance, marine financing, chartering, maritime-oriented supply chain operations, offshore industry.

## 2. What is the Center of Excellence for Domestic Maritime Workforce Training and Education (CoE) Program?

Pursuant to Section 3507 of the National Defense Authorization Act, 2018, Public Law 115–91 (December 12, 2017), codified at 46 U.S.C. 54102, the Secretary of Transportation may:

a. Designate a covered training entity as a Center of Excellence for Domestic Maritime Workforce Training and Education (CoE).

b. Enter into a cooperative agreement with a designated CoE.

## 3. Who is eligible to apply for designation as a CoE?

An educational institution that provides training and education for the domestic maritime workforce is eligible to apply to MARAD for designation as a CoE if it can demonstrate satisfactory compliance with the following Eligibility Criteria for a covered training entity under the statute:

I. The institution is in a State that borders on the:

- a. Gulf of Mexico;
- b. Atlantic Ocean;
- c. Long Island Sound;
- d. Pacific Ocean;
- e. Great Lakes;
- f. Mississippi River System;
- g. Arctic; or
- h. Gulf of Alaska.

II. The institution is either:

- a. A Community or Technical College; or
- b. A Maritime Training Center.
  - i. Operated by, or under the supervision of a State; and
  - ii. With a maritime training program in operation in its curriculum on 12/12/2017.

## 4. What are the selection criteria for designation as a CoE?

An eligible training institution applicant must demonstrate satisfactory compliance with the Designation Requirements listed under III through V and the qualitative Designation Attributes listed under VI below.

III. The academic programs offered by the institution will include:

- a. One or more Afloat Career preparation tracks in the United States Maritime Industry, and/or
- b. One or more Ashore Career preparation tracks in the United States Maritime Industry.

IV. Institutions offering Afloat Career tracks will:

- a. Meet Regional and/or state accreditation, as applicable; and
- b. Maintain United States Coast Guard (USCG) approval for the merchant mariner training program and/or merchant mariner training course(s) offered by the institution, as applicable; and

c. Provide recruitment and placement statistics that clearly document institutional effectiveness.

V. Institutions offering Ashore Career tracks will:

- a. Meet Regional and/or state accreditation, as applicable; and
- b. Maintain authorization and/or endorsement of the program and/or course(s) by an applicable professional society or industry body (Welding, Electrician, Electronics etc.) to issue industry accepted Certifications that reflect a professionally recognized level of educational or technical skill achievement; and

c. Provide recruitment and placement statistics that clearly document institutional effectiveness.

VI. In addition to meeting the requirements listed above, the CoE is expected to foster the following desirable attributes:

a. Support the workforce needs of the local, state, or regional economy; and

b. Build the STEM (Science, Technology, Engineering, and Math) competencies of local/future workforce to meet emerging local, regional, and national economic interests; and

c. Promote diversity and inclusion among the student body; and

d. Offer a broad-based curriculum and stackable credentials where applicable; and

e. Engage and/or collaborate with the maritime industry; and

f. Engage and/or collaborate with maritime high schools; and

g. Engage and/or collaborate with maritime academies and other institutions for advanced proficiency and higher education.

## 5. What agreement may MARAD execute with a designated CoE?

The Maritime Administrator, or designee, may enter into a cooperative agreement with a covered training entity that has been designated a CoE to support maritime workforce training and education, including but not limited to efforts of the CoE to:

- a. Recruit, admit and train students;
- b. Recruit and train faculty;
- c. Expand and enhance facilities;
- d. Create new maritime career pathways;

e. Award students credit for prior experience, including military service;

f. Provide funding to the CoE by grants or otherwise where such funding is appropriated for such purposes; or

g. Such other activities that are determined by the Maritime Administration and the CoE that would further maritime workforce training and education.

## 6. What specific assistance may MARAD offer to a designated CoE under a Cooperative Agreement?

The specific assistance that the Maritime Administration may offer under the cooperative agreement includes, but is not limited to:

a. Donation of surplus equipment to CoEs that also meet the requirements of 46 U.S.C. 51103(b)(2)(C);

b. Temporary use of MARAD vessels and assets for indoctrination, training, and assistance, subject to availability and approval by MARAD, and where applicable, the Department of Defense;

c. Availability of MARAD subject matter experts to address students when feasible; and

d. The provision of funding, to the extent such funds are appropriated, available for CoEs under appropriations law, and notification to CoEs.

## 7. Where do I send my application?

All applications for CoE designation *or renewals* should be submitted to: Deputy Associate Administrator for Maritime Education and Training, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

## 8. When should I submit my application for CoE designation?

MARAD will publish a **Federal Register** Notice requesting applications for designation as a Center of Excellence. That notice will provide you with information on timing and what you can expect.

## 9. What information should be included in an application for CoE designation?

The application should include sufficient information to demonstrate that the applicant institution meets the Eligibility Criteria, Designation Requirements and Designation Attributes listed above.

## 10. How will I know whether I was approved for designation?

During the evaluation of the application and the supporting documentation, MARAD may request clarifications or additional information from the applicant. MARAD will notify the applicant of the decision regarding approval or disapproval for designation within 120 days after receipt of the application. In the case of approval, MARAD will thereafter publish the designated CoE's name and contact information on its website.

Upon designation, MARAD may enter into a cooperative agreement with the designated institution in accordance with Sections 5 and 6 of this applicant guide. MARAD will develop and forward an agreement draft for the designated institution's review before the agreement is executed.

## 11. After my institution is approved and designated, are there any on-going responsibilities necessary to maintaining my designation?

The designated institution shall submit an annual statement of continued compliance with the designation criteria listed under Questions 3 and 4 and an annual update to the recruitment and placement statistics proffered in their application. At any time, MARAD may request a designated institution to provide updated information to support its continued status as a CoE.

## 12. Does my designation expire?

The duration of a CoE designation shall be for a period of five years from the date of designation.

## 13. How can I renew my organization's designation?

A designated training institution may apply for renewal of its CoE designation six months prior to its expiration. MARAD may renew the CoE designation and the Cooperative Agreement if the designated institution successfully demonstrates sustained excellence at a level which initially earned the institution the CoE designation. The institution must also demonstrate excellence in accordance with the applicable Designation Requirements and Attributes in place at the time of such renewals. There is no limit on the number of times MARAD may renew the CoE designation of a particular training institution.

## 14. Can a CoE designation be revoked?

DOT/MARAD may, after notice and an opportunity to respond, suspend or revoke the CoE designation of a training institution, if there is evidence of the designated institution's non-compliance with the designation criteria or the terms of the cooperative agreement. A CoE designation shall be subject to removal if it ceases to meet either the CoE requirements and attributes identified in this applicant guide, loses its approvals to teach accredited courses, or for good cause shown as determined by the Maritime Administration. Designated institutions can appeal revocation of the designation by appealing to the Maritime Administrator or his designated representative. The appeal must be in writing and address the specific reasons why you believe your designation should be reinstated by MARAD.

**Public Participation***How do I submit comments?*

Please submit your comments, including any attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments. You may attach additional documents as necessary. There is no limit on the length of the attachments.

Please note that even after the comment period has closed, MARAD will continue to file relevant

information in the Docket as it becomes available.

*Where do I go to read public comments, and find supporting information?*

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2018-0088 or visit us in person at the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

*Will my comments be made available to the public?*

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

*May I submit comments confidentially?*

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

**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](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). 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 Sections 1.92 and 1.93.  
\* \* \*

Dated: May 25, 2018.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2018-11682 Filed 5-30-18; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket Number DOT–NHTSA–2018–0034]

**Notice and Request for Comments**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to start a new information collection. Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

**DATES:** Comments must be received on or before July 30, 2018.

**ADDRESSES:** You may submit comments [identified by Docket No. DOT–NHTSA–2018–0034] through one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1–202–493–2251.

- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Michael Frenchik, Office of Data Acquisition, Safety Systems Management Division (NSA–0130), Room W53–303, 1200 New Jersey Avenue SE, Washington, DC 20590. Mr. Frenchik's telephone number is (202) 366–0641. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:**

*Title:* State Data Transfer for Vehicle Crash Information.

*OMB Control Number:* xxxx-xxxx.

*Type of Request:* Collection of motor vehicle crash data.

*Abstract:* The U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA) was established by Congress to save

lives, prevent injuries, and reduce economic costs due to motor vehicle crashes through education, research, safety standards, and enforcement activity. Within NHTSA, the National Center for Statistics and Analysis is responsible for providing timely, complete, and high-quality data for use by NHTSA, other Federal, State, and local governmental agencies, as well as others in motor vehicle safety research and analysis to reduce crashes, injuries, deaths, and associated medical costs. NHTSA conducts these activities pursuant to 49 U.S.C. Chapter 301.

Historically, NHTSA has been collecting vehicle crash data from States through several programs, including, the State Data System (SDS), the Fatality Analysis Reporting System (FARS), the Crash Report Sampling System (CRSS) and the Crash Investigation Sampling System (CISS). Even though each of these data collection programs collects data for its own focus area, all these programs include crash data from the States' crash data systems. Each of these programs retrieves data from the States separately. The process of retrieving data from States is also not automated, requiring manual data entry. The following are brief descriptions of these data collection programs:

- FARS is a nationwide census of fatalities suffered in motor vehicle traffic crashes;
- CRSS is a nationally representative sample of police-reported crashes involving all types of motor vehicles, pedestrians, and cyclists, ranging from property-damage-only crashes to those that result in fatalities;
- CISS is a nationally representative sample of minor, serious, and fatal crashes involving at least one passenger vehicle—cars, light trucks, sport utility vehicles, and vans—towed from the scene;
- SDS collects vehicle crash data files from a limited number of States.

Over the last decade or so, efforts have been underway to consolidate, improve, and automate data management at Federal and State levels. Many States have built centralized databases for their crash data. With the adoption of new data management technologies and increased adoption of the Model Minimum Uniform Crash Criteria (MMUCC) guideline, the timing is now ideal to pursue the electronic transfer of State crash data to NHTSA. The State Data Transfer effort will automate the transfer of the State's motor vehicle crash data, including crashes resulting in fatalities, injuries and property damage only, into a federal data warehouse. NHTSA will use the data collected in this federal data

warehouse to replace the manual data collection and coding to the extent possible for SDS, FARS, CRSS, and CISS. Data in this federal data warehouse will also be available to other federal agencies to analyze safety trends and identify safety issues across the nation. Through NHTSA's State Data Transfer collection effort, NHTSA seeks to reduce or eliminate the redundant processes and have more accurate, high quality and timely data to help save lives, prevent injuries, and reduce economic costs due to motor vehicle crashes.

*Affected Public:* State Governments.

*Estimated Number of Respondents:* 15.

*Frequency:* Mutually agreed upon between NHTSA and States; potentially from daily to annual.

*Estimated Total One-Time Initial Implementation Burden Hours:* 200 hours per State.

*Estimated Total One-Time Initial Implementation Burden Cost:* \$8,800 per State.

*Estimated Total Annual Maintenance Burden Hours:* 5 hours per State.

*Estimated Total Annual Maintenance Burden Cost:* \$1,000 per State.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

**Terry T. Shelton,**

*Associate Administrator, National Center for Statistics and Analysis.*

[FR Doc. 2018–11670 Filed 5–30–18; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary**

[Docket No. DOT–OST–2018–0031]

**30-Day Notice of Application for New Information Collection Request**

**AGENCY:** Office of the Secretary (OST), Department of Transportation (Department) or (DOT).



**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Department of Transportation's (DOT) Office of the Secretary (OST) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our programs are effective and meet our customers' needs, the Department of Transportation (DOT) seeks to obtain OMB approval of a generic clearance to collect feedback on our service delivery. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 6, 2018 [Vol. 83, No. 44, Page 9575]. No comments were received. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** Comments on this notice must be received by July 2, 2018.

**ADDRESSES:** Your comments should be identified by Docket No. DOT-OST-2018-0031 and may be submitted through one of the following methods:

- *Office of Management and Budget, Attention: Desk Officer for U.S. Department of Transportation, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503*
- *Email: oira\_submission@omb.eop.gov.*
- *Fax: (202) 395-5806. Attention: DOT/OST Desk Officer.*

**FOR FURTHER INFORMATION CONTACT:** Habib Azarsina, Office of the Chief Information Officer, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202-366-1965 (Voice), 202-366-7870 (Fax), or [habib.azarsina@dot.gov](mailto:habib.azarsina@dot.gov) (Email).

**SUPPLEMENTARY INFORMATION:**

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

*Abstract:* The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Department'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 Department of Transportation 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.

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

- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies.
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained.

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

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

nonresponse 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.

*Affected Public:* Individuals and households, businesses and organizations, State, Local or Tribal Governments.

*Estimated Number of Respondents:* 6,000.

*Estimated Annual Responses:* 2,000.

*Estimated Annual Burden Hours:* 2,000 hours.

*Frequency:* One-time requirement.

Issued in Washington, DC, on May 23, 2018.

**Habib Azarsina,**

*OST Privacy & PRA Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2018-11691 Filed 5-30-18; 8:45 am]

**BILLING CODE 4910-9X-P**

---

**DEPARTMENT OF THE TREASURY**

**Office of Foreign Assets Control**

**Notice of OFAC Sanctions Actions**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional

information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

#### Notice of OFAC Action(s)

On May 18, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

##### Individuals

1. CONTRERAS HERNANDEZ, Marleny Josefina (Latin: CONTRERAS HERNANDEZ, Marleny Josefina) (a.k.a. CONTRERAS DE CABELLO, Marleny; a.k.a. CONTRERAS DE CABELLO, Marleny Josefina; a.k.a. CONTRERAS, Marleny), Monagas, Venezuela; DOB 14 Jun 1963; citizen Venezuela; Gender Female; Cedula No. 6437804 (Venezuela) (individual) [VENEZUELA]. Designated pursuant to section 1(a)(ii)(C) of Executive Order 13692 of March 8, 2015, "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela" (E.O. 13692), for being a current or former official of the Government of Venezuela.

2. CABELLO RONDON, Diosdado (Latin: CABELLO RONDÓN, Diosdado), Monagas, Venezuela; DOB 15 Apr 1963; citizen Venezuela; Gender Male; Cedula No. 8370825 (Venezuela); Passport A0237802 (Venezuela) (individual) [VENEZUELA]. Designated pursuant to section 1(a)(ii)(C) of E.O. 13692 for being a current or former official of the Government of Venezuela.

3. CABELLO RONDON, Jose David (Latin: CABELLO RONDÓN, José David), Monagas, Venezuela; DOB 11 Sep 1969; citizen Venezuela; Gender Male; Cedula No. 10300226 (Venezuela); Passport B0133819 (Venezuela) expires 08 Apr 2013 (individual)

[VENEZUELA]. Designated pursuant to section 1(a)(ii)(C) of E.O. 13692 for being a current or former official of the Government of Venezuela.

4. SARRIA DIAZ, Rafael Alfredo (a.k.a. SARRIA, Rafael; a.k.a. SARRIA-DIAZ, Rafael A), Miranda, Venezuela; La Moraleja, Madrid, Spain; 9410 NW 14th Street, Pembroke Pines, FL 33024, United States; 5599 NW 23rd Ave, Boca Raton, FL 33496, United States; 480 Park Avenue, Apt. 10B, New York, NY 10022, United States; Calle de la Pena Pintada, 11, Madrid, Comunidad de Madrid 28034, Spain; Calle Los Malabares, Quinta Anauco, Valle Arriba, Caracas, Miranda 1080, Venezuela; DOB 11 Nov 1965; Gender Male; Cedula No. 6974302 (Venezuela); Passport 114910699 (Venezuela) expires 02 Feb 2020; alt. Passport F0018546 (Venezuela) expires 02 Jul 2014 (individual) [VENEZUELA] (Linked To: CABELLO RONDON, Diosdado). Designated pursuant to section 1(a)(ii)(E) of E.O. 13692 for having acted for or on behalf of CABELLO RONDON, Diosdado, a person whose property and interests in property are blocked pursuant to E.O. 13692.

##### Entities

1. 11420 CORP., 5599 NW 23rd Avenue, Boca Raton, FL 33496, United States; 11420 NW 4 Street, Plantation, FL 33325, United States; Company Number 27-0746046 (United States) [VENEZUELA] (Linked To: SARRIA DIAZ, Rafael Alfredo). Designated pursuant to section 1(a)(ii)(E) of E.O. 13692 for being owned or controlled by SARRIA DIAZ, Rafael Alfredo, a person whose property and interests in property are blocked pursuant to E.O. 13692.

2. NOOR PLANTATION INVESTMENTS LLC, 5599 NW 23rd

Avenue, Boca Raton, FL 33496, United States; 11401 NW 2 Street, Plantation, FL 33325, United States; 11441 NW 2 Street, Plantation, FL 33325, United States; 11481 NW 2 Street, Plantation, FL 33325, United States; Company Number 27-1713953 (United States) [VENEZUELA] (Linked To: SARRIA DIAZ, Rafael Alfredo). Designated pursuant to section 1(a)(ii)(E) of E.O. 13692 for being owned or controlled by SARRIA DIAZ, Rafael Alfredo, a person whose property and interests in property are blocked pursuant to E.O. 13692.

3. SAI ADVISORS INC., 5599 NW 23rd Avenue, Boca Raton, FL 33496, United States; 11251 NW 2 Street, Plantation, FL 33325, United States; 11250 NW 4 Street, Plantation, FL 33325, United States; 11201 NW 2 Street, Plantation, FL 33325, United States; 11351 NW 2 Street, Plantation, FL 33325, United States; 11301 NW 2 Street, Plantation, FL 33325, United States; 11300 NW 4 Street, Plantation, FL 33325, United States; 11350 NW 4 Street, Plantation, FL 33325, United States; 11200 NW 4 Street, Plantation, FL 33325, United States; Company Number 68-0678326 (United States) [VENEZUELA] (Linked To: SARRIA DIAZ, Rafael Alfredo). Designated pursuant to section 1(a)(ii)(E) of E.O. 13692 for being owned or controlled by SARRIA DIAZ, Rafael Alfredo, a person whose property and interests in property are blocked pursuant to E.O. 13692.

Dated: May 18, 2018.

**Andrea Gacki,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2018-11656 Filed 5-30-18; 8:45 am]

**BILLING CODE 4810-AL-P**



# FEDERAL REGISTER

---

Vol. 83

Thursday,

No. 105

May 31, 2018

---

Part II

## Department of Homeland Security

---

U.S. Customs and Border Protection

Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers; Notice

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of intent to distribute offset for Fiscal Year 2018.

**SUMMARY:** Pursuant to the *Continued Dumping and Subsidy Offset Act of 2000*, this document is U.S. Customs and Border Protection's (CBP) notice of intent to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2018 in connection with countervailing duty orders, antidumping duty orders, or findings under the *Antidumping Act of 1921*. This document provides the instructions for affected domestic producers, or anyone alleging eligibility to receive a distribution, to file certifications to claim a distribution in relation to the listed orders or findings.

**DATES:** Certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by July 30, 2018. Any certification received after July 30, 2018 will be summarily denied, making claimants ineligible for the distribution.

**ADDRESSES:** Certifications and any other correspondence (whether by mail, or an express or courier service) must be addressed to U.S. Customs and Border Protection, Revenue Division, Attention: CDSOA Team, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.

**FOR FURTHER INFORMATION CONTACT:** Sean Wuethrich, CDSOA Team, Revenue Division, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278; telephone (317) 614-4462.

#### SUPPLEMENTARY INFORMATION:

##### Background

The *Continued Dumping and Subsidy Offset Act of 2000* (CDSOA) was enacted on October 28, 2000, as part of the *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001* (the "Act"). The provisions of the CDSOA are contained in title X (sections 1001-1003) of the Appendix of the Act (H.R. 5426).

The CDSOA amended title VII of the *Tariff Act of 1930* by adding a new section 754 (codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to a countervailing

duty order, an antidumping duty order, or a finding under the *Antidumping Act of 1921* will be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term "affected domestic producer" means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) who:

(A) Was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the *Antidumping Act of 1921*, or a countervailing duty order has been entered;

(B) Remains in operation continuing to produce the product covered by the countervailing duty order, the antidumping duty order, or the finding under the *Antidumping Act of 1921*; and

(C) Has not been acquired by another company or business that is related to a company that opposed the antidumping or countervailing duty investigation that led to the order or finding (e.g., opposed the petition or otherwise presented evidence in opposition to the petition).

The distribution that these parties may receive is known as the continued dumping and subsidy offset.

Section 7601(a) of the *Deficit Reduction Act of 2005* repealed 19 U.S.C. 1675c. According to section 7701 of the *Deficit Reduction Act*, the repeal takes effect as if enacted on October 1, 2005. However, section 7601(b) provides that all duties collected on an entry filed before October 1, 2007, must be distributed as if 19 U.S.C. 1675c had not been repealed by section 7601(a). The funds available for distribution were also affected by section 822 of the *Claims Resolution Act of 2010* and section 504 of the *Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010*.

Historically, the antidumping and countervailing duties assessed and received by CBP on CDSOA-subject entries, along with the interest assessed and received on those duties pursuant to 19 U.S.C. 1677g, were transferred to the CDSOA Special Account for distribution. 66 FR 48546, Sept. 21, 2001; see also 19 CFR 159.64(e). Other types of interest, including delinquency interest that accrued pursuant to 19 U.S.C. 1505(d), equitable interest under common law, and interest under 19 U.S.C. 580, were not subject to distribution. *Id.*

Section 605 of the *Trade Facilitation and Trade Enforcement Act of 2015*

(TFTEA) (Pub. L. 114-125, February 24, 2016; codified as 19 U.S.C. 4401), provided new authority for CBP to deposit into the CDSOA Special Account for distribution delinquency interest that accrued pursuant to 19 U.S.C. 1505(d), equitable interest under common law, and interest under 19 U.S.C. 580 for all surety payments received on or after October 1, 2014, on CDSOA subject entries.

On May 23, 2017, President Trump ordered the sequester of non-exempt budgetary resources for Fiscal Year 2018 pursuant to section 251A of the *Balanced Budget and Emergency Deficit Control Act of 1985*, as amended (82 FR 24209, May 26, 2017). To implement this sequester during Fiscal Year 2018, the calculation of the Office of Management and Budget (OMB) requires a reduction of 6.6 percent of the assessed duties and interest received in the CDSOA Special Account (account number 015-12-5688). OMB has concluded that any amounts sequestered in the CDSOA Special Account during Fiscal Year 2018 will become available in the subsequent fiscal year. See 2 U.S.C. 906(k)(6). As a result, CBP intends to include the funds that are temporarily reduced via sequester during Fiscal Year 2018 in the continued dumping and subsidy offset for Fiscal Year 2018, which will be distributed not later than 60 days after the first day of Fiscal Year 2019 in accordance with 19 U.S.C. 1675c(c). In other words, the continued dumping and subsidy offset that affected domestic producers receive for Fiscal Year 2018 will include the funds that were temporarily sequestered during Fiscal Year 2018.

Because of the statutory constraints in the assessments of antidumping and countervailing duties, as well as the additional time involved when the Government must initiate litigation to collect delinquent antidumping and countervailing duties, the CDSOA distribution process will be continued for an undetermined period. Consequently, the full impact of the CDSOA repeal on amounts available for distribution may be delayed for several years. It should also be noted that amounts distributed may be subject to recovery as a result of reliquidations, court actions, administrative errors, and other reasons.

#### List of Orders or Findings and Affected Domestic Producers

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to CBP a list of the affected domestic producers that are potentially eligible to

receive an offset in connection with an order or finding. In this regard, it is noted that USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case who are potentially eligible to receive an offset. This list appears at the end of this document.

A significant amount of litigation has challenged various provisions of the CDSOA, including the definition of the term “affected domestic producer.” In two decisions the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) upheld the constitutionality of the support requirement contained in the CDSOA. Specifically, in *SKF USA Inc. v. United States Customs & Border Prot.*, 556 F.3d 1337 (Fed. Cir. 2009), the Federal Circuit held that the CDSOA’s support requirement did not violate either the First or Fifth Amendment. The Supreme Court of the United States denied plaintiff’s petition for certiorari, *SKF USA, Inc. v. United States Customs & Border Prot.*, 560 U.S. 903 (2010). Similarly, in *PS Chez Sidney, L.L.C. v. United States*, 409 Fed. Appx. 327 (Fed. Cir. 2010), the Federal Circuit summarily reversed the U.S. Court of International Trade’s judgment that the support requirement was unconstitutional, allowing only plaintiff’s non-constitutional claims to go forward. See *PS Chez Sidney, L.L.C. v. United States*, 684 F.3d 1374 (Fed. Cir. 2012). Furthermore, in two cases interpreting the CDSOA’s language, the Federal Circuit concluded that a producer who never indicates support for a dumping petition by letter or through questionnaire response, despite the act of otherwise filling out a questionnaire, cannot be an affected domestic producer. *Ashley Furniture Indus. v. United States*; *Ethan Allen Global, Inc. v. United States*, 734 F.3d 1306 (Fed. Cir. 2013), cert. denied, 135 S. Ct. 72 (2014); *Giorgio Foods, Inc. v. United States et al.*, 785 F.3d 595 (Fed. Cir. 2015).

Domestic producers who are not on the USITC list but believe they nonetheless are eligible for a CDSOA distribution under one or more antidumping and/or countervailing duty cases are required, as are all potential claimants that expressly appear on the list, to properly file their certification(s) within 60 days after this notice is published. Such domestic producers must allege all other bases for eligibility in their certification(s). CBP will evaluate the merits of such claims in accordance with the relevant statutes, regulations, and decisions. Certifications that are not timely filed within the requisite 60 days and/or that

fail to sufficiently establish a basis for eligibility will be summarily denied. Additionally, CBP may not make a final decision regarding a claimant’s eligibility to receive funds until certain legal issues which may affect that claimant’s eligibility are resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant’s alleged *pro rata* share of funds from distribution pending the resolution of those legal issues.

It should also be noted that the Federal Circuit ruled in *Canadian Lumber Trade Alliance v. United States*, 517 F.3d 1319 (Fed. Cir. 2008), cert. denied sub nom. *United States Steel v. Canadian Lumber Trade Alliance*, 129 S. Ct. 344 (2008), that CBP was not authorized to distribute such antidumping and countervailing duties to the extent they were derived from goods from countries that are parties to the North American Free Trade Agreement (NAFTA). Due to this decision, CBP does not list cases related to NAFTA on the Preliminary Amounts Available report, and no distributions will be issued on these cases.

#### Regulations Implementing the CDSOA

It is noted that CBP published Treasury Decision (T.D.) 01–68 (Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers) in the **Federal Register** (66 FR 48546) on September 21, 2001, which was effective as of that date, in order to implement the CDSOA. The final rule added a new subpart F to part 159 of title 19, Code of Federal Regulations (19 CFR part 159, subpart F (sections 159.61–159.64)). More specific guidance regarding the filing of certifications is provided in this notice in order to aid affected domestic producers and other domestic producers alleging eligibility (“claimants” or “domestic producers”).

#### Notice of Intent To Distribute Offset

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties, 1677g interest, and interest provided for in 19 U.S.C. 4401 that are available for distribution in Fiscal Year 2018 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. All distributions will be issued by paper check to the address provided by the claimants. Section 159.62(a) of title 19, Code of Federal Regulations (19 CFR 159.62(a)) provides that CBP will publish such a notice of intention to distribute at least 90 calendar days

before the end of a fiscal year. Failure to publish the notice at least 90 calendar days before the end of the fiscal year will not affect an affected domestic producer’s obligation to file a timely certification within 60 days after the notice is published. See *Dixon Ticonderoga v. United States*, 468 F.3d 1353, 1354 (Fed. Cir. 2006).

#### Certifications; Submission and Content

To obtain a distribution of the offset under a given order or finding (including any distribution under 19 U.S.C. 4401), an affected domestic producer (and anyone alleging eligibility to receive a distribution) must submit a certification for each order or finding under which a distribution is sought, to CBP, indicating its desire to receive a distribution. To be eligible to obtain a distribution, certifications must be received by CBP no later than 60 calendar days after the date of publication of this notice of intent to distribute in the **Federal Register**. All certifications not received by the 60th day will not be eligible to receive a distribution.

As required by 19 CFR 159.62(b), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under section 159.63 to claim a distribution. Section 159.62(b) also provides that the dollar amounts subject to distribution that are contained in the Special Account for each listed order or finding are to appear in this notice. However, these dollar amounts were not available in time for inclusion in this publication. The preliminary amounts will be posted on the CBP website (<http://www.cbp.gov>). However, the final amounts available for disbursement may be higher or lower than the preliminary amounts.

CBP will provide general information to claimants regarding the preparation of certification(s). However, it remains the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and accurate so as to demonstrate the eligibility of the domestic producer for the distribution requested. Failure to ensure that the certification is correct, complete, and accurate as provided in this notice will result in the domestic producer not receiving a distribution and/or a demand for the return of funds.

Specifically, to obtain a distribution of the offset under a given order or finding (including any distribution under 19 U.S.C. 4401), each potential claimant must timely submit a certification containing the required information detailed below as to the

eligibility of the domestic producer (or anyone alleging eligibility) to receive the requested distribution and the total amount of the distribution that the domestic producer is claiming. Certifications should be submitted to U.S. Customs and Border Protection, Revenue Division, Attention: CDSOA Team, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer or allege another basis for eligibility. Any false statements made in connection with certifications submitted to CBP may give rise to liability under the *False Claims Act* (see 31 U.S.C. 3729–3733) and/or to criminal prosecution.

A successor to a company that was an affected domestic producer at the time of acquisition should consult 19 CFR 159.61(b)(1)(i). Any company that files a certification claiming to be the successor company to an affected domestic producer will be deemed to have consented to joint and several liability for the return of any overpayments arising under section 159.64(b)(3) that were previously paid to the predecessor. CBP may require the successor company to provide documents to support its eligibility to receive a distribution as set out in section 159.63(d). Additionally, any individual or company who purchases any portion of the operating assets of an affected domestic producer, a successor to an affected domestic producer, or an entity that otherwise previously received distributions may be jointly and severally liable for the return of any overpayments arising under section 159.64(b)(3) that were previously paid to the entity from which the operating assets were purchased or its predecessor, regardless of whether the purchasing individual or company is deemed a successor company for purposes of receiving distributions.

A member company (or its successor) of an association that appears on the list of affected domestic producers in this notice, where the member company itself does not appear on this list, should consult 19 CFR 159.61(b)(1)(ii). Specifically, for a certification under 19 CFR 159.61(b)(1)(ii), the claimant must name the association of which it is a member, specifically establish that it was a member of the association at the time the association filed the petition with the USITC, and establish that the claimant is a current member of the association. In order to promote

accurate filings and more efficiently process the distributions, we offer the following guidance:

- If claimants are members of an association but the association does not file on their behalf, the association will need to provide its members with a statement that contains notarized company-specific information including dates of membership and an original signature from an authorized representative of the association.
- An association filing a certification on behalf of a member must also provide a power of attorney or other evidence of legal authorization from each of the domestic producers it is representing.
- Any association filing a certification on behalf of a member is responsible for verifying the legal sufficiency and accuracy of the member's financial records, which support the claim, and is responsible for that certification. As such, an association filing a certification on behalf of a member is jointly and severally liable with the member for repayment of any claim found to have been paid or overpaid in error.

The association may file a certification in its own right to claim an offset for that order or finding, but its qualifying expenditures would be limited to those expenditures that the association itself has incurred after the date of the order or finding in connection with the particular case.

As provided in 19 CFR 159.63(a), certifications to obtain a distribution of an offset (including any distribution under 19 U.S.C. 4401) must be received by CBP no later than 60 calendar days after the date of publication of the notice of intent in the **Federal Register**. All certifications received after the 60-day deadline will be summarily denied, making claimants ineligible for the distribution regardless of whether or not they appeared on the USITC list.

A list of all certifications received will be published on the CBP website (<http://www.cbp.gov>) shortly after the receipt deadline. This publication will not confirm acceptance or validity of the certification, but merely receipt of the certification. Due to the high volume of certifications, CBP is unable to respond to individual telephone or written inquiries regarding the status of a certification appearing on the list.

While there is no required format for a certification, CBP has developed a standard certification form to aid claimants in filing certifications. The certification form is available at <https://www.pay.gov> under the Public Form Name "Continued Dumping and Subsidy Offset Act of 2000 Certification" (CBP Form Number 7401) or by directing a web browser to <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=8776895>. The certification form can be

submitted electronically through <https://www.pay.gov> or by mail. All certifications not submitted electronically must include original signatures.

Regardless of the format for a certification, per 19 CFR 159.63(b), the certification must contain the following information:

- (1) The date of this **Federal Register** notice;
- (2) The Department of Commerce antidumping or countervailing duty case number (for example, A–331–802);
- (3) The case name (product/country);
- (4) The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);
- (5) The mailing address of the domestic producer (if a post office box, the physical street address must also appear) including, if applicable, a specific room number or department;
- (6) The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;
- (7) The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);
- (8) The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s), mailing address, and, if available, facsimile transmission number(s) and electronic mail (email) address(es) for the person(s). Correspondence from CBP may be directed to the designated contact(s) by either mail or phone or both;
- (9) The total dollar amount claimed;
- (10) The dollar amount claimed by category, as described in the section below entitled "Amount Claimed for Distribution";
- (11) A statement of eligibility, as described in the section below entitled "Eligibility to Receive Distribution"; and
- (12) For certifications not submitted electronically through <https://www.pay.gov>, an original signature by an individual legally authorized to bind the producer.

#### Qualifying Expenditures That May Be Claimed for Distribution

Qualifying expenditures that may be offset under the CDSOA encompass those expenditures incurred by the domestic producer after issuance of an antidumping duty order or finding or a countervailing duty order (including expenditures incurred on the date of the order's issuance), and prior to its

termination, provided that such expenditures fall within certain categories. See 19 CFR 159.61(c). The CDSOA repeal language parallels the termination of an order or finding. Therefore, for duty orders or findings that have not been previously revoked, expenses must be incurred before October 1, 2007, to be eligible for offset. For duty orders or findings that have been revoked, expenses must be incurred before the effective date of the revocation to be eligible for offset. For example, assume for case A-331-802 Certain Frozen Warm-Water Shrimp and Prawns from Ecuador, that the order date is February 1, 2005, and that the revocation effective date is August 15, 2007. In this case, eligible expenditures would have to be incurred on or after February 1, 2005, up to and including August 14, 2007; expenditures incurred on or after August 15, 2007 cannot be included as eligible qualifying expenditures for A-331-802.

For the convenience and ease of the domestic producers, CBP is providing guidance on what the agency takes into consideration when making a calculation for each of the following categories:

(1) Manufacturing facilities (Any facility used for the transformation of raw material into a finished product that is the subject of the related order or finding);

(2) Equipment (Goods that are used in a business environment to aid in the manufacturing of a product that is the subject of the related order or finding);

(3) Research and development (Seeking knowledge and determining the best techniques for production of the product that is the subject of the related order or finding);

(4) Personnel training (Teaching of specific useful skills to personnel, that will improve performance in the production process of the product that is the subject of the related order or finding);

(5) Acquisition of technology (Acquisition of applied scientific knowledge and materials to achieve an objective in the production process of the product that is the subject of the related order or finding);

(6) Health care benefits for employees paid for by the employer (Health care benefits paid to employees who are producing the specific product that is the subject of the related order or finding);

(7) Pension benefits for employees paid for by the employer (Pension benefits paid to employees who are producing the specific product that is the subject of the related order or finding);

(8) Environmental equipment, training, or technology (Equipment, training, or technology used in the production of the product that is the subject of the related order or finding, that will assist in preventing potentially harmful factors from affecting the environment);

(9) Acquisition of raw materials and other inputs (Purchase of unprocessed materials or other inputs needed for the production of the product that is the subject of the related order or finding); and

(10) Working capital or other funds needed to maintain production (Assets of a business that can be applied to its production of the product that is the subject of the related order or finding).

#### Amount Claimed for Distribution

In calculating the amount of the distribution being claimed as an offset, the certification must indicate:

(1) The total amount of any qualifying expenditures previously certified by the domestic producer, and the amount certified by category;

(2) The total amount of those expenditures which have been the subject of any prior distribution for the order or finding being certified under 19 U.S.C. 1675c; and

(3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount previously certified as noted in item “(1)” above minus the total amount that was the subject of any prior distribution as noted in item “(2)” above). In accordance with 19 CFR 159.63(b)(2)(i)–(iii), CBP will deduct the amount of any prior distribution from the producer’s claimed amount for that case. Total amounts disbursed by CBP under the CDSOA for some prior Fiscal Years are available on the CBP website.

Additionally, under 19 CFR 159.61(c), these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of expenses incurred by associations which must be related to a specific case. Any false statements made to CBP concerning the amount of distribution being claimed as an offset may give rise to liability under the *False Claims Act* (see 31 U.S.C. 3729–3733) and/or to criminal prosecution.

#### Eligibility To Receive Distribution

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer or on another legal basis. Also, the domestic producer must affirm that

the net amount certified for distribution does not encompass any qualifying expenditures for which distribution has previously been made (19 CFR 159.63(b)(3)(i)). Any false statements made in connection with certifications submitted to CBP may give rise to liability under the *False Claims Act* (see 31 U.S.C. 3729–3733) and/or to criminal prosecution.

Furthermore, under 19 CFR 159.63(b)(3)(ii), where a domestic producer files a separate certification for more than one order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures.

Moreover, as required by 19 U.S.C. 1675c(b)(1) and 19 CFR 159.63(b)(3)(iii), the certification must include information as to whether the domestic producer remains in operation at the time the certifications are filed and continues to produce the product covered by the particular order or finding under which the distribution is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer will not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and 19 CFR 159.63(b)(3)(iii), the domestic producer must state whether it has been acquired by a company that opposed the investigation or was acquired by a business related to a company that opposed the investigation. If a domestic producer has been so acquired, the producer will not be considered an affected domestic producer entitled to receive a distribution. However, CBP may not make a final decision regarding a claimant’s eligibility to receive funds until certain legal issues which may affect that claimant’s eligibility are resolved. In these instances, CBP may withhold an amount of funds corresponding to the claimant’s alleged *pro rata* share of funds from distribution pending the resolution of those legal issues.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier’s knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled “Verification of

Certification”). Moreover as provided in 19 CFR 159.64(b)(3), all overpayments to affected domestic producers are recoverable by CBP, and CBP reserves the right to use all available collection tools to recover overpayments, including but not limited to garnishments, court orders, administrative offset, enrollment in the Treasury Offset Program, and/or offset of tax refund payments. Overpayments may occur for a variety of reasons, including but not limited to: Reliquidations, court actions, settlements, insufficient verification of a certification in response to an inquiry from CBP, and administrative errors. With diminished amounts available over time, the likelihood that these events will require the recovery of funds previously distributed will increase. As a result, domestic producers who receive distributions under the CDSOA may wish to set aside any funds received in case it is subsequently determined that an overpayment has occurred. CBP considers the submission of a certification and the negotiation of any distribution checks received as acknowledgements and acceptance of the claimant’s obligation to return those funds upon demand.

**Review and Correction of Certification**

A certification that is submitted in response to this notice of intent to distribute and received within 60 calendar days after the date of publication of the notice in the **Federal Register** may, at CBP’s sole discretion, be subject to review before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer within 15 business days after the close of the 60 calendar-day filing period, as provided in 19 CFR 159.63(c). In making this determination, CBP will not speculate as to the reason for the error (e.g., intentional, typographical, etc.). CBP must receive a corrected

certification from the domestic producer and/or an association filing on behalf of an association member within 10 business days from the date of the original denial letter. Failure to receive a corrected certification within 10 business days will result in denial of the certification at issue. It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete, and accurate so as to demonstrate the eligibility of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete, and accurate will result in the domestic producer not receiving a distribution and/or a demand for the return of funds.

**Verification of Certification**

Certifications are subject to CBP’s verification. The burden remains on each claimant to fully substantiate all elements of its certification. As such, claimants may be required to provide copies of additional records for further review by CBP. Therefore, parties are required to maintain, and be prepared to produce, records adequately supporting their claims for a period of five years after the filing of the certification (19 CFR 159.63(d)). The records must demonstrate that each qualifying expenditure enumerated in the certification was actually incurred, and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding. Although CBP will accept comments and information from the public and other domestic producers, CBP retains complete discretion regarding the initiation and conduct of investigations stemming from such information. In the event that a distribution is made to a domestic producer from whom CBP later seeks verification of the certification and sufficient supporting documentation is not provided as determined by CBP, then the amounts paid to the affected domestic producer are recoverable by CBP as an overpayment. CBP reserves the right to use all available collection tools to recover overpayments, including but not limited to garnishments, court orders,

administrative offset, enrollment in the Treasury Offset Program, and/or offset of tax refund payments. CBP considers the submission of a certification and the negotiation of any distribution checks received as acknowledgements and acceptance of the claimant’s obligation to return those funds upon demand. Additionally, the submission of false statements, documents, or records in connection with a certification or verification of a certification may give rise to liability under the *False Claims Act* (see 31 U.S.C. 3729–3733) and/or to criminal prosecution.

**Disclosure of Information in Certifications; Acceptance by Producer**

The name of the claimant, the total dollar amount claimed by the party on the certification, as well as the total dollar amount that CBP actually disburses to that affected domestic producer as an offset, will be available for disclosure to the public, as specified in 19 CFR 159.63(e). To this extent, the submission of the certification is construed as an understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public and a waiver of any right to privacy or non-disclosure. Additionally, a statement in a certification that this information is proprietary and exempt from disclosure may result in CBP’s rejection of the certification.

**List of Orders or Findings and Related Domestic Producers**

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below together with the affected domestic producers associated with each order or finding who are potentially eligible to receive an offset. Those domestic producers not on the list must allege another basis for eligibility in their certification. Appearance of a domestic producer on the list is not a guarantee of distribution.

Dated: May 9, 2018.

**Samuel D. Grable,**  
*Assistant Commissioner and Chief Financial Officer, Office of Finance.*

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-122-006 .....	AA1921-49 .....	Steel Jacks/Canada .....	Bloomfield Manufacturing (formerly Harrah Manufacturing). Seaburn Metal Products.
A-122-047 .....	AA1921-127 .....	Elemental Sulphur/Canada .....	Duval.
A-122-085 .....	731-TA-3 .....	Sugar and Syrups/Canada .....	Amstar Sugar.
A-122-401 .....	731-TA-196 .....	Red Raspberries/Canada .....	Northwest Food Producers’ Association. Oregon Caneberry Commission. Rader Farms. Ron Roberts. Shuksan Frozen Food.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-122-503 .....	731-TA-263 .....	Iron Construction Castings/Canada.	Washington Red Raspberry Commission. Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
A-122-506 .....	731-TA-276 .....	Oil Country Tubular Goods/Canada.	CF&I Steel. Copperweld Tubing. Cyclops. KPC. Lone Star Steel. LTV Steel. Maverick Tube. Quanex. US Steel.
A-122-601 .....	731-TA-312 .....	Brass Sheet and Strip/Canada ...	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A-122-605 .....	731-TA-367 .....	Color Picture Tubes/Canada .....	Industrial Union Department, AFL-CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America.
A-122-804 .....	731-TA-422 .....	Steel Rails/Canada .....	Zenith Electronics. Bethlehem Steel. CF&I Steel.
A-122-814 .....	731-TA-528 .....	Pure Magnesium/Canada .....	Magnesium Corporation of America.
A-122-822 .....	731-TA-614 .....	Corrosion-Resistant Carbon Steel Flat Products/Canada.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel.
A-122-823 .....	731-TA-575 .....	Cut-to-Length Carbon Steel Plate/Canada.	Weirton Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-122-830 .....	731-TA-789 .....	Stainless Steel Plate in Coils/ Canada.	Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless.
A-122-838 .....	731-TA-928 .....	Softwood Lumber/Canada .....	71 Lumber Co. Almond Bros Lbr Co. Anthony Timberlands. Balfour Lbr Co. Ball Lumber. Banks Lumber Company. Barge Forest Products Co. Beadles Lumber Co. Bearden Lumber. Bennett Lumber. Big Valley Band Mill. Bighorn Lumber Co Inc. Blue Mountain Lumber. Buddy Bean Lumber. Burgin Lumber Co Ltd. Burt Lumber Company. C&D Lumber Co. Ceda-Pine Veneer. Cersosimo Lumber Co Inc. Charles Ingram Lumber Co Inc. Charleston Heart Pine. Chesterfield Lumber. Chips. Chocorua Valley Lumber Co. Claude Howard Lumber. Clearwater Forest Industries. CLW Inc. CM Tucker Lumber Corp. Coalition for Fair Lumber Imports Executive Committee. Cody Lumber Co. Collins Pine Co. Collums Lumber. Columbus Lumber Co. Contoocook River Lumber. Conway Guiteau Lumber. Cornwright Lumber Co. Crown Pacific. Daniels Lumber Inc. Dean Lumber Co Inc. Deltic Timber Corporation. Devils Tower Forest Products. DiPrizio Pine Sales. Dorchester Lumber Co. DR Johnson Lumber. East Brainerd Lumber Co. East Coast Lumber Company. Eas-Tex Lumber. ECK Wood Products. Ellingson Lumber Co. Elliott Sawmilling. Empire Lumber Co. Evergreen Forest Products. Excalibur Shelving Systems Inc. Exley Lumber Co. FH Stoltze Land & Lumber Co. FL Turlington Lbr Co Inc. Fleming Lumber. Flippo Lumber. Florgen Forest Products. Frank Lumber Co. Franklin Timber Co. Fred Tebb & Sons. Fremont Sawmill.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Frontier Resources.  Garrison Brothers Lumber Co and Subsidiaries.  Georgia Lumber.  Gilman Building Products.  Godfrey Lumber.  Granite State Forest Prod Inc.  Great Western Lumber Co.  Greenville Molding Inc.  Griffin Lumber Company.  Guess Brothers Lumber.  Gulf Lumber.  Gulf States Paper.  Guy Bennett Lumber.  Hampton Resources.  Hancock Lumber.  Hankins Inc.  Hankins Lumber Co.  Harrigan Lumber.  Harwood Products.  Haskell Lumber Inc.  Hatfield Lumber.  Hedstrom Lumber.  Herrick Millwork Inc.  HG Toler &amp; Son Lumber Co Inc.  HG Wood Industries LLC.  Hogan &amp; Storey Wood Prod.  Hogan Lumber Co.  Hood Industries.  HS Hoffer &amp; Sons Lumber Co Inc.  Hubbard Forest Ind Inc.  HW Culp Lumber Co.  Idaho Veneer Co.  Industrial Wood Products.  Intermountain Res LLC.  International Paper.  J Franklin Jones Lumber Co Inc.  Jack Batte &amp; Sons Inc.  Jasper Lumber Company.  JD Martin Lumber Co.  JE Jones Lumber Co.  Jerry G Williams &amp; Sons.  JH Knighton Lumber Co.  Johnson Lumber Company.  Jordan Lumber &amp; Supply.  Joseph Timber Co.  JP Haynes Lbr Co Inc.  JV Wells Inc.  JW Jones Lumber.  Keadle Lumber Enterprises.  Keller Lumber.  King Lumber Co.  Konkolville Lumber.  Langdale Forest Products.  Laurel Lumber Company.  Leavitt Lumber Co.  Leesville Lumber Co.  Limington Lumber Co.  Longview Fibre Co.  Lovell Lumber Co Inc.  M Kendall Lumber Co.  Manke Lumber Co.  Marriner Lumber Co.  Mason Lumber.  MB Heath &amp; Sons Lumber Co.  MC Dixon Lumber Co Inc.  Mebane Lumber Co Inc.  Metcalf Lumber Co Inc.  Millry Mill Co Inc.  Moose Creek Lumber Co.  Moose River Lumber.  Morgan Lumber Co Inc.  Mount Yonah Lumber Co.  Nagel Lumber.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p> New Kearsarge Corp.  New South.  Nicolet Hardwoods.  Nieman Sawmills SD.  Nieman Sawmills WY.  North Florida.  Northern Lights Timber &amp; Lumber.  Northern Neck Lumber Co.  Ochoco Lumber Co.  Olon Belcher Lumber Co.  Owens and Hurst Lumber.  Packaging Corp of America.  Page &amp; Hill Forest Products.  Paper, Allied-Industrial, Chemical and Energy Workers International Union.  Parker Lumber.  Pate Lumber Co Inc.  PBS Lumber.  Pedigo Lumber Co.  Piedmont Hardwood Lumber Co.  Pine River Lumber Co.  Pinecrest Lumber Co.  Pleasant River Lumber Co.  Pleasant Western Lumber Inc.  Plum Creek Timber.  Pollard Lumber.  Portac.  Potlatch.  Potomac Supply.  Precision Lumber Inc.  Pruitt Lumber Inc.  R Leon Williams Lumber Co.  RA Yancey Lumber.  Rajala Timber Co.  Ralph Hamel Forest Products.  Randy D Miller Lumber.  Rappahannock Lumber Co.  Regulus Stud Mills Inc.  Riley Creek Lumber.  Roanoke Lumber Co.  Robbins Lumber.  Robertson Lumber.  Roseburg Forest Products Co.  Rough &amp; Ready.  RSG Forest Products.  Rushmore Forest Products.  RY Timber Inc.  Sam Mabry Lumber Co.  Scotch Lumber.  SDS Lumber Co.  Seacoast Mills Inc.  Seago Lumber.  Seattle-Snohomish.  Seneca Sawmill.  Shaver Wood Products.  Shearer Lumber Products.  Shuqualak Lumber.  SI Storey Lumber.  Sierra Forest Products.  Sierra Pacific Industries.  Sigfridson Wood Products.  Silver City Lumber Inc.  Somers Lbr &amp; Mfg Inc.  South &amp; Jones.  South Coast.  Southern Forest Industries Inc.  Southern Lumber.  St Laurent Forest Products.  Starfire Lumber Co.  Steely Lumber Co Inc.  Stimson Lumber.  Summit Timber Co.  Sundance Lumber. </p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-122-840 .....	731-TA-954 .....	Carbon and Certain Alloy Steel Wire Rod/Canada.	<p>Superior Lumber. Swanson Superior Forest Products Inc. Swift Lumber. Tamarack Mill. Taylor Lumber &amp; Treating Inc. Temple-Inland Forest Products. Thompson River Lumber. Three Rivers Timber. Thrift Brothers Lumber Co Inc. Timco Inc. Tolleson Lumber. Toney Lumber. TR Miller Mill Co. Tradewinds of Virginia Ltd. Travis Lumber Co. Tree Source Industries Inc. Tri-State Lumber. TTT Studs. United Brotherhood of Carpenters and Joiners. Viking Lumber Co. VP Kiser Lumber Co. Walton Lumber Co Inc. Warm Springs Forest Products. Westvaco Corp. Wilkins, Kaiser &amp; Olsen Inc. WM Shepherd Lumber Co. WR Robinson Lumber Co Inc. Wrenn Brothers Inc. Wyoming Sawmills. Yakama Forest Products. Younce &amp; Ralph Lumber Co Inc. Zip-O-Log Mills Inc. AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills. North Dakota Wheat Commission. General Housewares.</p>
A-122-847 .....	731-TA-1019B ...	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission.
A-201-504 .....	731-TA-297 .....	Porcelain-on-Steel Cooking Ware/Mexico.	General Housewares.
A-201-601 .....	731-TA-333 .....	Fresh Cut Flowers/Mexico .....	<p>Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Janko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Topstar Nursery.</p>
A-201-802 .....	731-TA-451 .....	Gray Portland Cement and Clinker/Mexico.	<p>Alamo Cement. Blue Circle. BoxCrow Cement. Calaveras Cement. Capitol Aggregates. Centex Cement. Florida Crushed Stone. Gifford-Hill. Hanson Permanente Cement. Ideal Basic Industries. Independent Workers of North America (Locals 49, 52, 89, 192 and 471). International Union of Operating Engineers (Local 12). National Cement Company of Alabama. National Cement Company of California. Phoenix Cement. Riverside Cement. Southdown.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-201-805 .....	731-TA-534 .....	Circular Welded Nonalloy Steel Pipe/Mexico.	Tarmac America. Texas Industries. Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A-201-806 .....	731-TA-547 .....	Carbon Steel Wire Rope/Mexico	Bridon American. Macwhyte. Paulsen Wire Rope. The Rochester Corporation. United Automobile, Aerospace and Agricultural Implement Workers (Local 960). Williamsport. Wire-rope Works. Wire Rope Corporation of America.
A-201-809 .....	731-TA-582 .....	Cut-to-Length Carbon Steel Plate/Mexico.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-201-817 .....	731-TA-716 .....	Oil Country Tubular Goods/Mexico.	IPSCO. Koppel Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A-201-820 .....	731-TA-747 .....	Fresh Tomatoes/Mexico .....	Accomack County Farm Bureau. Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee and Virginia Tomato Growers. Florida Farm Bureau Federation. Florida Fruit and Vegetable Association. Florida Tomato Exchange. Florida Tomato Growers Exchange. Gadsden County Tomato Growers Association. South Carolina Tomato Association.
A-201-822 .....	731-TA-802 .....	Stainless Steel Sheet and Strip/Mexico.	Allegheny Ludlum. Armco. Bethlehem Steel. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America.
A-201-827 .....	731-TA-848 .....	Large-Diameter Carbon Steel Seamless Pipe/Mexico.	North Star Steel. Timken. US Steel. United Steelworkers of America. USS/Kobe.
A-201-828 .....	731-TA-920 .....	Welded Large Diameter Line Pipe/Mexico.	American Cast Iron Pipe. Berg Steel Pipe. Bethlehem Steel. Napa Pipe/Oregon Steel Mills. Saw Pipes USA. Stupp. US Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-201-830 .....	731-TA-958 .....	Carbon and Certain Alloy Steel Wire Rod/Mexico.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A-201-831 .....	731-TA-1027 .....	Prestressed Concrete Steel Wire Strand/Mexico.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A-201-834 .....	731-TA-1085 .....	Purified Carboxymethylcellulose/Mexico.	Aqualon Co a Division of Hercules Inc.
A-274-804 .....	731-TA-961 .....	Carbon and Certain Alloy Steel Wire Rod/Trinidad & Tobago.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A-301-602 .....	731-TA-329 .....	Fresh Cut Flowers/Colombia .....	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Pajaro Valley Greenhouses. Topstar Nursery.
A-307-803 .....	731-TA-519 .....	Gray Portland Cement and Clinker/Venezuela.	Florida Crushed Stone. Southdown. Tarmac America.
A-307-805 .....	731-TA-537 .....	Circular Welded Nonalloy Steel Pipe/Venezuela.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A-307-807 .....	731-TA-570 .....	Ferrosilicon/Venezuela .....	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A-307-820 .....	731-TA-931 .....	Silicomanganese/Venezuela .....	Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639.
A-331-602 .....	731-TA-331 .....	Fresh Cut Flowers/Ecuador .....	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-337-803 .....	731-TA-768 .....	Fresh Atlantic Salmon/Chile .....	Manatee Fruit. Monterey Flower Farms. Topstar Nursery. Atlantic Salmon of Maine. Cooke Aquaculture US. DE Salmon. Global Aqua USA. Island Aquaculture. Maine Coast Nordic. Scan Am Fish Farms. Treats Island Fisheries. Trumpet Island Salmon Farm.
A-337-804 .....	731-TA-776 .....	Preserved Mushrooms/Chile .....	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A-337-806 .....	731-TA-948 .....	Individually Quick Frozen Red Raspberries/Chile.	A&A Berry Farms. Bahler Farms. Bear Creek Farms. David Burns. Columbia Farms. Columbia Fruit. George Culp. Dobbins Berry Farm. Enfield. Firestone Packing. George Hoffman Farms. Heckel Farms. Wendell Kreder. Curt Maberry. Maberry Packing. Mike & Jean's. Nguyen Berry Farms. Nick's Acres. North Fork. Parson Berry Farm. Pickin 'N' Pluckin. Postage Stamp Farm. Rader. RainSweet. Scenic Fruit. Silverstar Farms. Tim Straub. Thoeny Farms. Townsend. Tsugawa Farms. Updike Berry Farms. Van Laeken Farms.
A-351-503 .....	731-TA-262 .....	Iron Construction Castings/Brazil	Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neehah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
A-351-505 .....	731-TA-278 .....	Malleable Cast Iron Pipe Fittings/Brazil.	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A-351-602 .....	731-TA-308 .....	Carbon Steel Butt-Weld Pipe Fittings/Brazil.	Ladish. Mills Iron Works.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-351-603 .....	731-TA-311 .....	Brass Sheet and Strip/Brazil .....	Steel Forgings. Tube Forgings of America. Weldbend. Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A-351-605 .....	731-TA-326 .....	Frozen Concentrated Orange Juice/Brazil.	Alcoma Packing. B&W Canning. Berry Citrus Products. Caulkins Indiantown Citrus. Citrus Belle. Citrus World. Florida Citrus Mutual.
A-351-804 .....	731-TA-439 .....	Industrial Nitrocellulose/Brazil .....	Hercules.
A-351-806 .....	731-TA-471 .....	Silicon Metal/Brazil .....	American Alloys. Globe Metallurgical. International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A-351-809 .....	731-TA-532 .....	Circular Welded Nonalloy Steel Pipe/Brazil.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A-351-817 .....	731-TA-574 .....	Cut-to-Length Carbon Steel Plate/Brazil.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-351-819 .....	731-TA-636 .....	Stainless Steel Wire Rod/Brazil ..	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-351-820 .....	731-TA-641 .....	Ferrosilicon/Brazil .....	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-351-824 .....	731-TA-671 .....	Silicomanganese/Brazil .....	Elkem Metals.
A-351-825 .....	731-TA-678 .....	Stainless Steel Bar/Brazil .....	Oil, Chemical and Atomic Workers (Local 3-639). AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A-351-826 .....	731-TA-708 .....	Seamless Pipe/Brazil .....	Koppel Steel. Quanex. Timken. United States Steel.
A-351-828 .....	731-TA-806 .....	Hot-Rolled Carbon Steel Flat Products/Brazil.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-351-832 .....	731-TA-953 .....	Carbon and Certain Alloy Steel Wire Rod/Brazil.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A-351-837 .....	731-TA-1024 .....	Prestressed Concrete Steel Wire Strand/Brazil.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A-351-840 .....	731-TA-1089 .....	Certain Orange Juice/Brazil .....	A Duda & Sons Inc. Alico Inc. John Barnelt. Ben Hill Griffin Inc. Bliss Citrus. BTS A Florida General Partnership. Cain Groves. California Citrus Mutual. Cedar Haven Inc. Citrus World Inc. Clonts Groves Inc. Davis Enterprises Inc. D Edwards Dickinson. Evans Properties Inc. Florida Citrus Commission. Florida Citrus Mutual. Florida Farm Bureau Federation. Florida Fruit & Vegetable Association. Florida State of Department of Citrus. Flying V Inc. GBS Groves Inc. Graves Brothers Co. H&S Groves. Hartwell Groves Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-357-007 .....	731-TA-157 .....	Carbon Steel Wire Rod/Argentina	Holly Hill Fruit Products Co. Jack Melton Family Inc. K-Bob Inc. L Dicks Inc. Lake Pickett Partnership Inc. Lamb Revocable Trust Gerilyn Rebecca S Lamb Trustee. Lykes Bros Inc. Martin J McKenna. Orange & Sons Inc. Osgood Groves. William W Parshall. PH Freeman & Sons. Pierie Grove. Raymond & Melissa Pierie. Roper Growers Cooperative. Royal Brothers Groves. Seminole Tribe of Florida Inc. Silverman Groves/Rilla Cooper. Smoak Groves Inc. Sorrells Groves Inc. Southern Gardens Groves Corp. Southern Gardens Processing Corp. Southern Groves Citrus. Sun Ag Inc. Sunkist Growers Inc. Texas Citrus Exchange. Texas Citrus Mutual. Texas Produce Association. Travis Wise Management Inc. Uncle Matt's Fresh Inc. Varn Citrus Growers Inc. Atlantic Steel. Continental Steel. Georgetown Steel. North Star Steel. Raritan River Steel.
A-357-405 .....	731-TA-208 .....	Barbed Wire and Barbless Wire Strand/Argentina.	CF&I Steel. Davis Walker. Forbes Steel & Wire. Oklahoma Steel Wire.
A-357-802 .....	731-TA-409 .....	Light-Walled Rectangular Tube/Argentina.	Bull Moose Tube. Hannibal Industries. Harris Tube. Maruichi American. Searing Industries. Southwestern Pipe. Western Tube & Conduit.
A-357-804 .....	731-TA-470 .....	Silicon Metal/Argentina .....	American Alloys. Elkem Metals. Globe Metallurgical. International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. SKW Alloys. Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A-357-809 .....	731-TA-707 .....	Seamless Pipe/Argentina .....	Koppel Steel. Quanex. Timken. United States Steel.
A-357-810 .....	731-TA-711 .....	Oil Country Tubular Goods/Argentina.	IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel.
A-357-812 .....	731-TA-892 .....	Honey/Argentina .....	USS/Kobe. AH Meyer & Sons. Adee Honey Farms.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p> Althoff Apiaries.  American Beekeeping Federation.  American Honey Producers Association.  Anderson Apiaries.  Arroyo Apiaries.  Artesian Honey Producers.  B Weaver Apiaries.  Bailey Enterprises.  Barkman Honey.  Basler Honey Apiary.  Beals Honey.  Bears Paw Apiaries.  Beaverhead Honey.  Bee Biz.  Bee Haven Honey.  Belliston Brothers Apiaries.  Big Sky Honey.  Bill Rhodes Honey.  Richard E Blake.  Curt Bronnenberg.  Brown's Honey Farms.  Brumley's Bees.  Buhmann Apiaries.  Carys Honey Farms.  Chaparrel Honey.  Charles Apiaries.  Mitchell Charles.  Collins Honey.  Conor Apiaries.  Coy's Honey Farm.  Dave Nelson Apiaries.  Delta Bee.  Eisele's Pollination &amp; Honey.  Ellingsoa's.  Elliott Curtis &amp; Sons.  Charles L Emmons, Sr.  Gause Honey.  Gene Brandi Apiaries.  Griffith Honey.  Haff Apiaries.  Hamilton Bee Farms.  Hamilton Honey.  Happie Bee.  Harvest Honey.  Harvey's Honey.  Hiatt Honey.  Hoffman Honey.  Hollman Apiaries.  Honey House.  Honeybee Apiaries.  Gary M Honl.  Rand William Honl and Sydney Jo Honl.  James R &amp; Joann Smith Trust.  Jaynes Bee Products.  Johnston Honey Farms.  Larry Johnston.  Ke-An Honey.  Kent Honeybees.  Lake-Indianhead Honey Farms.  Lamb's Honey Farm.  Las Flores Apiaries.  Mackrill Honey Farms &amp; Sales.  Raymond Marquette.  Mason &amp; Sons Honey.  McCoy's Sunny South Apiaries.  Merrimack Valley Apiaries &amp; Evergreen Honey.  Met 2 Honey Farm.  Missouri River Honey.  Mitchell Brothers Honey.  Monda Honey Farm.  Montana Dakota Honey.  Northern Bloom Honey.  Noye's Apiaries. </p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-357-814 .....	731-TA-898 .....	Hot-Rolled Steel Products/Argentina.	Oakes Honey. Oakley Honey Farms. Old Mill Apiaries. Opp Honey. Oro Dulce. Peterson's "Naturally Sweet" Honey. Potoczak Bee Farms. Price Apiaries. Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries. Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries. Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp. Jessop Steel. Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America. AL Tech Specialty Steel. Allegheny Ludlum Steel. ARMCO. Carpenter Technology. Crucible Materials. Damacus Tubular Products. Specialty Tubing Group. Barden Corp. Emerson Power Transmission. Kubar Bearings. MPB.
A-401-040 .....	AA1921-114 .....	Stainless Steel Plate/Sweden .....	
A-401-601 .....	731-TA-316 .....	Brass Sheet and Strip/Sweden ...	
A-401-603 .....	731-TA-354 .....	Stainless Steel Hollow Products/Sweden.	
A-401-801 .....	731-TA-397-A ...	Ball Bearings/Sweden .....	

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-401-801 .....	731-TA-397-B ...	Cylindrical Roller Bearings/Sweden.	Rollway Bearings. Torrington. Barden Corp. Emerson Power Transmission. MPB.
A-401-805 .....	731-TA-586 .....	Cut-to-Length Carbon Steel Plate/Sweden.	Rollway Bearings. Torrington. Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-401-806 .....	731-TA-774 .....	Stainless Steel Wire Rod/Sweden.	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-401-808 .....	731-TA-1087 .....	Purified Carboxymethylcellulose/Sweden.	Aqualon Co a Division of Hercules Inc.
A-403-801 .....	731-TA-454 .....	Fresh and Chilled Atlantic Salmon/Norway.	Heritage Salmon. The Coalition for Fair Atlantic Salmon Trade.
A-405-802 .....	731-TA-576 .....	Cut-to-Length Carbon Steel Plate/Finland.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-405-803 .....	731-TA-1084 .....	Purified Carboxymethylcellulose/Finland.	Aqualon Co a Division of Hercules Inc.
A-412-801 .....	731-TA-399-A ...	Ball Bearings/United Kingdom ....	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A-412-801 .....	731-TA-399-B ...	Cylindrical Roller Bearings/United Kingdom.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A-412-803 .....	731-TA-443 .....	Industrial Nitrocellulose/United Kingdom.	Hercules.
A-412-805 .....	731-TA-468 .....	Sodium Thiosulfate/United Kingdom.	Calabrian.
A-412-814 .....	731-TA-587 .....	Cut-to-Length Carbon Steel Plate/United Kingdom.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-412-818 .....	731-TA-804 .....	Stainless Steel Sheet and Strip/ United Kingdom.	Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A-412-822 .....	731-TA-918 .....	Stainless Steel Bar/United King- dom.	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A-421-701 .....	731-TA-380 .....	Brass Sheet and Strip/Nether- lands.	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. North Coast Brass & Copper. Olin. Pegg Metals. Revere Copper Products. United Steelworkers of America.
A-421-804 .....	731-TA-608 .....	Cold-Rolled Carbon Steel Flat Products/Netherlands.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A-421-805 .....	731-TA-652 .....	Aramid Fiber/Netherlands .....	E I du Pont de Nemours.
A-421-807 .....	731-TA-903 .....	Hot-Rolled Steel Products/Neth- erlands.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp. Aqualon Co a Division of Hercules Inc.
A-421-811 .....	731-TA-1086 .....	Purified Carboxymethylcellulose/ Netherlands.	Florida Sugar Marketing and Terminal Association.
A-423-077 .....	AA1921-198 .....	Sugar/Belgium .....	Albright & Wilson. FMC. Hydrite Chemical. Monsanto.
A-423-602 .....	731-TA-365 .....	Industrial Phosphoric Acid/Bel- gium.	Stauffer Chemical. Bethlehem Steel. California Steel Industries.
A-423-805 .....	731-TA-573 .....	Cut-to-Length Carbon Steel Plate/Belgium.	

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-423-808 .....	731-TA-788 .....	Stainless Steel Plate in Coils/Belgium.	CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. Allegheny Ludlum. Armco Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A-427-001 .....	731-TA-44 .....	Sorbitol/France .....	Lonza. Pfizer.
A-427-009 .....	731-TA-96 .....	Industrial Nitrocellulose/France ...	Hercules.
A-427-078 .....	AA1921-199 .....	Sugar/France .....	Florida Sugar Marketing and Terminal Association.
A-427-098 .....	731-TA-25 .....	Anhydrous Sodium Metasilicate/ France.	PQ.
A-427-602 .....	731-TA-313 .....	Brass Sheet and Strip/France .....	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A-427-801 .....	731-TA-392-A ...	Ball Bearings/France .....	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A-427-801 .....	731-TA-392-B ...	Cylindrical Roller Bearings/ France.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A-427-801 .....	731-TA-392-C ...	Spherical Plain Bearings/France	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. Rexnord Inc. Rollway Bearings. Torrington.
A-427-804 .....	731-TA-553 .....	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	Bethlehem Steel. Inland Steel Industries. USS/Kobe Steel.
A-427-808 .....	731-TA-615 .....	Corrosion-Resistant Carbon Steel Flat Products/France.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-427-811 .....	731-TA-637 .....	Stainless Steel Wire Rod/France	WCI Steel. Weirton Steel. AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-427-814 .....	731-TA-797 .....	Stainless Steel Sheet and Strip/ France.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A-427-816 .....	731-TA-816 .....	Cut-to-Length Carbon Steel Plate/France.	Bethlehem Steel. Geneva Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
A-427-818 .....	731-TA-909 .....	Low Enriched Uranium/France ...	United States Enrichment Corp. USEC Inc.
A-427-820 .....	731-TA-913 .....	Stainless Steel Bar/France .....	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A-428-082 .....	AA1921-200 .....	Sugar/Germany .....	Florida Sugar Marketing and Terminal Association.
A-428-602 .....	731-TA-317 .....	Brass Sheet and Strip/Germany	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A-428-801 .....	731-TA-391-A ...	Ball Bearings/Germany .....	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A-428-801 .....	731-TA-391-B ...	Cylindrical Roller Bearings/Ger- many.	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A-428-801 .....	731-TA-391-C ...	Spherical Plain Bearings/Ger- many.	Barden Corp. Emerson Power Transmission. Rollway Bearings. Torrington.
A-428-802 .....	731-TA-419 .....	Industrial Belts/Germany .....	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A-428-803 .....	731-TA-444 .....	Industrial Nitrocellulose/Germany	Hercules.
A-428-807 .....	731-TA-465 .....	Sodium Thiosulfate/Germany .....	Calabrian.
A-428-814 .....	731-TA-604 .....	Cold-Rolled Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-428-815 .....	731-TA-616 .....	Corrosion-Resistant Carbon Steel Flat Products/Germany.	Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel.
A-428-816 .....	731-TA-578 .....	Cut-to-Length Carbon Steel Plate/Germany.	Weirton Steel. Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-428-820 .....	731-TA-709 .....	Seamless Pipe/Germany .....	Koppel Steel. Quanex. Timken. United States Steel. Rockwell Graphics Systems.
A-428-821 .....	731-TA-736 .....	Large Newspaper Printing Presses/Germany.	
A-428-825 .....	731-TA-798 .....	Stainless Steel Sheet and Strip/Germany.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A-428-830 .....	731-TA-914 .....	Stainless Steel Bar/Germany .....	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A-437-601 .....	731-TA-341 .....	Tapered Roller Bearings/Hungary	L&S Bearing. Timken. Torrington.
A-437-804 .....	731-TA-426 .....	Sulfanilic Acid/Hungary .....	Nation Ford Chemical.
A-447-801 .....	731-TA-340C .....	Solid Urea/Estonia .....	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-449-804 .....	731-TA-878 .....	Steel Concrete Reinforcing Bar/Latvia.	AB Steel Mill Inc. AmeriSteel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-451-801 .....	731-TA-340D .....	Solid Urea/Lithuania .....	Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co. Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-455-802 .....	731-TA-583 .....	Cut-to-Length Carbon Steel Plate/Poland.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-455-803 .....	731-TA-880 .....	Steel Concrete Reinforcing Bar/Poland.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A-469-007 .....	731-TA-126 .....	Potassium Permanganate/Spain	Carus Chemical.
A-469-803 .....	731-TA-585 .....	Cut-to-Length Carbon Steel Plate/Spain.	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
A-469-805 .....	731-TA-682 .....	Stainless Steel Bar/Spain .....	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-469-807 .....	731-TA-773 .....	Stainless Steel Wire Rod/Spain ..	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-469-810 .....	731-TA-890 .....	Stainless Steel Angle/Spain .....	Slater Steels. United Steelworkers of America.
A-469-814 .....	731-TA-1083 .....	Chlorinated Isocyanurates/Spain	BioLab Inc. Clearon Corp. Occidental Chemical Corp. Nation Ford Chemical.
A-471-806 .....	731-TA-427 .....	Sulfanilic Acid/Portugal .....	Minnesota Mining & Manufacturing.
A-475-059 .....	AA1921-167 .....	Pressure-Sensitive Plastic Tape/ Italy.	
A-475-601 .....	731-TA-314 .....	Brass Sheet and Strip/Italy .....	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A-475-703 .....	731-TA-385 .....	Granular Polytetrafluoroethylene/ Italy.	E I du Pont de Nemours. ICI Americas.
A-475-801 .....	731-TA-393-A ...	Ball Bearings/Italy .....	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A-475-801 .....	731-TA-393-B ...	Cylindrical Roller Bearings/Italy ..	Barden Corp. Emerson Power Transmission. MPB. Rollway Bearings. Torrington.
A-475-802 .....	731-TA-413 .....	Industrial Belts/Italy .....	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A-475-811 .....	731-TA-659 .....	Grain-Oriented Silicon Electrical Steel/Italy.	Allegheny Ludlum. Armco Steel. Butler Armco Independent Union. United Steelworkers of America. Zanesville Armco Independent Union.
A-475-814 .....	731-TA-710 .....	Seamless Pipe/Italy .....	Koppel Steel. Quanex. Timken. United States Steel.
A-475-816 .....	731-TA-713 .....	Oil Country Tubular Goods/Italy ..	Bellville Tube. IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A-475-818 .....	731-TA-734 .....	Pasta/Italy .....	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
A-475-820 .....	731-TA-770 .....	Stainless Steel Wire Rod/Italy .....	AL Tech Specialty Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-475-822 .....	731-TA-790 .....	Stainless Steel Plate in Coils/Italy	Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America. Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A-475-824 .....	731-TA-799 .....	Stainless Steel Sheet and Strip/Italy.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A-475-826 .....	731-TA-819 .....	Cut-to-Length Carbon Steel Plate/Italy.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
A-475-828 .....	731-TA-865 .....	Stainless Steel Butt-Weld Pipe Fittings/Italy.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A-475-829 .....	731-TA-915 .....	Stainless Steel Bar/Italy .....	Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America. Hercules.
A-479-801 .....	731-TA-445 .....	Industrial Nitrocellulose/Yugoslavia.	
A-484-801 .....	731-TA-406 .....	Electrolytic Manganese Dioxide/Greece.	Chemetals. Kerr-McGee. Rayovac.
A-485-601 .....	731-TA-339 .....	Solid Urea/Romania .....	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-485-602 .....	731-TA-345 .....	Tapered Roller Bearings/Romania.	L&S Bearing. Timken. Torrington.
A-485-801 .....	731-TA-395 .....	Ball Bearings/Romania .....	Barden Corp. Emerson Power Transmission. Kubar Bearings. MPB. Rollway Bearings. Torrington.
A-485-803 .....	731-TA-584 .....	Cut-to-Length Carbon Steel Plate/Romania.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-485-805 .....	731-TA-849 .....	Small-Diameter Carbon Steel Seamless Pipe/Romania.	United Steelworkers of America. Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A-485-806 .....	731-TA-904 .....	Hot-Rolled Steel Products/Romania.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-489-501 .....	731-TA-273 .....	Welded Carbon Steel Pipe and Tube/Turkey.	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
A-489-602 .....	731-TA-364 .....	Aspirin/Turkey .....	Dow Chemical. Monsanto. Norwich-Eaton.
A-489-805 .....	731-TA-735 .....	Pasta/Turkey .....	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA. Philadelphia Macaroni. ST Specialty Foods.
A-489-807 .....	731-TA-745 .....	Steel Concrete Reinforcing Bar/Turkey.	AmeriSteel. Auburn Steel. Birmingham Steel. Commercial Metals. Marion Steel. New Jersey Steel.
A-507-502 .....	731-TA-287 .....	Raw In-Shell Pistachios/Iran .....	Blackwell Land. California Pistachio Orchard. Keenan Farms. Kern Pistachio Hulling & Drying.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-508-604 .....	731-TA-366 .....	Industrial Phosphoric Acid/Israel	Los Ranchos de Poco Pedro. Pistachio Producers of California. TM Duche Nut. Albright & Wilson. FMC. Hydrite Chemical. Monsanto. Stauffer Chemical.
A-533-502 .....	731-TA-271 .....	Welded Carbon Steel Pipe and Tube/India.	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
A-533-806 .....	731-TA-561 .....	Sulfanilic Acid/India .....	R-M Industries.
A-533-808 .....	731-TA-638 .....	Stainless Steel Wire Rod/India ..	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-533-809 .....	731-TA-639 .....	Forged Stainless Steel Flanges/India.	Gerlin. Ideal Forging. Maass Flange. Markovitz Enterprises.
A-533-810 .....	731-TA-679 .....	Stainless Steel Bar/India .....	AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A-533-813 .....	731-TA-778 .....	Preserved Mushrooms/India .....	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A-533-817 .....	731-TA-817 .....	Cut-to-Length Carbon Steel Plate/India.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A-533-820 .....	731-TA-900 .....	Hot-Rolled Steel Products/India ..	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-533-823 .....	731-TA-929 .....	Silicomanganese/ndia .....	Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639.
A-533-824 .....	731-TA-933 .....	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/ India.	DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc.
A-533-828 .....	731-TA-1025 .....	Prestressed Concrete Steel Wire Strand/India.	Toray Plastics (America). American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A-533-838 .....	731-TA-1061 .....	Carbazole Violet Pigment 23/ India.	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
A-533-843 .....	731-TA-1096 .....	Certain Lined Paper School Supplies/India.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW).
A-538-802 .....	731-TA-514 .....	Cotton Shop Towels/Bangladesh	Milliken.
A-549-502 .....	731-TA-252 .....	Welded Carbon Steel Pipe and Tube/Thailand.	Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
A-549-601 .....	731-TA-348 .....	Malleable Cast Iron Pipe Fittings/ Thailand.	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A-549-807 .....	731-TA-521 .....	Carbon Steel Butt-Weld Pipe Fittings/Thailand.	Hackney. Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America.
A-549-812 .....	731-TA-705 .....	Furfuryl Alcohol/Thailand .....	QO Chemicals.
A-549-813 .....	731-TA-706 .....	Canned Pineapple/Thailand .....	International Longshoreman's and Warehouseman's Union. Maui Pineapple.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-549-817 .....	731-TA-907 .....	Hot-Rolled Steel Products/Thailand.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-549-820 .....	731-TA-1028 .....	Prestressed Concrete Steel Wire Strand/Thailand.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A-549-821 .....	731-TA-1045 .....	Polyethylene Retail Carrier Bags/Thailand.	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A-552-801 .....	731-TA-1012 .....	Certain Frozen Fish Fillets/Vietnam.	America's Catch Inc. Aquafarms Catfish Inc. Carolina Classics Catfish Inc. Catfish Farmers of America. Consolidated Catfish Companies Inc. Delta Pride Catfish Inc. Fish Processors Inc. Guidry's Catfish Inc. Haring's Pride Catfish. Harvest Select Catfish (Alabama Catfish Inc). Heartland Catfish Co (TT&W Farm Products Inc). Prairie Lands Seafood (Illinois Fish Farmers Cooperative). Pride of the Pond. Pride of the South Catfish Inc. Prime Line Inc. Seabrook Seafood Inc. Seacat (Arkansas Catfish Growers). Simmons Farm Raised Catfish Inc. Southern Pride Catfish LLC. Verret Fisheries Inc.
A-557-805 .....	731-TA-527 .....	Extruded Rubber Thread/Malaysia.	Globe Manufacturing. North American Rubber Thread.
A-557-809 .....	731-TA-866 .....	Stainless Steel Butt-Weld Pipe Fittings/Malaysia.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A-557-813 .....	731-TA-1044 .....	Polyethylene Retail Carrier Bags/Malaysia.	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-559-502 .....	731-TA-296 .....	Small Diameter Standard and Rectangular Pipe and Tube/Singapore.	Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC. Allied Tube & Conduit. American Tube. Bull Moose Tube. Cyclops. Hannibal Industries. Laclede Steel. Pittsburgh Tube. Sharon Tube. Western Tube & Conduit. Wheatland Tube.
A-559-601 .....	731-TA-370 .....	Color Picture Tubes/Singapore ...	Industrial Union Department, AFL-CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A-559-801 .....	731-TA-396 .....	Ball Bearings/Singapore .....	Barden Corp. Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A-559-802 .....	731-TA-415 .....	Industrial Belts/Singapore .....	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A-560-801 .....	731-TA-742 .....	Melamine Institutional Dinnerware/Indonesia.	Carlisle Food Service Products. Lexington United. Plastics Manufacturing.
A-560-802 .....	731-TA-779 .....	Preserved Mushrooms/Indonesia	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A-560-803 .....	731-TA-787 .....	Extruded Rubber Thread/Indonesia.	North American Rubber Thread.
A-560-805 .....	731-TA-818 .....	Cut-to-Length Carbon Steel Plate/Indonesia.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A-560-811 .....	731-TA-875 .....	Steel Concrete Reinforcing Bar/Indonesia.	AB Steel Mill Inc. AmeriSteel. Birmingham Steel. Border Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-560-812 .....	731-TA-901 .....	Hot-Rolled Steel Products/Indonesia.	Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co. Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-560-815 .....	731-TA-957 .....	Carbon and Certain Alloy Steel Wire Rod/Indonesia.	AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A-560-818 .....	731-TA-1097 .....	Certain Lined Paper School Supplies/Indonesia.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW).
A-565-801 .....	731-TA-867 .....	Stainless Steel Butt-Weld Pipe Fittings/Philippines.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A-570-001 .....	731-TA-125 .....	Potassium Permanganate/China	Carus Chemical.
A-570-002 .....	731-TA-130 .....	Chloropicrin/China .....	LCP Chemicals & Plastics. Niklor Chemical.
A-570-003 .....	731-TA-103 .....	Cotton Shop Towels/China .....	Milliken. Texel Industries. Wikit.
A-570-007 .....	731-TA-149 .....	Barium Chloride/China .....	Chemical Products.
A-570-101 .....	731-TA-101 .....	Greige Polyester Cotton Printcloth/China.	Alice Manufacturing. Clinton Mills. Dan River. Greenwood Mills. Hamrick Mills. M Lowenstein. Mayfair Mills. Mount Vernon Mills.
A-570-501 .....	731-TA-244 .....	Natural Bristle Paint Brushes/China.	Baltimore Brush. Bestt Liebco. Elder & Jenks. EZ Paintr. H&G Industries. Joseph Lieberman & Sons. Purdy. Rubberset.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-570-502 .....	731-TA-265 .....	Iron Construction Castings/China	Thomas Paint Applicators. Wooster Brush. Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
A-570-504 .....	731-TA-282 .....	Petroleum Wax Candles/China ...	The AI Root Company. Candle Artisans Inc. Candle-Lite. Cathedral Candle. Colonial Candle of Cape Cod. General Wax & Candle. Lenox Candles. Lumi-Lite Candle. Meuch-Kreuzer Candle. National Candle Association. Will & Baumer. WNS.
A-570-506 .....	731-TA-298 .....	Porcelain-on-Steel Cooking Ware/China.	General Housewares.
A-570-601 .....	731-TA-344 .....	Tapered Roller Bearings/China ...	L&S Bearing. Timken. Torrington.
A-570-802 .....	731-TA-441 .....	Industrial Nitrocellulose/China .....	Hercules.
A-570-803 .....	731-TA-457-A ...	Axes and Adzes/China .....	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A-570-803 .....	731-TA-457-B ...	Bars and Wedges/China .....	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A-570-803 .....	731-TA-457-C ...	Hammers and Sledges/China .....	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A-570-803 .....	731-TA-457-D ...	Picks and Mattocks/China .....	Council Tool Co Inc. Warwood Tool. Woodings-Verona.
A-570-804 .....	731-TA-464 .....	Sparklers/China .....	BJ Alan. Diamond Sparkler. Elkton Sparkler. Calabrian.
A-570-805 .....	731-TA-466 .....	Sodium Thiosulfate/China .....	American Alloys. Elkem Metals. Globe Metallurgical.
A-570-806 .....	731-TA-472 .....	Silicon Metal/China .....	International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693). Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. SiMETCO. SKW Alloys. Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60). United Steelworkers of America (Locals 5171, 8538 and 12646).
A-570-808 .....	731-TA-474 .....	Chrome-Plated Lug Nuts/China ..	Consolidated International Automotive. Key Manufacturing. McGard.
A-570-811 .....	731-TA-497 .....	Tungsten Ore Concentrates/China.	Curtis Tungsten. US Tungsten.
A-570-814 .....	731-TA-520 .....	Carbon Steel Butt-Weld Pipe Fittings/China.	Hackney. Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-570-815 .....	731-TA-538 .....	Sulfanilic Acid/China .....	R-M Industries.
A-570-819 .....	731-TA-567 .....	Ferrosilicon/China .....	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A-570-822 .....	731-TA-624 .....	Helical Spring Lock Washers/China.	Illinois Tool Works.
A-570-825 .....	731-TA-653 .....	Sebacic Acid/China .....	Union Camp.
A-570-826 .....	731-TA-663 .....	Paper Clips/China .....	ACCO USA. Labelon/Noesting. TRICO Manufacturing.
A-570-827 .....	731-TA-669 .....	Cased Pencils/China .....	Blackfeet Indian Writing Instrument. Dixon-Ticonderoga. Empire Berol. Faber-Castell. General Pencil. JR Moon Pencil. Musgrave Pen & Pencil. Panda. Writing Instrument Manufacturers Association, Pencil Section.
A-570-828 .....	731-TA-672 .....	Silicomanganese/China .....	Elkem Metals. Oil, Chemical and Atomic Workers (Local 3-639).
A-570-830 .....	731-TA-677 .....	Coumarin/China .....	Rhone-Poulenc.
A-570-831 .....	731-TA-683 .....	Fresh Garlic/China .....	A&D Christopher Ranch. Belridge Packing. Colusa Produce. Denice & Filice Packing. El Camino Packing. The Garlic Company. Vessey and Company.
A-570-832 .....	731-TA-696 .....	Pure Magnesium/China .....	Dow Chemical. International Union of Operating Engineers (Local 564). Magnesium Corporation of America. United Steelworkers of America (Local 8319).
A-570-835 .....	731-TA-703 .....	Furfuryl Alcohol/China .....	QO Chemicals.
A-570-836 .....	731-TA-718 .....	Glycine/China .....	Chattem. Hampshire Chemical.
A-570-840 .....	731-TA-724 .....	Manganese Metal/China .....	Elkem Metals. Kerr-McGee.
A-570-842 .....	731-TA-726 .....	Polyvinyl Alcohol/China .....	Air Products and Chemicals.
A-570-844 .....	731-TA-741 .....	Melamine Institutional Dinnerware/China.	Carlisle Food Service Products. Lexington United. Plastics Manufacturing.
A-570-846 .....	731-TA-744 .....	Brake Rotors/China .....	Brake Parts. Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers. Iroquois Tool Systems. Kelsey Hayes. Kinetic Parts Manufacturing. Overseas Auto Parts. Wagner Brake.
A-570-847 .....	731-TA-749 .....	Persulfates/China .....	FMC.
A-570-848 .....	731-TA-752 .....	Crawfish Tail Meat/China .....	A&S Crawfish. Acadiana Fisherman's Co-Op. Arnaudville Seafood. Atchafalaya Crawfish Processors. Basin Crawfish Processors. Bayou Land Seafood. Becnel's Meat & Seafood. Bellard's Poultry & Crawfish. Bonanza Crawfish Farm. Cajun Seafood Distributors. Carl's Seafood. Catahoula Crawfish. Choplin SFD. CJ's Seafood & Purged Crawfish. Clearwater Crawfish. Crawfish Processors Alliance.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-570-849 .....	731-TA-753 .....	Cut-to-Length Carbon Steel Plate/China.	Harvey's Seafood. Lawtell Crawfish Processors. Louisiana Premium Seafoods. Louisiana Seafood. LT West. Phillips Seafood. Prairie Cajun Wholesale Seafood Dist. Riceland Crawfish. Schexnider Crawfish. Seafood International Distributors. Sylvester's Processors. Teche Valley Seafood. Acme Metals Inc. Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Lukens Inc. National Steel. US Steel. United Steelworkers of America.
A-570-850 .....	731-TA-757 .....	Collated Roofing Nails/China .....	Illinois Tool Works. International Staple and Machines. Stanley-Bostitch.
A-570-851 .....	731-TA-777 .....	Preserved Mushrooms/China .....	LK Bowman. Modern Mushroom Farms. Monterey Mushrooms. Mount Laurel Canning. Mushroom Canning. Southwood Farms. Sunny Dell Foods. United Canning.
A-570-852 .....	731-TA-814 .....	Creatine Monohydrate/China .....	Pfanstiehl Laboratories.
A-570-853 .....	731-TA-828 .....	Aspirin/China .....	Rhodia.
A-570-855 .....	731-TA-841 .....	Non-Frozen Apple Juice Concentrate/China.	Coloma Frozen Foods. Green Valley Apples of California. Knouse Foods Coop. Mason County Fruit Packers Coop. Tree Top.
A-570-856 .....	731-TA-851 .....	Synthetic Indigo/China .....	Buffalo Color.
A-570-860 .....	731-TA-874 .....	Steel Concrete Reinforcing Bar/China.	United Steelworkers of America. AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO.
A-570-862 .....	731-TA-891 .....	Foundry Coke/China .....	TXI-Chaparral Steel Co. ABC Coke. Citizens Gas and Coke Utility. Erie Coke. Sloss Industries Corp. Tonawanda Coke.
A-570-863 .....	731-TA-893 .....	Honey/China .....	United Steelworkers of America. AH Meyer & Sons. Adee Honey Farms. Althoff Apiaries. American Beekeeping Federation. American Honey Producers Association. Anderson Apiaries. Arroyo Apiaries. Artesian Honey Producers. B Weaver Apiaries. Bailey Enterprises.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p> Barkman Honey.  Basler Honey Apiary.  Beals Honey.  Bears Paw Apiaries.  Beaverhead Honey.  Bee Biz.  Bee Haven Honey.  Belliston Brothers Apiaries.  Big Sky Honey.  Bill Rhodes Honey.  Richard E Blake.  Curt Bronnenberg.  Brown's Honey Farms.  Brumley's Bees.  Buhmann Apiaries.  Carys Honey Farms.  Chaparrel Honey.  Charles Apiaries.  Mitchell Charles.  Collins Honey.  Conor Apiaries.  Coy's Honey Farm.  Dave Nelson Apiaries.  Delta Bee.  Eisele's Pollination &amp; Honey.  Ellingsoa's.  Elliott Curtis &amp; Sons.  Charles L Emmons, Sr.  Gause Honey.  Gene Brandi Apiaries.  Griffith Honey.  Haff Apiaries.  Hamilton Bee Farms.  Hamilton Honey.  Happie Bee.  Harvest Honey.  Harvey's Honey.  Hiatt Honey.  Hoffman Honey.  Hollman Apiaries.  Honey House.  Honeybee Apiaries.  Gary M Honl.  Rand William Honl and Sydney Jo Honl.  James R &amp; Joann Smith Trust.  Jaynes Bee Products.  Johnston Honey Farms.  Larry Johnston.  Ke-An Honey.  Kent Honeybees.  Lake-Indianhead Honey Farms.  Lamb's Honey Farm.  Las Flores Apiaries.  Mackrill Honey Farms &amp; Sales.  Raymond Marquette.  Mason &amp; Sons Honey.  McCoy's Sunny South Apiaries.  Merrimack Valley Apiaries &amp; Evergreen Honey.  Met 2 Honey Farm.  Missouri River Honey.  Mitchell Brothers Honey.  Monda Honey Farm.  Montana Dakota Honey.  Northern Bloom Honey.  Noye's Apiaries.  Oakes Honey.  Oakley Honey Farms.  Old Mill Apiaries.  Opp Honey.  Oro Dulce.  Peterson's "Naturally Sweet" Honey.  Potoczak Bee Farms.  Price Apiaries. </p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries. Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries.
A-570-864 .....	731-TA-895 .....	Pure Magnesium (Granular)/China.	Concerned Employees of Northwest Alloys. Magnesium Corporation of America. United Steelworkers of America. United Steelworkers of America (Local 8319).
A-570-865 .....	731-TA-899 .....	Hot-Rolled Steel Products/China	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-570-866 .....	731-TA-921 .....	Folding Gift Boxes/China .....	Field Container. Harvard Folding Box. Sterling Packaging. Superior Packaging.
A-570-867 .....	731-TA-922 .....	Automotive Replacement Glass Windshields/China.	PPG Industries. Safelite Glass. Viracon/Curvlite Inc. Visteon Corporation.
A-570-868 .....	731-TA-932 .....	Folding Metal Tables and Chairs/China.	Krueger International. McCourt Manufacturing. Meco. Virco Manufacturing.
A-570-873 .....	731-TA-986 .....	Ferrovandium/China .....	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
A-570-875 .....	731-TA-990 .....	Non-Malleable Cast Iron Pipe Fittings/China.	Anvil International Inc. Buck Co Inc. Frazier & Frazier Industries. Ward Manufacturing Inc.
A-570-877 .....	731-TA-1010 .....	Lawn and Garden Steel Fence Posts/China.	Steel City Corp.
A-570-878 .....	731-TA-1013 .....	Saccharin/China .....	PMC Specialties Group Inc.
A-570-879 .....	731-TA-1014 .....	Polyvinyl Alcohol/China .....	Celanese Ltd. E I du Pont de Nemours & Co.
A-570-880 .....	731-TA-1020 .....	Barium Carbonate/China .....	Chemical Products Corp.
A-570-881 .....	731-TA-1021 .....	Malleable Iron Pipe Fittings/China.	Anvil International Inc. Buck Co Inc. Ward Manufacturing Inc.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-570-882 .....	731-TA-1022 .....	Refined Brown Aluminum Oxide/China.	C-E Minerals. Treibacher Schleifmittel North America Inc. Washington Mills Co Inc.
A-570-884 .....	731-TA-1034 .....	Certain Color Television Receivers/China.	Five Rivers Electronic Innovations LLC. Industrial Division of the Communications Workers of America (IUECWA). International Brotherhood of Electrical Workers (IBEW).
A-570-886 .....	731-TA-1043 .....	Polyethylene Retail Carrier Bags/China.	Aargus Plastics Inc. Advance Polybags Inc. Advance Polybags (Nevada) Inc. Advance Polybags (Northeast) Inc. Alpha Industries Inc. Alpine Plastics Inc. Ampac Packaging LLC. API Enterprises Inc. Command Packaging. Continental Poly Bags Inc. Durabag Co Inc. Europackaging LLC. Genpak LLC (formerly Continental Superbag LLC). Genpak LLC (formerly Strout Plastics). Hilex Poly Co LLC. Inteplast Group Ltd. PCL Packaging Inc. Poly-Pak Industries Inc. Roplast Industries Inc. Superbag Corp. Unistar Plastics LLC. Vanguard Plastics Inc. VS Plastics LLC.
A-570-887 .....	731-TA-1046 .....	Tetrahydrofurfuryl Alcohol/China	Penn Specialty Chemicals Inc.
A-570-888 .....	731-TA-1047 .....	Ironing Tables and Certain Parts Thereof/China.	Home Products International Inc.
A-570-890 .....	731-TA-1058 .....	Wooden Bedroom Furniture/China.	American Drew. American of Martinsville. Bassett Furniture Industries Inc. Bebe Furniture. Carolina Furniture Works Inc. Carpenters Industrial Union Local 2093. Century Furniture Industries. Country Craft Furniture Inc. Craftique. Crawford Furniture Mfg Corp. EJ Victor Inc. Forest Designs. Harden Furniture Inc. Hart Furniture. Higdon Furniture Co. IUE Industrial Division of CWA Local 82472. Johnston Tombigbee Furniture Mfg Co. Kincaid Furniture Co Inc. L & J G Stickley Inc. Lea Industries. Michels & Co. MJ Wood Products Inc. Mobel Inc. Modern Furniture Manufacturers Inc. Moosehead Mfg Co. Oakwood Interiors. O'Sullivan Industries Inc. Pennsylvania House Inc. Perdues Inc. Sandberg Furniture Mfg Co Inc. Stanley Furniture Co Inc. Statton Furniture Mfg Assoc. T Copeland & Sons. Teamsters, Chauffeurs, Warehousemen and Helpers Local 991. Tom Seely Furniture. UBC Southern Council of Industrial Workers Local Union 2305. United Steelworkers of America Local 193U. Vaughan Furniture Co Inc. Vaughan-Bassett Furniture Co Inc. Vermont Tubbs.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-570-891 .....	731-TA-1059 .....	Hand Trucks and Certain Parts Thereof/China.	Webb Furniture Enterprises Inc. B&P Manufacturing. Gleason Industrial Products Inc. Harper Trucks Inc. Magline Inc. Precision Products Inc. Wesco Industrial Products Inc.
A-570-892 .....	731-TA-1060 .....	Carbazole Violet Pigment 23/China.	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
A-570-894 .....	731-TA-1070 .....	Certain Tissue Paper Products/China.	American Crepe Corp. Cindus Corp. Eagle Tissue LLC. Flower City Tissue Mills Co and Subsidiary. Garlock Printing & Converting Corp. Green Mtn Specialties Inc. Hallmark Cards Inc. Pacon Corp. Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL-CIO ("PACE"). Paper Service LTD. Putney Paper. Seaman Paper Co of MA Inc.
A-570-895 .....	731-TA-1069 .....	Certain Crepe Paper Products/China.	American Crepe Corp. Cindus Corp. Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL-CIO ("PACE"). Seaman Paper Co of MA Inc.
A-570-896 .....	731-TA-1071 .....	Alloy Magnesium/China .....	Garfield Alloys Inc. Glass, Molders, Pottery, Plastics & Allied Workers International Local 374. Halaco Engineering. MagReTech Inc. United Steelworkers of America Local 8319.
A-570-899 .....	731-TA-1091 .....	Artists' Canvas/China .....	US Magnesium LLC. Duro Art Industries. ICG/Holliston Mills Inc. Signature World Class Canvas LLC. Tara Materials Inc.
A-570-898 .....	731-TA-1082 .....	Chlorinated Isocyanurates/China	BioLab Inc. Clearon Corp. Occidental Chemical Corp.
A-570-901 .....	731-TA-1095 .....	Certain Lined Paper School Supplies/China.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW).
A-570-904 .....	731-TA-1103 .....	Certain Activated Carbon/China	Calgon Carbon Corp. Norit Americas Inc.
A-570-905 .....	731-TA-1104 .....	Certain Polyester Staple Fiber/China.	DAK Americas LLC. Formed Fiber Technologies LLC. Nan Ya Plastics Corp America. Palmetto Synthetics LLC. United Synthetics Inc (USI). Wellman Inc.
A-570-908 .....	731-TA-1110 .....	Soium Hexametaphosphate (SHMP)/China.	ICL Performance Products LP. Innophos Inc.
A-580-008 .....	731-TA-134 .....	Color Television Receivers/Korea	Committee to Preserve American Color Television. Independent Radionic Workers of America. Industrial Union Department, AFL-CIO. International Brotherhood of Electrical Workers. International Union of Electrical, Radio and Machine Workers.
A-580-507 .....	731-TA-279 .....	Malleable Cast Iron Pipe Fittings/Korea.	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-580-601 .....	731-TA-304 .....	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
A-580-603 .....	731-TA-315 .....	Brass Sheet and Strip/Korea .....	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
A-580-605 .....	731-TA-369 .....	Color Picture Tubes/Korea .....	Industrial Union Department, AFL-CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A-580-803 .....	731-TA-427 .....	Small Business Telephone Systems/Korea.	American Telephone & Telegraph. Comdial. Eagle Telephonic.
A-580-805 .....	731-TA-442 .....	Industrial Nitrocellulose/Korea ....	Hercules.
A-580-807 .....	731-TA-459 .....	Polyethylene Terephthalate Film/Korea.	E I du Pont de Nemours. Hoechst Celanese. ICI Americas.
A-580-809 .....	731-TA-533 .....	Circular Welded Nonalloy Steel Pipe/Korea.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A-580-810 .....	731-TA-540 .....	Welded ASTM A-312 Stainless Steel Pipe/Korea.	Avesta Sandvik Tube. Bristol Metals. Crucible Materials. Damascus Tubular Products. United Steelworkers of America.
A-580-811 .....	731-TA-546 .....	Carbon Steel Wire Rope/Korea ..	Bridon American. Macwhyte. Paulsen Wire Rope. The Rochester Corporation. United Automobile, Aerospace and Agricultural Implement Workers (Local 960). Williamsport. Wire-rope Works. Wire Rope Corporation of America.
A-580-812 .....	731-TA-556 .....	DRAMs of 1 Megabit and Above/Korea.	Micron Technology. NEC Electronics. Texas Instruments.
A-580-813 .....	731-TA-563 .....	Stainless Steel Butt-Weld Pipe Fittings/Korea.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless.
A-580-815 .....	731-TA-607 .....	Cold-Rolled Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-580-816 .....	731-TA-618 .....	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A-580-825 .....	731-TA-715 .....	Oil Country Tubular Goods/Korea	Bellville Tube. IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
A-580-829 .....	731-TA-772 .....	Stainless Steel Wire Rod/Korea ..	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-580-831 .....	731-TA-791 .....	Stainless Steel Plate in Coils/ Korea.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A-580-834 .....	731-TA-801 .....	Stainless Steel Sheet and Strip/ Korea.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America.
A-580-836 .....	731-TA-821 .....	Cut-to-Length Carbon Steel Plate/Korea.	Zanesville Armco Independent Organization. Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel.
A-580-839 .....	731-TA-825 .....	Polyester Staple Fiber/Korea .....	United Steelworkers of America. Arteva Specialties Sarl. E I du Pont de Nemours. Intercontinental Polymers. Nan Ya Corporation America. Wellman.
A-580-841 .....	731-TA-854 .....	Structural Steel Beams/Korea .....	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-580-844 .....	731-TA-877 .....	Steel Concrete Reinforcing Bar/Korea.	United Steelworkers of America. AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO. TXI-Chaparral Steel Co.
A-580-846 .....	731-TA-889 .....	Stainless Steel Angle/Korea .....	Slater Steels.
A-580-847 .....	731-TA-916 .....	Stainless Steel Bar/Korea .....	United Steelworkers of America. Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels. United Steelworkers of America.
A-580-850 .....	731-TA-1017 .....	Polyvinyl Alcohol/Korea .....	Celanese Ltd.
A-580-852 .....	731-TA-1026 .....	Prestressed Concrete Steel Wire Strand/Korea.	E I du Pont de Nemours & Co. American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
A-583-008 .....	731-TA-132 .....	Small Diameter Carbon Steel Pipe and Tube/Tawian.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Copperweld Tubing. J&L Steel. Kaiser Steel. Merchant Metals. Pittsburgh Tube. Southwestern Pipe. Western Tube & Conduit.
A-583-009 .....	731-TA-135 .....	Color Television Receivers/Taiwan.	Committee to Preserve American Color Television. Independent Radionic Workers of America. Industrial Union Department, AFL-CIO. International Brotherhood of Electrical Workers. International Union of Electrical, Radio and Machine Workers.
A-583-080 .....	AA1921-197 .....	Carbon Steel Plate/Taiwan .....	No Petition (self-initiated by Treasury); Commerce service list identifies: Bethlehem Steel. China Steel. US Steel.
A-583-505 .....	731-TA-277 .....	Oil Country Tubular Goods/Taiwan.	CF&I Steel. Copperweld Tubing. Cyclops. KPC. Lone Star Steel. LTV Steel. Maverick Tube. Quanex. US Steel.
A-583-507 .....	731-TA-280 .....	Malleable Cast Iron Pipe Fittings/Taiwan.	Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing. General Housewares.
A-583-508 .....	731-TA-299 .....	Porcelain-on-Steel Cooking Ware/Taiwan.	
A-583-603 .....	731-TA-305 .....	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-583-605 .....	731-TA-310 .....	Carbon Steel Butt-Weld Pipe Fittings/Taiwan.	Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America. Weldbend.
A-583-803 .....	731-TA-410 .....	Light-Walled Rectangular Tube/Taiwan.	Bull Moose Tube. Hannibal Industries. Harris Tube. Maruichi American. Searing Industries. Southwestern Pipe. Western Tube & Conduit.
A-583-806 .....	731-TA-428 .....	Small Business Telephone Systems/Taiwan.	American Telephone & Telegraph. Comdial. Eagle Telephonic.
A-583-810 .....	731-TA-475 .....	Chrome-Plated Lug Nuts/Taiwan	Consolidated International Automotive. Key Manufacturing. McGard.
A-583-814 .....	731-TA-536 .....	Circular Welded Nonalloy Steel Pipe/Taiwan.	Allied Tube & Conduit. American Tube. Bull Moose Tube. Century Tube. CSI Tubular Products. Cyclops. Laclede Steel. LTV Tubular Products. Maruichi American. Sharon Tube. USX. Western Tube & Conduit. Wheatland Tube.
A-583-815 .....	731-TA-541 .....	Welded ASTM A-312 Stainless Steel Pipe/Taiwan.	Avesta Sandvik Tube. Bristol Metals. Crucible Materials. Damascus Tubular Products. United Steelworkers of America.
A-583-816 .....	731-TA-564 .....	Stainless Steel Butt-Weld Pipe Fittings/Taiwan.	Flo-Mac Inc. Gerlin. Markovitz Enterprises. Shaw Alloy Piping Products. Taylor Forge Stainless. Illinois Tool Works.
A-583-820 .....	731-TA-625 .....	Helical Spring Lock Washers/Taiwan.	
A-583-821 .....	731-TA-640 .....	Forged Stainless Steel Flanges/Taiwan.	Gerlin. Ideal Forging. Maass Flange. Markovitz Enterprises.
A-583-824 .....	731-TA-729 .....	Polyvinyl Alcohol/Taiwan .....	Air Products and Chemicals.
A-583-825 .....	731-TA-743 .....	Melamine Institutional Dinnerware/Taiwan.	Carlisle Food Service Products. Lexington United. Plastics Manufacturing.
A-583-826 .....	731-TA-759 .....	Collated Roofing Nails/Taiwan ....	Illinois Tool Works. International Staple and Machines. Stanley-Bostitch.
A-583-827 .....	731-TA-762 .....	SRAMs/Taiwan .....	Micron Technology.
A-583-828 .....	731-TA-775 .....	Stainless Steel Wire Rod/Taiwan	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-583-830 .....	731-TA-793 .....	Stainless Steel Plate in Coils/Taiwan.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A-583-831 .....	731-TA-803 .....	Stainless Steel Sheet and Strip/Taiwan.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-583-833 .....	731-TA-826 .....	Polyester Staple Fiber/Taiwan ....	United Steelworkers of America. Zanesville Armco Independent Organization. Arteva Specialties Sarl. Intercontinental Polymers. Nan Ya Plastics Corporation America. Wellman.
A-583-835 .....	731-TA-906 .....	Hot-Rolled Steel Products/Taiwan.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-583-837 .....	731-TA-934 .....	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/Taiwan.	DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc. Toray Plastics (America).
A-588-005 .....	731-TA-48 .....	High Power Microwave Amplifiers/Japan.	Aydin. MCL.
A-588-015 .....	AA1921-66 .....	Television Receivers/Japan .....	AGIV (USA). Casio Computer. CBM America. Citizen Watch. Funai Electric. Hitachi. Industrial Union Department. JC Penny. Matsushita. Mitsubishi Electric. Montgomery Ward. NEC. Orion Electric. PT Imports. Philips Electronics. Philips Magnavox. Sanyo. Sharp. Toshiba. Toshiba America Consumer Products. Victor Company of Japan. Zenith Electronics.
A-588-028 .....	AA1921-111 .....	Roller Chain/Japan .....	Acme Chain Division, North American Rockwell. American Chain Association. Atlas Chain & Precision Products. Diamond Chain. Link-Belt Chain Division, FMC. Morse Chain Division, Borg Warner. Rex Chainbelt.
A-588-029 .....	AA1921-85 .....	Fish Netting of Man-Made Fiber/Japan.	Jovanovich Supply. LFSI. Trans-Pacific Trading.
A-588-038 .....	AA1921-98 .....	Bicycle Speedometers/Japan .....	Avocet. Cat Eye. Diversified Products. NS International. Sanyo Electric. Stewart-Warner.
A-588-041 .....	AA1921-115 .....	Synthetic Methionine/Japan .....	Monsanto.
A-588-045 .....	AA1921-124 .....	Steel Wire Rope/Japan .....	AMSTED Industries.
A-588-046 .....	AA1921-129 .....	Polychloroprene Rubber/Japan ...	E I du Pont de Nemours.
A-588-054 .....	AA1921-143 .....	Tapered Roller Bearings 4 Inches and Under/Japan.	No companies identified as petitioners at the Commission; Commerce service list identifies: American Honda Motor. Federal Mogul. Ford Motor. General Motors.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Honda. Hoover-NSK Bearing. Isuzu. Itocho. ITOCHU International. Kanematsu-Goshu USA. Kawasaki Heavy Duty Industries. Komatsu America. Koyo Seiko. Kubota Tractor. Mitsubishi. Motorambar. Nachi America. Nachi Western. Nachi-Fujikoshi. Nippon Seiko. Nissan Motor. Nissan Motor USA. NSK. NTN. Subaru of America. Sumitomo. Suzuki Motor. Timken. Toyota Motor Sales. Yamaha Motors.
A-588-055 .....	AA1921-154 .....	Acrylic Sheet/Japan .....	Polycast Technology.
A-588-056 .....	AA1921-162 .....	Melamine/Japan .....	Melamine Chemical.
A-588-068 .....	AA1921-188 .....	Prestressed Concrete Steel Wire Strand/Japan.	American Spring Wire. Armco Steel. Bethlehem Steel. CF&I Steel. Florida Wire & Cable.
A-588-405 .....	731-TA-207 .....	Cellular Mobile Telephones/Japan.	EF Johnson. Motorola.
A-588-602 .....	731-TA-309 .....	Carbon Steel Butt-Weld Pipe Fittings/Japan.	Ladish. Mills Iron Works. Steel Forgings. Tube Forgings of America.
A-588-604 .....	731-TA-343 .....	Tapered Roller Bearings Over 4 Inches/Japan.	Weldbend. L&S Bearing. Timken.
A-588-605 .....	731-TA-347 .....	Malleable Cast Iron Pipe Fittings/Japan.	Torrington. Grinnell. Stanley G Flagg. Stockham Valves & Fittings. U-Brand. Ward Manufacturing.
A-588-609 .....	731-TA-368 .....	Color Picture Tubes/Japan .....	Industrial Union Department, AFL-CIO. International Association of Machinists & Aerospace Workers. International Brotherhood of Electrical Workers. International Union of Electronic, Electrical, Technical, Salaried and Machine Workers. Philips Electronic Components Group. United Steelworkers of America. Zenith Electronics.
A-588-702 .....	731-TA-376 .....	Stainless Steel Butt-Weld Pipe Fittings/Japan.	Flo-Mac Inc. Flowline. Shaw Alloy Piping Products. Taylor Forge Stainless.
A-588-703 .....	731-TA-377 .....	Internal Combustion Industrial Forklift Trucks/Japan.	Ad-Hoc Group of Workers from Hyster's Berea, Kentucky and Sulligent, Alabama Facilities. Allied Industrial Workers of America. Hyster. Independent Lift Truck Builders Union. International Association of Machinists & Aerospace Workers. United Shop & Service Employees.
A-588-704 .....	731-TA-379 .....	Brass Sheet and Strip/Japan .....	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mechanics Educational Society of America (Local 56). The Miller Company. North Coast Brass & Copper. Olin. Pegg Metals. Revere Copper Products. United Steelworkers of America. Uniroyal Chemical.
A-588-706 .....	731-TA-384 .....	Nitrile Rubber/Japan .....	E I du Pont de Nemours.
A-588-707 .....	731-TA-386 .....	Granular Polytetrafluoroethylene/ Japan.	ICI Americas. Verbatim.
A-588-802 .....	731-TA-389 .....	3.5" Microdisks/Japan .....	Barden Corp.
A-588-804 .....	731-TA-394-A ...	Ball Bearings/Japan .....	Emerson Power Transmission. Kubar Bearings. McGill Manufacturing Co. MPB. Rexnord Inc. Rollway Bearings. Torrington.
A-588-804 .....	731-TA-394-B ...	Cylindrical Roller Bearings/Japan	Barden Corp. Emerson Power Transmission. Kubar Bearings. MPB. Rollway Bearings. Torrington.
A-588-804 .....	731-TA-394-C ...	Spherical Plain Bearings/Japan ..	Barden Corp. Emerson Power Transmission. Kubar Bearings. Rollway Bearings. Torrington.
A-588-806 .....	731-TA-408 .....	Electrolytic Manganese Dioxide/ Japan.	Chemetals. Kerr-McGee. Rayovac.
A-588-807 .....	731-TA-414 .....	Industrial Belts/Japan .....	The Gates Rubber Company. The Goodyear Tire and Rubber Company.
A-588-809 .....	731-TA-426 .....	Small Business Telephone Sys- tems/Japan.	American Telephone & Telegraph. Comdial. Eagle Telephonic.
A-588-810 .....	731-TA-429 .....	Mechanical Transfer Presses/ Japan.	Allied Products. United Autoworkers of America. United Steelworkers of America.
A-588-811 .....	731-TA-432 .....	Drafting Machines/Japan .....	Vemco.
A-588-812 .....	731-TA-440 .....	Industrial Nitrocellulose/Japan ....	Hercules.
A-588-815 .....	731-TA-461 .....	Gray Portland Cement and Clink- er/Japan.	Calaveras Cement. Hanson Permanente Cement. Independent Workers of North America (Locals 49, 52, 89, 192 and 471). International Union of Operating Engineers (Local 12). National Cement Co Inc. National Cement Company of California. Southdown.
A-588-817 .....	731-TA-469 .....	Electroluminescent Flat-Panel Displays/Japan.	The Cherry Corporation. Electro Plasma. Magnascreen. OIS Optical Imaging Systems. Photonics Technology. Planar Systems. Plasmaco.
A-588-823 .....	731-TA-571 .....	Professional Electric Cutting Tools/Japan.	Black & Decker.
A-588-826 .....	731-TA-617 .....	Corrosion-Resistant Carbon Steel Flat Products/Japan.	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Lukens Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-588-831 .....	731-TA-660 .....	Grain-Oriented Silicon Electrical Steel/Japan.	Weirton Steel. Allegheny Ludlum. Armco Steel.
A-588-833 .....	731-TA-681 .....	Stainless Steel Bar/Japan .....	United Steelworkers of America. AL Tech Specialty Steel. Carpenter Technology. Crucible Specialty Metals. Electralloy. Republic Engineered Steels. Slater Steels. Talley Metals Technology. United Steelworkers of America.
A-588-835 .....	731-TA-714 .....	Oil Country Tubular Goods/Japan	IPSCO. Koppel Steel. Lone Star Steel Co. Maverick Tube. Newport Steel. North Star Steel. US Steel.
A-588-836 .....	731-TA-727 .....	Polyvinyl Alcohol/Japan .....	Air Products and Chemicals.
A-588-837 .....	731-TA-737 .....	Large Newspaper Printing Presses/Japan.	Rockwell Graphics Systems.
A-588-838 .....	731-TA-739 .....	Clad Steel Plate/Japan .....	Lukens Steel.
A-588-839 .....	731-TA-740 .....	Sodium Azide/Japan .....	American Azide.
A-588-840 .....	731-TA-748 .....	Gas Turbo-Compressor Systems/Japan.	Demag Delaval. Dresser-Rand. United Steelworkers of America.
A-588-841 .....	731-TA-750 .....	Vector Supercomputers/Japan ....	Cray Research.
A-588-843 .....	731-TA-771 .....	Stainless Steel Wire Rod/Japan	AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
A-588-845 .....	731-TA-800 .....	Stainless Steel Sheet and Strip/Japan.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
A-588-846 .....	731-TA-807 .....	Hot-Rolled Carbon Steel Flat Products/Japan.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-588-847 .....	731-TA-820 .....	Cut-to-Length Carbon Steel Plate/Japan.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
A-588-850 .....	731-TA-847 .....	Large-Diameter Carbon Steel Seamless Pipe/Japan.	North Star Steel. Timken. US Steel. United Steelworkers of America. USS/Kobe.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-588-851 .....	731-TA-847 .....	Small-Diameter Carbon Steel Seamless Pipe/Japan.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A-588-852 .....	731-TA-853 .....	Structural Steel Beams/Japan ....	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
A-588-854 .....	731-TA-860 .....	Tin-Mill Products/Japan .....	Independent Steelworkers. United Steelworkers of America. Weirton Steel.
A-588-856 .....	731-TA-888 .....	Stainless Steel Angle/Japan .....	Slater Steels. United Steelworkers of America.
A-588-857 .....	731-TA-919 .....	Welded Large Diameter Line Pipe/Japan.	American Cast Iron Pipe. Berg Steel Pipe. Bethlehem Steel. Napa Pipe/Oregon Steel Mills. Saw Pipes USA. Stupp. US Steel.
A-588-861 .....	731-TA-1016 .....	Polyvinyl Alcohol/Japan .....	Celenex Ltd. E I du Pont de Nemours & Co.
A-588-862 .....	731-TA-1023 .....	Certain Ceramic Station Post Insulators/Japan.	Lapp Insulator Co LLC. Newell Porcelain Co Inc. Victor Insulators Inc. Eramet Marietta Inc.
A-588-866 .....	731-TA-1090 .....	Superalloy Degassed Chromium/Japan.	
A-602-803 .....	731-TA-612 .....	Corrosion-Resistant Carbon Steel Flat Products/Australia.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
A-791-805 .....	731-TA-792 .....	Stainless Steel Plate in Coils/South Africa.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
A-791-808 .....	731-TA-850 .....	Small-Diameter Carbon Steel Seamless Pipe/South Africa.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel. United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube.
A-791-809 .....	731-TA-905 .....	Hot-Rolled Steel Products/South Africa.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-791-815 .....	731-TA-987 .....	Ferrovandium/South Africa .....	US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp. Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
A-821-801 .....	731-TA-340E .....	Solid Urea/Russia .....	AgriCo Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-821-802 .....	731-TA-539-C .....	Uranium/Russia .....	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A-821-804 .....	731-TA-568 .....	Ferrosilicon/Russia .....	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A-821-805 .....	731-TA-697 .....	Pure Magnesium/Russia .....	Dow Chemical. International Union of Operating Engineers (Local 564). Magnesium Corporation of America. United Steelworkers of America (Local 8319). Shieldalloy Metallurgical.
A-821-807 .....	731-TA-702 .....	Ferrovandium and Nitrided Vanadium/Russia.	
A-821-809 .....	731-TA-808 .....	Hot-Rolled Carbon Steel Flat Products/Russia.	Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-821-811 .....	731-TA-856 .....	Ammonium Nitrate/Russia .....	Agrium. Air Products and Chemicals. El Dorado Chemical. LaRoche. Mississippi Chemical. Nitram. Wil-Gro Fertilizer.
A-821-817 .....	731-TA-991 .....	Silicon Metal/Russia .....	Globe Metallurgical Inc. SIMCALA Inc.
A-821-819 .....	731-TA1072 .....	Pure and Alloy Magnesium/Russia.	Garfield Alloys Inc. Glass, Molders, Pottery, Plastics & Allied Workers International Local 374.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-822-801 .....	731-TA-340B .....	Solid Urea/Belarus .....	Halaco Engineering. MagReTech Inc. United Steelworkers of America Local 8319. US Magnesium LLC. Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-822-804 .....	731-TA-873 .....	Steel Concrete Reinforcing Bar/ Belarus.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO.
A-823-801 .....	731-TA-340H .....	Solid Urea/Ukraine .....	TXI-Chaparral Steel Co. Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-823-802 .....	731-TA-539-E ...	Uranium/Ukraine .....	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A-823-804 .....	731-TA-569 .....	Ferrosilicon/Ukraine .....	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A-823-805 .....	731-TA-673 .....	Silicomanganese/Ukraine .....	Elkem Metals. Oil, Chemical and Atomic Workers (Local 3-639).
A-823-809 .....	731-TA-882 .....	Steel Concrete Reinforcing Bar/ Ukraine.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-823-810 .....	731-TA-894 .....	Ammonium Nitrate/Ukraine .....	TXI-Chaparral Steel Co. Agrium. Air Products and Chemicals. Committee for Fair Ammonium Nitrate Trade. El Dorado Chemical. LaRoche Industries. Mississippi Chemical. Nitram. Prodica.
A-823-811 .....	731-TA-908 .....	Hot-Rolled Steel Products/ Ukraine.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel.
A-823-812 .....	731-TA-962 .....	Carbon and Certain Alloy Steel Wire Rod/Ukraine.	Wheeling-Pittsburgh Steel Corp. AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A-831-801 .....	731-TA-340A .....	Solid Urea/Armenia .....	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-834-806 .....	731-TA-902 .....	Hot-Rolled Steel Products/ Kazakhstan.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel.
A-834-807 .....	731-TA-930 .....	Silicomanganese/Kazakhstan .....	Wheeling-Pittsburgh Steel Corp. Eramet Marietta. Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639.
A-841-804 .....	731-TA-879 .....	Steel Concrete Reinforcing Bar/ Moldova.	AB Steel Mill Inc. AmeriSteel. Auburn Steel. Birmingham Steel. Border Steel. Cascade Steel Rolling Mills Inc. CMC Steel Group. Co-Steel Inc. Marion Steel. North Star Steel Co. Nucor Steel. Rebar Trade Action Coalition. Riverview Steel. Sheffield Steel. TAMCO.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-841-805 .....	731-TA-959 .....	Carbon and Certain Alloy Steel Wire Rod/Moldova.	TXI-Chaparral Steel Co. AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills.
A-842-801 .....	731-TA-340F .....	Solid Urea/Tajikistan .....	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-843-801 .....	731-TA-340G .....	Solid Urea/Turkmenistan .....	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-843-802 .....	731-TA-539 .....	Uranium/Kazakhstan .....	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A-843-804 .....	731-TA-566 .....	Ferrosilicon/Kazakhstan .....	AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
A-844-801 .....	731-TA-340I .....	Solid Urea/Uzbekistan .....	Agrico Chemical. American Cyanamid. CF Industries. First Mississippi. Mississippi Chemical. Terra International. WR Grace.
A-844-802 .....	731-TA-539-F ...	Uranium/Uzbekistan .....	Ferret Exploration. First Holding. Geomex Minerals. IMC Fertilizer. Malapai Resources. Oil, Chemical and Atomic Workers. Pathfinder Mines. Power Resources. Rio Algom Mining. Solution Mining. Total Minerals. Umetco Minerals. Uranium Resources.
A-851-802 .....	731-TA-846 .....	Small-Diameter Carbon Steel Seamless Pipe/Czech Republic.	Koppel Steel. North Star Steel. Sharon Tube. Timken. US Steel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-122-404 .....	701-TA-224 .....	Live Swine/Canada .....	United Steelworkers of America. USS/Kobe. Vision Metals' Gulf States Tube. National Pork Producers Council. Wilson Foods.
C-122-805 .....	701-TA-297 .....	Steel Rails/Canada .....	Bethlehem Steel. CF&I Steel.
C-122-815 .....	701-TA-309-A ...	Alloy Magnesium/Canada .....	Magnesium Corporation of America.
C-122-815 .....	701-TA-309-B ...	Pure Magnesium/Canada .....	Magnesium Corporation of America.
C-122-839 .....	701-TA-414 .....	Softwood Lumber/Canada .....	71 Lumber Co. Almond Bros Lbr Co. Anthony Timberlands. Balfour Lbr Co. Ball Lumber. Banks Lumber Company. Barge Forest Products Co. Beadles Lumber Co. Bearden Lumber. Bennett Lumber. Big Valley Band Mill. Bighorn Lumber Co Inc. Blue Mountain Lumber. Buddy Bean Lumber. Burgin Lumber Co Ltd. Burt Lumber Company. C&D Lumber Co. Ceda-Pine Veneer. Cersosimo Lumber Co Inc. Charles Ingram Lumber Co Inc. Charleston Heart Pine. Chesterfield Lumber. Chips. Chocorua Valley Lumber Co. Claude Howard Lumber. Clearwater Forest Industries. CLW Inc. CM Tucker Lumber Corp. Coalition for Fair Lumber Imports Executive Committee. Cody Lumber Co. Collins Pine Co. Collums Lumber. Columbus Lumber Co. Contoocook River Lumber. Conway Guiteau Lumber. Cornwright Lumber Co. Crown Pacific. Daniels Lumber Inc. Dean Lumber Co Inc. Deltic Timber Corporation. Devils Tower Forest Products. DiPrizio Pine Sales. Dorchester Lumber Co. DR Johnson Lumber. East Brainerd Lumber Co. East Coast Lumber Company. Eas-Tex Lumber. ECK Wood Products. Ellingson Lumber Co. Elliott Sawmilling. Empire Lumber Co. Evergreen Forest Products. Excalibur Shelving Systems Inc. Exley Lumber Co. FH Stoltze Land & Lumber Co. FL Turlington Lbr Co Inc. Fleming Lumber. Flippo Lumber. Floragen Forest Products. Frank Lumber Co. Franklin Timber Co. Fred Tebb & Sons. Fremont Sawmill. Frontier Resources.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Garrison Brothers Lumber Co and Subsidiaries. Georgia Lumber. Gilman Building Products. Godfrey Lumber. Granite State Forest Prod Inc. Great Western Lumber Co. Greenville Molding Inc. Griffin Lumber Company. Guess Brothers Lumber. Gulf Lumber. Gulf States Paper. Guy Bennett Lumber. Hampton Resources. Hancock Lumber. Hankins Inc. Hankins Lumber Co. Harrigan Lumber. Harwood Products. Haskell Lumber Inc. Hatfield Lumber. Hedstrom Lumber. Herrick Millwork Inc. HG Toler & Son Lumber Co Inc. HG Wood Industries LLC. Hogan & Storey Wood Prod. Hogan Lumber Co. Hood Industries. HS Hoffer & Sons Lumber Co Inc. Hubbard Forest Ind Inc. HW Culp Lumber Co. Idaho Veneer Co. Industrial Wood Products. Intermountain Res LLC. International Paper. J Franklin Jones Lumber Co Inc. Jack Batte & Sons Inc. Jasper Lumber Company. JD Martin Lumber Co. JE Jones Lumber Co. Jerry G Williams & Sons. JH Knighton Lumber Co. Johnson Lumber Company. Jordan Lumber & Supply. Joseph Timber Co. JP Haynes Lbr Co Inc. JV Wells Inc. JW Jones Lumber. Keadle Lumber Enterprises. Keller Lumber. King Lumber Co. Konkolville Lumber. Langdale Forest Products. Laurel Lumber Company. Leavitt Lumber Co. Leesville Lumber Co. Limington Lumber Co. Longview Fibre Co. Lovell Lumber Co Inc. M Kendall Lumber Co. Manke Lumber Co. Marriner Lumber Co. Mason Lumber. MB Heath & Sons Lumber Co. MC Dixon Lumber Co Inc. Mebane Lumber Co Inc. Metcalf Lumber Co Inc. Millry Mill Co Inc. Moose Creek Lumber Co. Moose River Lumber. Morgan Lumber Co Inc. Mount Yonah Lumber Co. Nagel Lumber. New Kearsarge Corp.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p> New South.  Nicolet Hardwoods.  Nieman Sawmills SD.  Nieman Sawmills WY.  North Florida.  Northern Lights Timber &amp; Lumber.  Northern Neck Lumber Co.  Ochoco Lumber Co.  Olon Belcher Lumber Co.  Owens and Hurst Lumber.  Packaging Corp of America.  Page &amp; Hill Forest Products.  Paper, Allied-Industrial, Chemical and Energy Workers International Union.  Parker Lumber.  Pate Lumber Co Inc.  PBS Lumber.  Pedigo Lumber Co.  Piedmont Hardwood Lumber Co.  Pine River Lumber Co.  Pinecrest Lumber Co.  Pleasant River Lumber Co.  Pleasant Western Lumber Inc.  Plum Creek Timber.  Pollard Lumber.  Portac.  Potlatch.  Potomac Supply.  Precision Lumber Inc.  Pruitt Lumber Inc.  R Leon Williams Lumber Co.  RA Yancey Lumber.  Rajala Timber Co.  Ralph Hamel Forest Products.  Randy D Miller Lumber.  Rappahannock Lumber Co.  Regulus Stud Mills Inc.  Riley Creek Lumber.  Roanoke Lumber Co.  Robbins Lumber.  Robertson Lumber.  Roseburg Forest Products Co.  Rough &amp; Ready.  RSG Forest Products.  Rushmore Forest Products.  RY Timber Inc.  Sam Mabry Lumber Co.  Scotch Lumber.  SDS Lumber Co.  Seacoast Mills Inc.  Seago Lumber.  Seattle-Snohomish.  Seneca Sawmill.  Shaver Wood Products.  Shearer Lumber Products.  Shuqualak Lumber.  SI Storey Lumber.  Sierra Forest Products.  Sierra Pacific Industries.  Sigfridson Wood Products.  Silver City Lumber Inc.  Somers Lbr &amp; Mfg Inc.  South &amp; Jones.  South Coast.  Southern Forest Industries Inc.  Southern Lumber.  St Laurent Forest Products.  Starfire Lumber Co.  Steely Lumber Co Inc.  Stimson Lumber.  Summit Timber Co.  Sundance Lumber.  Superior Lumber. </p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-122-841 .....	701-TA-418 .....	Carbon and Certain Alloy Steel Wire Rod/Canada.	Swanson Superior Forest Products Inc. Swift Lumber. Tamarack Mill. Taylor Lumber & Treating Inc. Temple-Inland Forest Products. Thompson River Lumber. Three Rivers Timber. Thrift Brothers Lumber Co Inc. Timco Inc. Tolleson Lumber. Toney Lumber. TR Miller Mill Co. Tradewinds of Virginia Ltd. Travis Lumber Co. Tree Source Industries Inc. Tri-State Lumber. TTT Studs. United Brotherhood of Carpenters and Joiners. Viking Lumber Co. VP Kiser Lumber Co. Walton Lumber Co Inc. Warm Springs Forest Products. Westvaco Corp. Wilkins, Kaiser & Olsen Inc. WM Shepherd Lumber Co. WR Robinson Lumber Co Inc. Wrenn Brothers Inc. Wyoming Sawmills. Yakama Forest Products. Younce & Ralph Lumber Co Inc. Zip-O-Log Mills Inc. AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries. North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills. North Dakota Wheat Commission. General Housewares.
C-122-848 .....	701-TA-430B .....	Hard Red Spring Wheat/Canada	
C-201-505 .....	701-TA-265 .....	Porcelain-on-Steel Cooking Ware/Mexico.	General Housewares.
C-201-810 .....	701-TA-325 .....	Cut-to-Length Carbon Steel Plate/Mexico.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C-307-804 .....	303-TA-21 .....	Gray Portland Cement and Clinker/Venezuela.	Florida Crushed Stone. Southdown.
C-307-808 .....	303-TA-23 .....	Ferrosilicon/Venezuela .....	Tarmac America. AIMCOR. Alabama Silicon. American Alloys. Globe Metallurgical. Oil, Chemical and Atomic Workers (Local 389). Silicon Metaltech. United Autoworkers of America (Local 523). United Steelworkers of America (Locals 2528, 3081, 5171 and 12646).
C-333-401 .....	701-TA-E .....	Cotton Shop Towels/Peru .....	No case at the Commission; Commerce service list identifies: Durafab.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-351-037 .....	104-TAA-21 .....	Cotton Yarn/Brazil .....	Kleen-Tex Industries. Lewis Eckert Robb. Milliken. Pavis & Harcourt. American Yarn Spinners Association. Harriet & Henderson Yarns. LaFar Industries.
C-351-504 .....	701-TA-249 .....	Heavy Iron Construction Castings/Brazil.	Alhambra Foundry. Allegheny Foundry. Bingham & Taylor. Campbell Foundry. Charlotte Pipe & Foundry. Deeter Foundry. East Jordan Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Opelika Foundry. Pinkerton Foundry. Tyler Pipe. US Foundry & Manufacturing. Vulcan Foundry.
C-351-604 .....	701-TA-269 .....	Brass Sheet and Strip/Brazil .....	Allied Industrial Workers of America. American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America.
C-351-818 .....	701-TA-320 .....	Cut-to-Length Carbon Steel Plate/Brazil.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel.
C-351-829 .....	701-TA-384 .....	Hot-Rolled Carbon Steel Flat Products/Brazil.	United Steelworkers of America. Acme Steel. Bethlehem Steel. California Steel Industries. Gallatin Steel. Geneva Steel. Gulf States Steel. Independent Steelworkers. IPSCO. Ispat/Inland. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C-351-833 .....	701-TA-417 .....	Carbon and Certain Alloy Steel Wire Rod/Brazil.	Wheeling-Pittsburgh Steel Corp. AmeriSteel. Birmingham Steel. Cascade Steel Rolling Mills. Connecticut Steel Corp. Co-Steel Raritan. GS Industries. Keystone Consolidated Industries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-357-004 .....	701-TA-A .....	Carbon Steel Wire Rod/Argentina	North Star Steel Texas. Nucor Steel-Nebraska (a division of Nucor Corp). Republic Technologies International. Rocky Mountain Steel Mills. Atlantic Steel. Continental Steel. Georgetown Steel. North Star Steel. Raritan River Steel.
C-357-813 .....	701-TA-402 .....	Honey/Argentina .....	AH Meyer & Sons. Adee Honey Farms. Althoff Apiaries. American Beekeeping Federation. American Honey Producers Association. Anderson Apiaries. Arroyo Apiaries. Artesian Honey Producers. B Weaver Apiaries. Bailey Enterprises. Barkman Honey. Basler Honey Apiary. Beals Honey. Bears Paw Apiaries. Beaverhead Honey. Bee Biz. Bee Haven Honey. Belliston Brothers Apiaries. Big Sky Honey. Bill Rhodes Honey. Richard E Blake. Curt Bronnenberg. Brown's Honey Farms. Brumley's Bees. Buhmann Apiaries. Carys Honey Farms. Chaparrel Honey. Charles Apiaries. Mitchell Charles. Collins Honey. Conor Apiaries. Coy's Honey Farm. Dave Nelson Apiaries. Delta Bee. Eisele's Pollination & Honey. Ellingsoa's. Elliott Curtis & Sons. Charles L Emmons, Sr. Gause Honey. Gene Brandi Apiaries. Griffith Honey. Haff Apiaries. Hamilton Bee Farms. Hamilton Honey. Happie Bee. Harvest Honey. Harvey's Honey. Hiatt Honey. Hoffman Honey. Hollman Apiaries. Honey House. Honeybee Apiaries. Gary M Honl. Rand William Honl and Sydney Jo Honl. James R & Joann Smith Trust. Jaynes Bee Products. Johnston Honey Farms. Larry Johnston. Ke-An Honey. Kent Honeybees. Lake-Indianhead Honey Farms. Lamb's Honey Farm. Las Flores Apiaries. Mackrill Honey Farms & Sales.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-357-815 .....	701-TA-404 .....	Hot-Rolled Steel Products/Argentina.	Raymond Marquette. Mason & Sons Honey. McCoy's Sunny South Apiaries. Merrimack Valley Apiaries & Evergreen Honey. Met 2 Honey Farm. Missouri River Honey. Mitchell Brothers Honey. Monda Honey Farm. Montana Dakota Honey. Northern Bloom Honey. Noye's Apiaries. Oakes Honey. Oakley Honey Farms. Old Mill Apiaries. Opp Honey. Oro Dulce. Peterson's "Naturally Sweet" Honey. Potoczak Bee Farms. Price Apiaries. Pure Sweet Honey Farms. Robertson Pollination Service. Robson Honey. William Robson. Rosedale Apiaries. Ryan Apiaries. Schmidt Honey Farms. Simpson Apiaries. Sioux Honey Association. Smoot Honey. Solby Honey. Stahlman Apiaries. Steve E Parks Apiaries. Stroope Bee & Honey. T&D Honey Bee. Talbott's Honey. Terry Apiaries. Thompson Apiaries. Triple A Farm. Tropical Blossom Honey. Tubbs Apiaries. Venable Wholesale. Walter L Wilson Buzz 76 Apiaries. Wiebersiek Honey Farms. Wilmer Farms. Brent J Woodworth. Wooten's Golden Queens. Yaddof Apiaries. Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C-401-401 .....	701-TA-231 .....	Cold-Rolled Carbon Steel Flat Products/Sweden.	Bethlehem Steel. Chaparral. US Steel.
C-401-804 .....	701-TA-327 .....	Cut-to-Length Carbon Steel Plate/Sweden.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-403-802 .....	701-TA-302 .....	Fresh and Chilled Atlantic Salmon/Norway.	Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. Heritage Salmon. The Coalition for Fair Atlantic Salmon Trade.
C-408-046 .....	104-TAA-7 .....	Sugar/EU .....	No petition at the Commission; Commerce service list identifies: AJ Yates. Alexander & Baldwin. American Farm Bureau Federation. American Sugar Cane League. American Sugarbeet Growers Association. Amstar Sugar. Florida Sugar Cane League. Florida Sugar Marketing and Terminal Association. H&R Brokerage. Hawaiian Agricultural Research Center. Leach Farms. Michigan Farm Bureau. Michigan Sugar. Rio Grande Valley Sugar Growers Association. Sugar Cane Growers Cooperative of Florida. Talisman Sugar. US Beet Sugar Association. United States Beet Sugar Association. United States Cane Sugar Refiners' Association.
C-412-815 .....	701-TA-328 .....	Cut-to-Length Carbon Steel Plate/United Kingdom.	Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C-412-821 .....	701-TA-412 .....	Low Enriched Uranium/United Kingdom.	United States Enrichment Corp. USEC Inc.
C-421-601 .....	701-TA-278 .....	Fresh Cut Flowers/Netherlands ..	Burdette Coward. California Floral Council. Floral Trade Council. Florida Flower Association. Gold Coast Uanko Nursery. Hollandia Wholesale Florist. Manatee Fruit. Monterey Flower Farms. Topstar Nursery.
C-421-809 .....	701-TA-411 .....	Low Enriched Uranium/Netherlands.	United States Enrichment Corp. USEC Inc.
C-423-806 .....	701-TA-319 .....	Cut-to-Length Carbon Steel Plate/Belgium.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C-423-809 .....	701-TA-376 .....	Stainless Steel Plate in Coils/Belgium.	Allegheny Ludlum. Armco Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C-427-603 .....	701-TA-270 .....	Brass Sheet and Strip/France .....	Allied Industrial Workers of America.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-427-805 .....	701-TA-315 .....	Hot-Rolled Lead and Bismuth Carbon Steel Products/France.	American Brass. Bridgeport Brass. Chase Brass & Copper. Hussey Copper. International Association of Machinists & Aerospace Workers. Mechanics Educational Society of America (Local 56). The Miller Company. Olin. Revere Copper Products. United Steelworkers of America. Bethlehem Steel. Inland Steel Industries.
C-427-810 .....	701-TA-348 .....	Corrosion-Resistant Carbon Steel Flat Products/France.	USS/Kobe Steel. Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C-427-815 .....	701-TA-380 .....	Stainless Steel Sheet and Strip/France.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
C-427-817 .....	701-TA-387 .....	Cut-to-Length Carbon Steel Plate/France.	Bethlehem Steel. Geneva Steel. IPSCO Steel. National Steel. US Steel. United Steelworkers of America.
C-427-819 .....	701-TA-409 .....	Low Enriched Uranium/France ...	United States Enrichment Corp. USEC Inc.
C-428-817 .....	701-TA-340 .....	Cold-Rolled Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C-428-817 .....	701-TA-349 .....	Corrosion-Resistant Carbon Steel Flat Products/Germany.	Armco Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-428-817 .....	701-TA-322 .....	Cut-to-Length Carbon Steel Plate/Germany.	Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Bethlehem Steel. California Steel Industries. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C-428-829 .....	701-TA-410 .....	Low Enriched Uranium/Germany	United States Enrichment Corp. USEC Inc.
C-437-805 .....	701-TA-426 .....	Sulfanilic Acid/Hungary .....	Nation Ford Chemical.
C-469-004 .....	701-TA-178 .....	Stainless Steel Wire Rod/Spain ..	AL Tech Specialty Steel. Armco Steel. Carpenter Technology. Colt Industries. Cyclops. Guterl Special Steel. Joslyn Stainless Steels. Republic Steel.
C-469-804 .....	701-TA-326 .....	Cut-to-Length Carbon Steel Plate/Spain.	Bethlehem Steel. California Steel Industries. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. Inland Steel Industries. Lukens Steel. National Steel. Nextech. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America.
C-475-812 .....	701-TA-355 .....	Grain-Oriented Silicon Electrical Steel/Italy.	Allegheny Ludlum. Armco Steel. Butler Armco Independent Union. United Steelworkers of America. Zanesville Armco Independent Union.
C-475-815 .....	701-TA-362 .....	Seamless Pipe/Italy .....	Koppel Steel. Quanex. Timken.
C-475-817 .....	701-TA-364 .....	Oil Country Tubular Goods/Italy ..	United States Steel. IPSCO. Koppel Steel. Lone Star Steel. Maverick Tube. Newport Steel. North Star Steel. US Steel. USS/Kobe.
C-475-819 .....	701-TA-365 .....	Pasta/Italy .....	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-475-821 .....	701-TA-373 .....	Stainless Steel Wire Rod/Italy .....	Pasta USA. Philadelphia Macaroni. ST Specialty Foods. AL Tech Specialty Steel. Carpenter Technology. Republic Engineered Steels. Talley Metals Technology. United Steelworkers of America.
C-475-823 .....	701-TA-377 .....	Stainless Steel Plate in Coils/Italy	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C-475-825 .....	701-TA-381 .....	Stainless Steel Sheet and Strip/Italy.	Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America.
C-475-827 .....	701-TA-390 .....	Cut-to-Length Carbon Steel Plate/Italy.	Zanesville Armco Independent Organization. Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. US Steel.
C-475-830 .....	701-TA-413 .....	Stainless Steel Bar/Italy .....	United Steelworkers of America. Carpenter Technology. Crucible Specialty Metals. Electralloy. Empire Specialty Steel. Republic Technologies International. Slater Steels.
C-489-502 .....	701-TA-253 .....	Welded Carbon Steel Pipe and Tube/Turkey.	United Steelworkers of America. Allied Tube & Conduit. American Tube. Bernard Epps. Bock Industries. Bull Moose Tube. Central Steel Tube. Century Tube. Copperweld Tubing. Cyclops. Hughes Steel & Tube. Kaiser Steel. Laclede Steel. Maruichi American. Maverick Tube. Merchant Metals. Phoenix Steel. Pittsburgh Tube. Quanex. Sharon Tube. Southwestern Pipe. UNR-Leavitt. Welded Tube. Western Tube & Conduit. Wheatland Tube.
C-489-806 .....	701-TA-366 .....	Pasta/Turkey .....	A Zerega's Sons. American Italian Pasta. Borden. D Merlino & Sons. Dakota Growers Pasta. Foulds. Gilster-Mary Lee. Gooch Foods. Hershey Foods. LaRinascente Macaroni Co. Pasta USA.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-507-501 .....	N/A .....	Raw In-Shell Pistachios/Iran .....	Philadelphia Macaroni. ST Specialty Foods. Blackwell Land Co. Cal Pure Pistachios Inc. California Pistachio Commission. California Pistachio Orchards. Keenan Farms Inc. Kern Pistachio Hulling & Drying Co-Op. Los Rancheros de Poco Pedro. Pistachio Producers of California. TM Duche Nut Co Inc.
C-507-601 .....	N/A .....	Roasted In-Shell Pistachios/Iran	Cal Pure Pistachios Inc. California Pistachio Commission. Keenan Farms Inc. Kern Pistachio Hulling & Drying Co-Op. Pistachio Producers of California. TM Duche Nut Co Inc.
C-508-605 .....	701-TA-286 .....	Industrial Phosphoric Acid/Israel	Albright & Wilson. FMC. Hydrite Chemical. Monsanto. Stauffer Chemical.
C-533-063 .....	303-TA-13 .....	Iron Metal Castings/India .....	Campbell Foundry. Le Baron Foundry. Municipal Castings. Neenah Foundry. Pinkerton Foundry. US Foundry & Manufacturing. Vulcan Foundry.
C-533-807 .....	701-TA-318 .....	Sulfanilic Acid/India .....	R-M Industries.
C-533-818 .....	701-TA-388 .....	Cut-to-Length Carbon Steel Plate/India.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel.
C-533-821 .....	701-TA-405 .....	Hot-Rolled Steel Products/India ..	United Steelworkers of America. Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel.
C-533-825 .....	701-TA-415 .....	Polyethylene Terephthalate Film, Sheet and Strip (PET Film)/India.	Wheeling-Pittsburgh Steel Corp. DuPont Teijin Films. Mitsubishi Polyester Film LLC. SKC America Inc. Toray Plastics (America).
C-533-829 .....	701-TA-432 .....	Prestressed Concrete Steel Wire Strand/India.	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia LLC. Strand Tech Martin Inc. Sumiden Wire Products Corp.
C-533-839 .....	701-TA-437 .....	Carbazole Violet Pigment 23/India.	Allegheny Color Corp. Barker Fine Color Inc. Clariant Corp. Nation Ford Chemical Co. Sun Chemical Co.
C-533-844 .....	701-TA-442 .....	Certain Lined Paper School Supplies/India.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-535-001 ..... C-549-818 .....	701-TA-202 ..... 701-TA-408 .....	Cotton Shop Towels/Pakistan ..... Hot-Rolled Steel Products/Thailand.	United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW). Milliken. Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
C-560-806 .....	701-TA-389 .....	Cut-to-Length Carbon Steel Plate/Indonesia.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C-560-813 .....	701-TA-406 .....	Hot-Rolled Steel Products/Indonesia.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America.
C-560-819 .....	701-TA-443 .....	Certain Lined Paper School Supplies/Indonesia.	Fay Paper Products Inc. MeadWestvaco Consumer & Office Products. Norcom Inc. Pacon Corp. Roaring Spring Blank Book Co. Top Flight Inc. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW).
C-580-602 .....	701-TA-267 .....	Top-of-the-Stove Stainless Steel Cooking Ware/Korea.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
C-580-818 .....	701-TA-342 .....	Cold-Rolled Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries. Gulf States Steel. Inland Steel Industries. LTV Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel.
C-580-818 .....	701-TA-350 .....	Corrosion-Resistant Carbon Steel Flat Products/Korea.	Armco Steel. Bethlehem Steel. California Steel Industries.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-580-835 .....	701-TA-382 .....	Stainless Steel Sheet and Strip/ Korea.	Geneva Steel. Gulf States Steel. Inland Steel Industries. LTV Steel. Lukens Steel. National Steel. Nextech. Rouge Steel Co. Sharon Steel. Theis Precision Steel. Thompson Steel. US Steel. United Steelworkers of America. WCI Steel. Weirton Steel. Allegheny Ludlum. Armco Steel. Bethlehem Steel. Butler Armco Independent Union. Carpenter Technology Corp. J&L Specialty Steel. North American Stainless. United Steelworkers of America. Zanesville Armco Independent Organization.
C-580-837 .....	701-TA-391 .....	Cut-to-Length Carbon Steel Plate/Korea.	Bethlehem Steel. CitiSteel USA Inc. Geneva Steel. Gulf States Steel. IPSCO Steel. National Steel. Tuscaloosa Steel. US Steel. United Steelworkers of America.
C-580-842 .....	701-TA-401 .....	Structural Steel Beams/Korea .....	Northwestern Steel and Wire. Nucor. Nucor-Yamato Steel. TXI-Chaparral Steel. United Steelworkers of America.
C-580-851 .....	701-TA-431 .....	DRAMs and DRAM Modules/ Korea.	Dominion Semiconductor LLC/Micron Technology Inc. Infineon Technologies Richmond LP. Micron Technology Inc.
C-583-604 .....	701-TA-268 .....	Top-of-the-Stove Stainless Steel Cooking Ware/Taiwan.	Farberware. Regal Ware. Revere Copper & Brass. WearEver/Proctor Silex.
C-791-806 .....	701-TA-379 .....	Stainless Steel Plate in Coils/ South Africa.	Allegheny Ludlum. Armco Steel. J&L Specialty Steel. Lukens Steel. North American Stainless. United Steelworkers of America.
C-791-810 .....	701-TA-407 .....	Hot-Rolled Steel Products/South Africa.	Bethlehem Steel. Gallatin Steel. Independent Steelworkers. IPSCO. LTV Steel. National Steel. Nucor. Rouge Steel Co. Steel Dynamics. US Steel. United Steelworkers of America. WCI Steel Inc. Weirton Steel. Wheeling-Pittsburgh Steel Corp.
A-331-802 .....	731-TA-1065 .....	Certain Frozen Warmwater Shrimp and Prawns/Ecuador.	
A-351-838 .....	731-TA-1063 .....	Certain Frozen Warmwater Shrimp and Prawns/Brazil.	
A-533-840 .....	731-TA-1066 .....	Certain Frozen Warmwater Shrimp and Prawns/India.	
A-549-822 .....	731-TA-1067 .....	Certain Frozen Warmwater Shrimp and Prawns/Thailand.	

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-552-802 .....	731-TA-1068 .....	Certain Frozen Warmwater Shrimp and Prawns/Vietnam.	Petitioners/Supporters for all six cases listed: Abadie, Al J. Abadie, Anthony. Abner, Charles. Abraham, Steven. Abshire, Gabriel J. Ackerman, Dale J. Acosta, Darryl L. Acosta, Jerry J Sr. Acosta, Leonard C. Acosta, Wilson Pula Sr. Adam, Denise T. Adam, Michael A. Adam, Richard B Jr. Adam, Sherry P. Adam, William E. Adam, Alcide J Jr. Adams, Dudley. Adams, Elizabeth L. Adams, Ervin. Adams, Ervin. Adams, George E. Adams, Hursy J. Adams, James Arthur. Adams, Kelly. Adams, Lawrence J Jr. Adams, Randy. Adams, Ritchie. Adams, Steven A. Adams, Ted J. Adams, Tim. Adams, Whitney P Jr. Agoff, Ralph J. Aguilar, Rikardo. Aguillard, Roddy G. Alario, Don Ray. Alario, Nat. Alario, Pete J. Alario, Timmy. Albert, Craig J. Albert, Junior J. Alexander, Everett O. Alexander, Robert F Jr. Alexie, Benny J. Alexie, Corkey A. Alexie, Dolphy. Alexie, Felix Jr. Alexie, Gwendolyn. Alexie, John J. Alexie, John V. Alexie, Larry J Sr. Alexie, Larry Jr. Alexie, Vincent L Jr. Alexis, Barry S. Alexis, Craig W. Alexis, Micheal. Alexis, Monique. Alfonso, Anthony E Jr. Alfonso, Jesse. Alfonso, Nicholas. Alfonso, Paul Anthony. Alfonso, Randy. Alfonso, Terry S Jr. Alfonso, Vernon Jr. Alfonso, Yvette. Alimia, Angelo A Jr. Allemand, Dean J. Allen, Annie. Allen, Carolyn Sue. Allen, Jackie. Allen, Robin.
A-570-893 .....	731-TA-1064 .....	Certain Frozen Warmwater Shrimp and Prawns/China.	

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Allen, Wayne. Allen, Wilbur L. Allen, Willie J III. Allen, Willie Sr. Alphonso, John. Ancalade, Leo J. Ancar, Claudene. Ancar, Jerry T. Ancar, Joe C. Ancar, Merlin Sr. Ancar, William Sr. Ancelet, Gerald Ray. Anderson, Andrew David. Anderson, Ernest W. Anderson, Jerry. Anderson, John. Anderson, Lynwood. Anderson, Melinda Rene. Anderson, Michael Brian. Anderson, Ronald L Sr. Anderson, Ronald Louis Jr. Andonie, Miguel. Andrews, Anthony R. Andry, Janice M. Andry, Rondey S. Angelle, Louis. Anglada, Eugene Sr. Ansardi, Lester. Anselmi, Darren. Aparicio, Alfred. Aparicio, David. Aparicio, Ernest. Arabie, Georgia P. Arabie, Joseph. Arcement, Craig J. Arcement, Lester C. Arcemont, Donald Sr. Arceneaux, Matthew J. Arceneaux, Michael K. Areas, Christopher J. Armbruster, John III. Armbruster, Paula D. Armstrong, Jude Jr. Arnesen, George. Arnold, Lonnie L Jr. Arnona, Joseph T. Arnondin, Robert. Arthur, Brenda J. Assavedo, Floyd. Atwood, Gregory Kenneth. Au, Chow D. Au, Robert. Aucoin, Dewey F. Aucoin, Earl. Aucoin, Laine A. Aucoin, Perry J. Austin, Dennis. Austin, Dennis J. Authement, Brice. Authement, Craig L. Authement, Dion J. Authement, Gordon. Authement, Lance M. Authement, Larry. Authement, Larry Sr. Authement, Roger J. Authement, Sterling P. Autin, Bobby. Autin, Bruce J. Autin, Kenneth D. Autin, Marvin J. Autin, Paul F Jr. Autin, Roy.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Avenel, Albert J Jr. Ba Wells, Tran Thi. Babb, Conny. Babin, Brad. Babin, Joey L. Babin, Klint. Babin, Molly. Babin, Norman J. Babineaux, Kirby. Babineaux, Vicki. Bach, Ke Van. Bach, Reo Long. Backman, Benny. Badeaux, Todd. Baham, Dewayne. Bailey, Albert. Bailey, Antoine III. Bailey, David B Sr. Bailey, Don. Baker, Clarence. Baker, Donald Earl. Baker, James. Baker, Kenneth. Baker, Ronald J. Balderas, Antonio. Baldwin, Richard Prentiss. Ballard, Albert. Ballas, Barbara A. Ballas, Charles J. Baltz, John F. Ban, John. Bang, Bruce K. Barbaree, Joe W. Barbe, Mark A and Cindy. Barber, Louie W Jr. Barber, Louie W Sr. Barbier, Percy T. Barbour, Raymond A. Bargainear, James E. Barisich, George A. Barisich, Joseph J. Barnette, Earl. Barnhill, Nathan. Barrios, Clarence. Barrios, Corbert J. Barrios, Corbert M. Barrios, David. Barrios, John. Barrios, Shane James. Barrois, Angela Gail. Barrois, Dana A. Barrois, Tracy James. Barrois, Wendell Jude Jr. Barthe, Keith Sr. Barthelemy, Allen M. Barthelemy, John A. Barthelemy, Rene T Sr. Barthelemy, Walter A Jr. Bartholomew, Mitchell. Bartholomew, Neil W. Bartholomew, Thomas E. Bartholomew, Wanda C. Basse, Donald J Sr. Bates, Mark. Bates, Ted Jr. Bates, Vernon Jr. Battle, Louis. Baudoin, Drake J. Baudoin, Murphy A. Baudouin, Stephen. Bauer, Gary. Baye, Glen P. Bean, Charles A.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Beazley, William E. Becnel, Glenn J. Becnel, Kent. Beecher, Carol F. Beechler, Ronald. Bell, James E. Bell, Ronald A. Bellanger, Arnold. Bellanger, Clifton. Bellanger, Scott J. Belsome, Derrell M. Belsome, Karl M. Bennett, Cecil A Jr. Bennett, Gary Lynn. Bennett, Irin Jr. Bennett, James W Jr. Bennett, Louis. Benoit, Francis J. Benoit, Nicholas L. Benoit, Paula T. Benoit, Tenna J Jr. Benton, Walter T. Berger, Ray W. Bergeron, Alfred Scott. Bergeron, Jeff. Bergeron, Nolan A. Bergeron, Ulysses J. Bernard, Lamont L. Berner, Mark J. Berthelot, Gerard J Sr. Berthelot, James A. Berthelot, Myron J. Bertrand, Jerl C. Beverung, Keith J. Bianchini, Raymond W. Bickham, Leo E. Biennu, Charles. Biggs, Jerry W Sr. Bigler, Delbert. Billington, Richard. Billiot, Alfredia. Billiot, Arthur. Billiot, Aubrey. Billiot, Barell J. Billiot, Betty. Billiot, Bobby J. Billiot, Brian K. Billiot, Cassidy. Billiot, Charles Sr. Billiot, Chris J Sr. Billiot, E J E. Billiot, Earl W Sr. Billiot, Ecton L. Billiot, Emary. Billiot, Forest Jr. Billiot, Gerald. Billiot, Harold J. Billiot, Jacco A. Billiot, Jake A. Billiot, James Jr. Billiot, Joseph S Jr. Billiot, Laurence V. Billiot, Leonard F Jr. Billiot, Lisa. Billiot, Mary L. Billiot, Paul J Sr. Billiot, Shirley L. Billiot, Steve M. Billiot, Thomas Adam. Billiot, Thomas Sr. Billiot, Wenceslaus Jr. Billiot, Alexander J. Biron, Yale.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Black, William C. Blackston, Larry E. Blackwell, Wade H III. Blackwell, Wade H Jr. Blanchard, Albert. Blanchard, Andrew J. Blanchard, Billy J. Blanchard, Cyrus. Blanchard, Daniel A. Blanchard, Dean. Blanchard, Douglas Jr. Blanchard, Dwayne. Blanchard, Elgin. Blanchard, Gilbert. Blanchard, Jade. Blanchard, James. Blanchard, John F Jr. Blanchard, Katie. Blanchard, Kelly. Blanchard, Matt Joseph. Blanchard, Michael. Blanchard, Quentin Timothy. Blanchard, Roger Sr. Blanchard, Walton H Jr. Bland, Quyen T. Blouin, Roy A. Blume, Jack Jr. Bodden, Arturo. Bodden, Jasper. Bollinger, Donald E. Bolotte, Darren W. Bolton, Larry F. Bondi, Paul J. Bonvillain, Jimmy J. Bonvillian, Donna M. Boone, Clifton Felix. Boone, Donald F II. Boone, Donald F III (Ricky). Boone, Gregory T. Boquet, Noriss P Jr. Boquet, Wilfred Jr. Bordelon, Glenn Sr. Bordelon, James P. Bordelon, Shelby P. Borden, Benny. Borne, Crystal. Borne, Dina L. Borne, Edward Joseph Jr. Borne, Edward Sr. Bosarge, Hubert Lawrence. Bosarge, Robert. Bosarge, Sandra. Bosarge, Steve. Boudlauch, Durel A Jr. Boudoin, Larry Terrell. Boudoin, Nathan. Boudreaux, Brent J. Boudreaux, Elvin J III. Boudreaux, James C Jr. Boudreaux, James N. Boudreaux, Jessie. Boudreaux, Leroy A. Boudreaux, Mark. Boudreaux, Paul Sr. Boudreaux, Richard D. Boudreaux, Ronald Sr. Boudreaux, Sally. Boudreaux, Veronica. Boudwin, Dwayne. Boudwin, Jewel James Sr. Boudwin, Wayne. Bouise, Norman. Boulet, Irwin J Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Boullion, Debra. Bourg, Allen T. Bourg, Benny. Bourg, Chad J. Bourg, Channon. Bourg, Chris. Bourg, Douglas. Bourg, Glenn A. Bourg, Jearmie Sr. Bourg, Kent A. Bourg, Mark. Bourg, Nolan P. Bourg, Ricky J. Bourgeois, Albert P. Bourgeois, Brian J Jr. Bourgeois, Daniel. Bourgeois, Dwayne. Bourgeois, Jake. Bourgeois, Johnny M. Bourgeois, Johnny M Jr. Bourgeois, Leon A. Bourgeois, Louis A. Bourgeois, Merrie E. Bourgeois, Randy P. Bourgeois, Reed. Bourgeois, Webley. Bourn, Chris. Bourque, Murphy Paul. Bourque, Ray. Bousegard, Duvic Jr. Boutte, Manuel J Jr. Bouvier, Colbert A II. Bouzigard, Dale J. Bouzigard, Edgar J III. Bouzigard, Eeris. Bowers, Harold. Bowers, Tommy. Boyd, David E Sr. Boyd, Elbert. Boykin, Darren L. Boykin, Thomas Carol. Bradley, James. Brady, Brian. Brandhurst, Kay. Brandhurst, Ray E Sr. Brandhurst, Raymond J. Braneff, David G. Brannan, William P. Branom, Donald James Jr. Braud, James M. Brazan, Frank J. Breaud, Irvin F Jr. Breaux, Barbara. Breaux, Brian J. Breaux, Charlie M. Breaux, Clifford. Breaux, Colin E. Breaux, Daniel Jr. Breaux, Larry J. Breaux, Robert J Jr. Breaux, Shelby. Briscoe, Robert F Jr. Britsch, L D Jr. Broussard, Dwayne E. Broussard, Eric. Broussard, Keith. Broussard, Larry. Broussard, Mark A. Broussard, Roger David. Broussard, Roger R. Broussard, Steve P. Brown, Cindy B. Brown, Colleen.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Brown, Donald G. Brown, John W. Brown, Paul R. Brown, Ricky. Brown, Toby H. Bruce, Adam J. Bruce, Adam J Jr. Bruce, Bob R. Bruce, Daniel M Sr. Bruce, Eli T Sr. Bruce, Emelda L. Bruce, Gary J Sr. Bruce, James P. Bruce, Lester J Jr. Bruce, Margie L. Bruce, Mary P. Bruce, Nathan. Bruce, Robert. Bruce, Russell. Brudnock, Peter Sr. Brunet, Elton J. Brunet, Joseph A. Brunet, Joseph A. Brunet, Levy J Jr. Brunet, Raymond Sr. Bryan, David N. Bryant, Ina Fay V. Bryant, Jack D Sr. Bryant, James Larry. Buford, Ernest. Bui, Ben. Bui, Dich. Bui, Dung Thi. Bui, Huong T. Bui, Ngan. Bui, Nhuan. Bui, Nuoi Van. Bui, Tai. Bui, Tien. Bui, Tommy. Bui, Xuan and De Nguyen. Bui, Xuanmai. Bull, Delbert E. Bundy, Belvina (Kenneth). Bundy, Kenneth Sr. Bundy, Nicky. Bundy, Ronald J. Bundy, Ronnie J. Buquet, John Jr. Buras, Clayton M. Buras, Leander. Buras, Robert M Jr. Buras, Waylon J. Burlett, Elliott C. Burlett, John C Jr. Burnell, Charles B. Burnell, Charles R. Burnham, Deanna Lea. Burns, Stuart E. Burroughs, Lindsey Hilton Jr. Burton, Ronnie. Busby, Hardy E. Busby, Tex H. Busch, RC. Bush, Robert A. Bussey, Tyler. Butcher, Dorothy. Butcher, Rocky J. Butler, Albert A. Butler, Aline M. Bychurch, Johnny. Bychurch, Johnny Jr. Cabanilla, Alex.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Caboz, Jose Santos. Cacioppo, Anthony Jr. Caddell, David. Cadiere, Mae Quick. Cadiere, Ronald J. Cahill, Jack. Caillouet, Stanford Jr. Caison, Jerry Lane Jr. Calcagno, Stephen Paul Sr. Calderone, John S. Callahan, Gene P Sr. Callahan, Michael J. Callahan, Russell. Callais, Ann. Callais, Franklin D. Callais, Gary D. Callais, Michael. Callais, Michael. Callais, Sandy. Callais, Terrence. Camardelle, Anna M. Camardelle, Chris J. Camardelle, David. Camardelle, Edward J III. Camardelle, Edward J Jr. Camardelle, Harris A. Camardelle, Knowles. Camardelle, Noel T. Camardelle, Tilman J. Caminita, John A III. Campo, Donald Paul. Campo, Kevin. Campo, Nicholas J. Campo, Roy. Campo, Roy Sr. Camus, Ernest M Jr. Canova, Carl. Cantrelle, Alvin. Cantrelle, Eugene J. Cantrelle, Otis A Sr. Cantrelle, Otis Jr (Buddy). Cantrelle, Philip A. Cantrelle, Tate Joseph. Canty, Robert Jamies. Cao, Anna. Cao, Billy. Cao, Billy Viet. Cao, Binh Quang. Cao, Chau. Cao, Dan Dien. Cao, Dung Van. Cao, Gio Van. Cao, Hiep A. Cao, Linh Huyen. Cao, Nghia Thi. Cao, Nhieu V. Cao, Si-Van. Cao, Thanh Kim. Cao, Tuong Van. Carinhas, Jack G Jr. Carl, Joseph Allen. Carlos, Gregory. Carlos, Irvin. Carmadelle, David J. Carmadelle, Larry G. Carmadelle, Rudy J. Carrere, Anthony T Jr. Carrier, Larry J. Caruso, Michael. Casanova, David W Sr. Cassagne, Alphonse G III. Cassagne, Alphonse G IV. Cassidy, Mark.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Casso, Joseph. Castelin, Gilbert. Castelin, Sharon. Castellanos, Raul L. Castelluccio, John A Jr. Castille, Joshua. Caulfield, Adolph Jr. Caulfield, Hope. Caulfield, James M Jr. Caulfield, Jean. Cepriano, Salvador. Cerdas, Julius W Jr. Cerise, Marla. Chabert, John. Chaisson, Dean J. Chaisson, Henry. Chaisson, Vincent A. Chaix, Thomas B III. Champagne, Brian. Champagne, Harold P. Champagne, Kenton. Champagne, Leon J. Champagne, Leroy A. Champagne, Lori. Champagne, Timmy D. Champagne, Willard. Champlin, Kim J. Chance, Jason R. Chancey, Jeff. Chapa, Arturo. Chaplin Robert G Sr. Chaplin, Saxby Stowe. Charles, Christopher. Charpentier, Allen J. Charpentier, Alvin J. Charpentier, Daniel J. Charpentier, Lawrence. Charpentier, Linton. Charpentier, Melanie. Charpentier, Murphy Jr. Charpentier, Robert J. Chartier, Michelle. Chau, Minh Huu. Chauvin, Anthony. Chauvin, Anthony P Jr. Chauvin, Carey M. Chauvin, David James. Chauvin, James E. Chauvin, Kimberly Kay. Cheeks, Alton Bruce. Cheers, Elwood. Chenier, Ricky. Ceramie, Alan. Ceramie, Alan J Jr. Ceramie, Alton J. Ceramie, Berwick Jr. Ceramie, Berwick Sr. Ceramie, Daniel James Sr. Ceramie, Danny. Ceramie, David J. Ceramie, David P. Ceramie, Dickey J. Ceramie, Donald. Ceramie, Enola. Ceramie, Flint. Ceramie, Harold L. Ceramie, Harry J Sr. Ceramie, Harry Jr. Ceramie, Harvey Jr. Ceramie, Harvey Sr. Ceramie, Henry J Sr. Ceramie, James A. Ceramie, James P.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cheramie, Jody P. Cheramie, Joey J. Cheramie, Johnny. Cheramie, Joseph A. Cheramie, Lee Allen. Cheramie, Linton J. Cheramie, Mark A. Cheramie, Murphy J. Cheramie, Nathan A Sr. Cheramie, Neddy P. Cheramie, Nicky J. Cheramie, Ojess M. Cheramie, Paris P. Cheramie, Robbie. Cheramie, Rodney E Jr. Cheramie, Ronald. Cheramie, Roy. Cheramie, Roy A. Cheramie, Sally K. Cheramie, Terry J. Cheramie, Terry Jr. Cheramie, Timmy. Cheramie, Tina. Cheramie, Todd M. Cheramie, Tommy. Cheramie, Wayne A. Cheramie, Wayne A Jr. Cheramie, Wayne F Sr. Cheramie, Wayne J. Cheramie, Webb Jr. Chevalier, Mitch. Chew, Thomas J. Chhun, Samantha. Chiasson, Jody J. Chiasson, Manton P Jr. Chiasson, Michael P. Childress, Gordon. Chisholm, Arthur. Chisholm, Henry Jr. Christen, David Jr. Christen, Vernon. Christmas, John T Jr. Chung, Long V. Ciaccio, Vance. Cibilic, Bozidar. Cieutat, John. Cisneros, Albino. Ciuffi, Michael L. Clark, James M. Clark, Jennings. Clark, Mark A. Clark, Ricky L. Cobb, Michael A. Cochran, Jimmy. Coleman, Ernest. Coleman, Freddie Jr. Colletti, Rodney A. Collier, Ervin J. Collier, Wade. Collins, Bernard J. Collins, Bruce J Jr. Collins, Donald. Collins, Earline. Collins, Eddie F Jr. Collins, Jack. Collins, Jack. Collins, Julius. Collins, Lawson Bruce Sr. Collins, Lindy S Jr. Collins, Logan A Jr. Collins, Robert. Collins, Timmy P. Collins, Vendon Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Collins, Wilbert Jr. Collins, Woodrow. Colson, Chris and Michelle. Comardelle, Michael J. Comeaux, Allen J. Compeaux, Curtis J. Compeaux, Gary P. Compeaux, Harris. Cone, Jody. Contreras, Mario. Cook, Edwin A Jr. Cook, Edwin A Sr. Cook, Joshua. Cook, Larry R Sr. Cook, Scott. Cook, Theodore D. Cooksey, Ernest Neal. Cooper, Acy J III. Cooper, Acy J Jr. Cooper, Acy Sr. Cooper, Christopher W. Cooper, Jon C. Cooper, Marla F. Cooper, Vincent J. Copeman, John R. Corley, Ronald E. Cornett, Eddie. Cornwall, Roger. Cortez, Brenda M. Cortez, Cathy. Cortez, Curtis. Cortez, Daniel P. Cortez, Edgar. Cortez, Keith J. Cortez, Leslie J. Cosse, Robert K. Coston, Clayton. Cotsovolos, John Gordon. Coulon, Allen J Jr. Coulon, Allen J Sr. Coulon, Amy M. Coulon, Cleveland F. Coulon, Darrin M. Coulon, Don. Coulon, Earline N. Coulon, Ellis Jr. Coursey, John W. Courville, Ronnie P. Cover, Darryl L. Cowdrey, Michael Dudley. Cowdrey, Michael Nelson. Crain, Michael T. Crawford, Bryan D. Crawford, Steven J. Creamer, Quention. Credeur, Todd A Sr. Credeur, Tony J. Creppel, Carlton. Creppel, Catherine. Creppel, Craig Anthony. Creppel, Freddy. Creppel, Isadore Jr. Creppel, Julinne G III. Creppel, Kenneth. Creppel, Kenneth. Creppel, Nathan J Jr. Creppell, Michel P. Cristina, Charles J. Crochet, Sterling James. Crochet, Tony J. Crosby, Benjy J. Crosby, Darlene. Crosby, Leonard W Jr.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Crosby, Ted J. Crosby, Thomas. Crum, Lonnie. Crum, Tommy Lloyd. Cruz, Jesus. Cabbage, Melinda T. Cuccia, Anthony J. Cuccia, Anthony J Jr. Cuccia, Kevin. Cumbie, Bryan E. Cure, Mike. Curole, Keith J. Curole, Kevin P. Curole, Margaret B. Curole, Willie P Jr. Cutrer, Jason C. Cvitanovich, T. Daigle, Alfred. Daigle, Cleve and Nona. Daigle, David John. Daigle, EJ. Daigle, Glenn. Daigle, Jamie J. Daigle, Jason. Daigle, Kirk. Daigle, Leonard P. Daigle, Lloyd. Daigle, Louis J. Daigle, Melanie. Daigle, Michael J. Daigle, Michael Wayne and JoAnn. Daisy, Jeff. Dale, Cleveland L. Dang, Ba. Dang, Dap. Dang, David. Dang, Duong. Dang, Khang. Dang, Khang and Tam Phan. Dang, Loan Thi. Dang, Minh. Dang, Minh Van. Dang, Son. Dang, Tao Kevin. Dang, Thang Duc. Dang, Thien Van. Dang, Thuong. Dang, Thuy. Dang, Van D. Daniels, David. Daniels, Henry. Daniels, Leslie. Danos, Albert Sr. Danos, James A. Danos, Jared. Danos, Oliver J. Danos, Ricky P. Danos, Rodney. Danos, Timothy A. d'Antignac, Debi. d'Antignac, Jack. Dantin, Archie A. Dantin, Mark S Sr. Dantin, Stephen Jr. Dao, Paul. Dao, Vang. Dao-Nguyen, Chrysti. Darda, Albert L Jr. Darda, Gertrude. Darda, Herbert. Darda, J C. Darda, Jeremy. Darda, Tammy.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Darda, Trudy. Dardar, Alvin. Dardar, Basile J. Dardar, Basile Sr. Dardar, Cindy. Dardar, David. Dardar, Donald S. Dardar, Edison J Sr. Dardar, Gayle Picou. Dardar, Gilbert B. Dardar, Gilbert Sr. Dardar, Isadore J Jr. Dardar, Jacqueline. Dardar, Jonathan M. Dardar, Lanny. Dardar, Larry J. Dardar, Many. Dardar, Neal A. Dardar, Norbert. Dardar, Patti V. Dardar, Percy B Sr. Dardar, Rose. Dardar, Rusty J. Dardar, Samuel. Dardar, Summersgill. Dardar, Terry P. Dardar, Toney M Jr. Dardar, Toney Sr. Dargis, Stephen M. Dassau, Louis. David, Philip J Jr. Davis, Cliff. Davis, Daniel A. Davis, Danny A. Davis, James. Davis, John W. Davis, Joseph D. Davis, Michael Steven. Davis, Ronald B. Davis, William T Jr. Davis, William Theron. Dawson, JT. de la Cruz, Avery T. Dean, Ilene L. Dean, John N. Dean, Stephen. DeBarge, Brian K. DeBarge, Sherry. DeBarge, Thomas W. Decoursey, John. Dedon, Walter. Deere, Daryl. Deere, David E. Deere, Dennis H. Defelice, Robin. Defelice, Tracie L. DeHart, Ashton J Sr. Dehart, Bernard J. Dehart, Blair. Dehart, Clevis. Dehart, Clevis Jr. DeHart, Curtis P Sr. Dehart, Eura Sr. Dehart, Ferrell John. Dehart, Leonard M. DeHart, Troy. DeJean, Chris N Jr. DeJean, Chris N Sr. Dekemel, Bonnie D. Dekemel, Wm J Jr. Delande, Paul. Delande, Ten Chie. Delatte, Michael J Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Delaune, Kip M. Delaune, Thomas J. Delaune, Todd J. Delcambre, Carroll A. Delgado, Jesse. Delino, Carlton. Delino, Lorene. Deloach, Stephen W Jr. DeMoll, Herman J Jr. DeMoll, Herman J Sr. DeMoll, James C Jr. DeMoll, Ralph. DeMoll, Robert C. DeMoll, Terry R. DeMolle, Freddy. DeMolle, Otis. Dennis, Fred. Denty, Steve. Deroche, Barbara H. Derouen, Caghe. Deshotel, Rodney. DeSilvey, David. Despaux, Byron J. Despaux, Byron J Jr. Despaux, Glen A. Despaux, Ken. Despaux, Kerry. Despaux, Suzanna. Detillier, David E. DeVaney, Bobby C Jr. Dickey, Wesley Frank. Diep, Vu. Dinger, Anita. Dinger, Corbert Sr. Dinger, Eric. Dinger, Mark H. Dinh, Chau Thanh. Dinh, Khai Duc. Dinh, Lien. Dinh, Toan. Dinh, Vincent. Dion, Ernest. Dion, Paul A. Dion, Thomas Autry. Disalvo, Paul A. Dismuke, Robert E Sr. Ditcharo, Dominick III. Dixon, David. Do, Cuong V. Do, Dan C. Do, Dung V. Do, Hai Van. Do, Hieu. Do, Hung V. Do, Hung V. Do, Johnny. Do, Kiet Van. Do, Ky Hong. Do, Ky Quoc. Do, Lam. Do, Liet Van. Do, Luong Van. Do, Minh Van. Do, Nghiep Van. Do, Ta. Do, Ta Phon. Do, Than Viet. Do, Thanh V. Do, Theo Van. Do, Thien Van. Do, Tinh A. Do, Tri. Do, Vi V.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Doan, Anh Thi. Doan, Joseph. Doan, Mai. Doan, Minh. Doan, Ngoc. Doan, Tran Van. Domangue, Darryl. Domangue, Emile. Domangue, Mary. Domangue, Michael. Domangue, Paul. Domangue, Ranzell Sr. Domangue, Stephen. Domangue, Westley. Domingo, Carolyn. Dominique, Amy R. Dominique, Gerald R. Donini, Ernest N. Donnelly, David C. Donohue, Holly M. Dooley, Denise F. Dopson, Craig B. Dore, Presley J. Dore, Preston J Jr. Dorr, Janthan C Jr. Doucet, Paul J Sr. Downey, Colleen. Doxey, Robert Lee Sr. Doxey, Ruben A. Doxey, William L. Doyle, John T. Drawdy, John Joseph. Drury, Bruce W Jr. Drury, Bruce W Sr. Drury, Bryant J. Drury, Eric S. Drury, Helen M. Drury, Jeff III. Drury, Kevin. Drury, Kevin S Sr. Drury, Steve R. Drury, Steven J. Dubberly, James F. Dubberly, James Michael. Dubberly, James Michael Jr. Dubberly, John J. Dubois, Euris A. Dubois, John D Jr. Dubois, Lonnie J. Duck, Kermit Paul. Dudenhefer, Anthony. Dudenhefer, Connie S. Dudenhefer, Eugene A. Dudenhefer, Milton J Jr. Duet, Brad J. Duet, Darrel A. Duet, Guy J. Duet, Jace J. Duet, Jay. Duet, John P. Duet, Larson. Duet, Ramie. Duet, Raymond J. Duet, Tammy B. Duet, Tyrone. Dufrene, Archie. Dufrene, Charles. Dufrene, Curt F. Dufrene, Elson A. Dufrene, Eric F. Dufrene, Eric F Jr. Dufrene, Eric John. Dufrene, Golden J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Dufrene, Jeremy M. Dufrene, Juliette B. Dufrene, Leroy J. Dufrene, Milton J. Dufrene, Ronald A Jr. Dufrene, Ronald A Sr. Dufrene, Scottie M. Dufrene, Toby. Dugar, Edward A II. Dugas, Donald John. Dugas, Henri J IV. Duhe, Greta. Duhe, Robert. Duhon, Charles. Duhon, Douglas P. Duncan, Faye E. Duncan, Gary. Duncan, Loyde C. Dunn, Bob. Duong, Billy. Duong, Chamroeun. Duong, EM. Duong, Ho Tan Phi. Duong, Kong. Duong, Mau. Duplantis, Blair P. Duplantis, David. Duplantis, Frankie J. Duplantis, Maria. Duplantis, Teddy W. Duplantis, Wedgir J Jr. Duplessis, Anthony James Sr. Duplessis, Bonnie S. Duplessis, Clarence R. Dupre, Brandon P. Dupre, Cecile. Dupre, David A. Dupre, Davis J Jr. Dupre, Easton J. Dupre, Jimmie Sr. Dupre, Linward P. Dupre, Mary L. Dupre, Michael J. Dupre, Michael J Jr. Dupre, Randall P. Dupre, Richard A. Dupre, Rudy P. Dupre, Ryan A. Dupre, Tony J. Dupre, Troy A. Dupree, Bryan. Dupree, Derrick. Dupree, Malcolm J Sr. Dupuis, Clayton J. Durand, Walter Y. Dusang, Melvin A. Duval, Derval H Sr. Duval, Wayne. Dyer, Nadine D. Dyer, Tony. Dykes, Bert L. Dyson, Adley L Jr. Dyson, Adley L Sr. Dyson, Amy. Dyson, Casandra. Dyson, Clarence III. Dyson, Jimmy Jr. Dyson, Jimmy L Sr. Dyson, Kathleen. Dyson, Maricela. Dyson, Phillip II. Dyson, Phillip Sr. Dyson, William.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Eckerd, Bill. Edens, Angela Blake. Edens, Donnie. Edens, Jeremy Donald. Edens, Nancy M. Edens, Steven L. Edens, Timothy Dale. Edgar, Daniel. Edgar, Joey. Edgerson, Roosevelt. Edwards, Tommy W III. Ellerbee, Jody Duane. Ellison, David Jr. Encalade, Alfred Jr. Encalade, Anthony T. Encalade, Cary. Encalade, Joshua C. Encalade, Stanley A. Enclade, Joseph L. Enclade, Michael Sr and Jeannie Pitre. Enclade, Rodney J. Englade, Alfred. Ennis, A L Jr. Erickson, Grant G. Erlinger, Carroll. Erlinger, Gary R. Eschete, Keith A. Esfeller, Benny A. Eskine, Kenneth. Sponge, Ernest J. Estaves, David Sr. Estaves, Ricky Joseph. Estay, Allen J. Estay, Wayne. Esteves, Anthony E Jr. Estrada, Orestes. Evans, Emile J Jr. Evans, Kevin J. Evans, Lester. Evans, Lester J Jr. Evans, Tracey J Sr. Everson, George C. Eymard, Brian P Sr. Eymard, Jervis J and Carolyn B. Fabiano, Morris C. Fabra, Mark. Fabre, Alton Jr. Fabre, Ernest J. Fabre, Kelly V. Fabre, Peggy B. Fabre, Sheron. Fabre, Terry A. Fabre, Wayne M. Falcon, Mitchell J. Falgout, Barney. Falgout, Jerry P. Falgout, Leroy J. Falgout, Timothy J. Fanguy, Barry G. Fanning, Paul Jr. Farris, Thomas J. Fasone, Christopher J. Fasone, William J. Faulk, Lester J. Favaloro, Thomas J. Favre, Michael Jr. Fazende, Jeffery. Fazende, Thomas. Fazende, Thomas G. Fazio, Anthony. Fazio, Douglas P. Fazio, Maxine J. Fazio, Steve.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Felarise, E.J. Felarise, Wayne A Sr. Fernandez, John. Fernandez, Laudelino. Ferrara, Audrey B. Ficarino, Dominick Jr. Fields, Bryan. Fillinich, Anthony. Fillinich, Anthony Sr. Fillinich, Jack. Fincher, Penny. Fincher, William. Fisch, Burton E. Fisher, Kelly. Fisher, Kirk. Fisher, Kirk A. Fitch, Adam. Fitch, Clarence J Jr. Fitch, Hanson. Fitzgerald, Burnell. Fitzgerald, Kirk. Fitzgerald, Kirk D. Fitzgerald, Ricky J Jr. Fleming, John M. Fleming, Meigs F. Fleming, Mike. Flick, Dana. Flores, Helena D. Flores, Thomas. Flowers, Steve W. Flowers, Vincent F. Folsie, David M. Folsie, Heath. Folsie, Mary L. Folsie, Ronald B. Fonseca, Francis Sr. Fontaine, William S. Fontenot, Peggy D. Ford, Judy. Ford, Warren Wayne. Foreman, Ralph Jr. Foret, Alva J. Foret, Billy J. Foret, Brent J. Foret, Glenn. Foret, Houston. Foret, Jackie P. Foret, Kurt J Sr. Foret, Lovelace A Sr. Foret, Loveless A Jr. Foret, Mark M. Foret, Patricia C. Forrest, David P. Forsyth, Hunter. Forsythe, John. Fortune, Michael A. France, George J. Francis, Albert. Franklin, James K. Frankovich, Anthony. Franks, Michael. Frauenberger, Richard Wayne. Frazier, David J. Frazier, David M. Frazier, James. Frazier, Michael. Frederick, Davis. Frederick, Johnnie and Jeannie. Fredrick, Michael. Freeman, Arthur D. Freeman, Darrel P Sr. Freeman, Kenneth F. Freeman, Larry Scott.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Frelich, Charles P. Frelich, Floyd J. Frelich, Kent. Frerics, Doug. Frerks, Albert R Jr. Frickey, Darell. Frickey, Darren. Frickey, Dirk I. Frickey, Eric J. Frickey, Harry J Jr. Frickey, Jimmy. Frickey, Rickey J. Frickey, Westley J. Friloux, Brad. Frisella, Jeanette M. Frisella, Jerome A Jr. Frost, Michael R. Fruge, Wade P. Gadson, James. Gaines, Dwayne. Gala, Christine. Galjour, Jess J. Galjour, Reed. Gallardo, John W. Gallardo, Johnny M. Galliano, Anthony. Galliano, Horace J. Galliano, Joseph Sr. Galliano, Logan J. Galliano, Lynne L. Galliano, Moise Jr. Galloway, AT Jr. Galloway, Jimmy D. Galloway, Judy L. Galloway, Mark D. Galt, Giles F. Gambarella, Luvencie J. Ganoi, Kristine. Garcia, Ana Maria. Garcia, Anthony. Garcia, Edward. Garcia, Kenneth. Garner, Larry S. Gary, Dalton J. Gary, Ernest J. Gary, Leonce Jr. Garza, Andres. Garza, Jose H. Gaskill, Elbert Clinton and Sandra. Gaspar, Timothy. Gaspard, Aaron and Hazel C. Gaspard, Dudley A Jr. Gaspard, Leonard J. Gaspard, Michael A. Gaspard, Michael Sr. Gaspard, Murry. Gaspard, Murry A Jr. Gaspard, Murry Sr. Gaspard, Murvin. Gaspard, Ronald Sr. Gaspard, Ronald Wayne Jr. Gaubert, Elizabeth. Gaubert, Gregory M. Gaubert, Melvin. Gaudet, Allen J IV. Gaudet, Ricky Jr. Gauthier, Hewitt J Sr. Gautreaux, William A. Gay, Norman F. Gay, Robert G. Gazzier, Daryl G. Gazzier, Emanuel A. Gazzier, Wilfred E.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Gegenheimer, William F.  Geiling, James.  Geisman, Tony.  Gentry, Robert.  Gentry, Samuel W Jr.  George, James J Jr.  Gerica, Clara.  Gerica, Peter.  Giambrone, Corey P.  Gibson, Eddie E.  Gibson, Joseph.  Gibson, Ronald F.  Gilden, Eddie Jr.  Gilden, Eddie Sr.  Gilden, Inez W.  Gilden, Wayne.  Gillikin, James D.  Girard, Chad Paul.  Giroir, Mark S.  Gisclair, Anthony J.  Gisclair, Anthony Joseph Sr.  Gisclair, August.  Gisclair, Dallas J Sr.  Gisclair, Doyle A.  Gisclair, Kip J.  Gisclair, Ramona D.  Gisclair, Wade.  Gisclair, Walter.  Glover, Charles D.  Glynn, Larry.  Goetz, George.  Goings, Robert Eugene.  Golden, George T.  Golden, William L.  Gollot, Brian.  Gollot, Edgar R.  Gonzales, Arnold Jr.  Gonzales, Mrs Cyril E Jr.  Gonzales, Rene R.  Gonzales, Rudolph S Jr.  Gonzales, Rudolph S Sr.  Gonzales, Sylvia A.  Gonzales, Tim J.  Gonzalez, Jorge Jr.  Gonzalez, Julio.  Gordon, Donald E.  Gordon, Patrick Alvin.  Gore, Henry H.  Gore, Isabel.  Gore, Pam.  Gore, Thomas L.  Gore, Timothy Ansel.  Gottschalk, Gregory.  Gourgues, Harold C Jr.  Goutierrez, Tony C.  Govea, Joaquin.  Graham, Darrell.  Graham, Steven H.  Granger, Albert J Sr.  Granich, James.  Granier, Stephen J.  Grass, Michael.  Graves, Robert N Sr.  Gray, Jeannette.  Gray, Monroe.  Gray, Shirley E.  Gray, Wayne A Sr.  Graybill, Ruston.  Green, Craig X.  Green, James W.  Green, James W Jr.  Green, Shaun.  Greenlaw, W C Jr.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gregoire, Ernest L. Gregoire, Rita M. Gregory, Curtis B. Gregory, Mercedes E. Grice, Raymond L Jr. Griffin, Alden J Sr. Griffin, Craig. Griffin, David D. Griffin, Elvis Joseph Jr. Griffin, Faye. Griffin, Faye Ann. Griffin, Jimmie J. Griffin, Nolty J. Griffin, Rickey. Griffin, Sharon. Griffin, Timothy. Griffin, Troy D. Groff, Alfred A. Groff, John A. Groover, Hank. Gros, Brent J Sr. Gros, Craig J. Gros, Danny A. Gros, Gary Sr. Gros, Junius A Jr. Gros, Keven. Gros, Michael A. Gross, Homer. Grossie, Janet M. Grossie, Shane A. Grossie, Tate. Grow, Jimmie C. Guenther, John J. Guenther, Raphael. Guerra, Bruce. Guerra, Chad L. Guerra, Fabian C. Guerra, Guy A. Guerra, Jerry V Sr. Guerra, Kurt P Sr. Guerra, Ricky J Sr. Guerra, Robert. Guerra, Ryan. Guerra, Troy A. Guerra, William Jr. Guidroz, Warren J. Guidry, Alvin A. Guidry, Andy J. Guidry, Arthur. Guidry, Bud. Guidry, Calvin P. Guidry, Carl J. Guidry, Charles J. Guidry, Chris J. Guidry, Clarence P. Guidry, Clark. Guidry, Clint. Guidry, Clinton P Jr. Guidry, Clyde A. Guidry, David. Guidry, Dobie. Guidry, Douglas J Sr. Guidry, Elgy III. Guidry, Elgy Jr. Guidry, Elwin A Jr. Guidry, Gerald A. Guidry, Gordon Jr. Guidry, Guillaume A. Guidry, Harold. Guidry, Jason. Guidry, Jessie J. Guidry, Jessie Joseph. Guidry, Jonathan B.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Guidry, Joseph T Jr. Guidry, Keith M. Guidry, Kenneth J. Guidry, Kerry A. Guidry, Marco. Guidry, Maurin T and Tamika. Guidry, Michael J. Guidry, Nolan J Sr. Guidry, Randy Peter Sr. Guidry, Rhonda S. Guidry, Robert C. Guidry, Robert Joseph. Guidry, Robert Wayne. Guidry, Roger. Guidry, Ronald. Guidry, Roy Anthony. Guidry, Roy J. Guidry, Tammy. Guidry, Ted. Guidry, Thomas P. Guidry, Timothy. Guidry, Troy. Guidry, Troy. Guidry, Ulysses. Guidry, Vicki. Guidry, Wayne J. Guidry, Wyatt. Guidry, Yvonne. Guidry-Calva, Holly A. Guilbeaux, Donald J. Guilbeaux, Lou. Guillie, Shirley. Guillory, Horace H. Guillot, Benjamin J Jr. Guillot, Rickey A. Gulledege, Lee. Gutierrez, Anita. Guy, Jody. Guy, Kimothy Paul. Guy, Wilson. Ha, Cherie Lan. Ha, Co Dong. Ha, Lai Thuy Thi. Ha, Lyanna. Hadwall, John R. Hafford, Johnny. Hagan, Jules. Hagan, Marianna. Haiglea, Robbin Richard. Hales, William E. Halili, Rhonda L. Hall, Byron S. Hall, Darrel T Sr. Hall, Lorrie A. Hammer, Michael P. Hammock, Julius Michael. Hancock, Jimmy L. Handlin, William Sr. Hang, Cam T. Hansen, Chris. Hansen, Eric P. Hanson, Edmond A. Harbison, Louis. Hardee, William P. Hardison, Louis. Hardy John C. Hardy, Sharon. Harmon, Michelle. Harrington, George J. Harrington, Jay. Harris, Bobby D. Harris, Buster. Harris, Jimmy Wayne Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Harris, Johnny Ray. Harris, Kenneth A. Harris, Ronnie. Harris, Susan D. Harris, William. Harrison, Daniel L. Hartmann, Leon M Jr. Hartmann, Walter Jr. Hattaway, Errol Henry. Haycock, Kenneth. Haydel, Gregory. Hayes, Clinton. Hayes, Katherine F. Hayes, Lod Jr. Hean, Hong. Heathcock, Walter Jr. Hebert, Albert Joseph. Hebert, Bernie. Hebert, Betty Jo. Hebert, Chris. Hebert, Craig J. Hebert, David. Hebert, David Jr. Hebert, Earl J. Hebert, Eric J. Hebert, Jack M. Hebert, Johnny Paul. Hebert, Jonathan. Hebert, Jules J. Hebert, Kim M. Hebert, Lloyd S III. Hebert, Michael J. Hebert, Myron A. Hebert, Norman. Hebert, Patrick. Hebert, Patrick A. Hebert, Pennington Jr. Hebert, Philip. Hebert, Robert A. Hebert, Terry W. Hedrick, Gerald J Jr. Helmer, Claudia A. Helmer, Gerry J. Helmer, Herman C Jr. Helmer, Kenneth. Helmer, Larry J Sr. Helmer, Michael A Sr. Helmer, Rusty L. Helmer, Windy. Hemmenway, Jack. Henderson, Brad. Henderson, Curtis. Henderson, David A Jr. Henderson, David A Sr. Henderson, Johnny. Henderson, Olen. Henderson, P Loam. Henry, Joanne. Henry, Rodney. Herbert, Patrick and Terry. Hereford, Rodney O Jr. Hereford, Rodney O Sr. Hernandez, Corey. Herndon, Mark. Hertel, Charles W. Hertz, Edward C Sr. Hess, Allen L Sr. Hess, Henry D Jr. Hess, Jessica R. Hess, Wayne B. Hewett, Emma. Hewett, James. Hickman, John.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hickman, Marvin. Hicks, Billy M. Hicks, James W. Hicks, Larry W. Hicks, Walter R. Hien, Nguyen. Higgins, Joseph J III. Hill, Darren S. Hill, Joseph R. Hill, Sharon. Hill, Willie E Jr. Hills, Herman W. Hingle, Barbara E. Hingle, Rick A. Hingle, Roland T Jr. Hingle, Roland T Sr. Hingle, Ronald J. Hinojosa, R. Hinojosa, Randy. Hinojosa, Ricky A. Hipps, Nicole Marie. Ho, Dung Tan. Ho, Hung. Ho, Jennifer. Ho, Jimmy. Ho, Lam. Ho, Nam. Ho, Nga T. Ho, O. Ho, Sang N. Ho, Thanh Quoc. Ho, Thien Dang. Ho, Tien Van. Ho, Tri Tran. Hoang, Dung T. Hoang, Hoa T and Tam Hoang. Hoang, Huy Van. Hoang, Jennifer Vu. Hoang, John. Hoang, Julie. Hoang, Kimberly. Hoang, Linda. Hoang, Loan. Hoang, San Ngoc. Hoang, Tro Van. Hoang, Trung Kim. Hoang, Trung Tuan. Hoang, Vincent Huynh. Hodges, Ralph W. Hoffpaviiz, Harry K. Holland, Vidal. Holler, Boyce Dwight Jr. Hollier, Dennis J. Holloway, Carl D. Hong, Tai Van. Hood, Malcolm. Hopton, Douglas. Horaist, Shawn P. Hostetler, Warren L II. Hotard, Claude. Hotard, Emile J Jr. Howard, Jeff. Howerin, Billy Sr. Howerin, Wendell Sr. Hubbard, Keith. Hubbard, Perry III. Huber, Berry T. Huber, Charles A. Huck, Irma Elaine. Huck, Steven R. Huckabee, Harold. Hue, Patrick A. Hughes, Brad J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hults, Thomas. Hutcherson, Daniel J. Hutchinson, Douglas. Hutchinson, George D. Hutchinson, William H. Hutto, Cynthia E. Hutto, Henry G Jr. Huynh, Chien Thi. Huynh, Dong Xuan. Huynh, Dung. Huynh, Dung V. Huynh, Hai. Huynh, Hai. Huynh, Hai Van. Huynh, Hoang D. Huynh, Hoang Van. Huynh, Hung. Huynh, James N. Huynh, Johnny Hiep. Huynh, Johnnie. Huynh, Kim. Huynh, Lay. Huynh, Long. Huynh, Mack Van. Huynh, Mau Van. Huynh, Minh. Huynh, Minh Van. Huynh, Nam Van. Huynh, Thai. Huynh, Tham Thi. Huynh, Thanh. Huynh, Thanh. Huynh, The V. Huynh, Tri. Huynh, Truc. Huynh, Tu. Huynh, Tu. Huynh, Tung Van. Huynh, Van X. Huynh, Viet Van. Huynh, Vuong Van. Hymel, Joseph Jr. Hymel, Michael D. Hymel, Nolan J Sr. Ingham, Herbert W. Inglis, Richard M. Ingraham, Joseph S. Ingraham, Joyce. Ipock, Billy. Ipock, William B. Ireland, Arthur Allen. Iver, George Jr. Jackson, Alfred M. Jackson, Carl John. Jackson, David. Jackson, Eugene O. Jackson, Glenn C Jr. Jackson, Glenn C Sr. Jackson, James Jerome. Jackson, John D. Jackson, John Elton Sr. Jackson, Levi. Jackson, Nancy L. Jackson, Robert W. Jackson, Shannon. Jackson, Shaun C. Jackson, Steven A. Jacob, Ronald R. Jacob, Warren J Jr. Jacobs, L Anthony. Jacobs, Lawrence F. Jarreau, Billy and Marilyn. Jarvis, James D.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Jaye, Emma.  Jeanfreau, Vincent R.  Jefferies, William.  Jemison, Timothy Michael Sr.  Jennings, Jacob.  Joffrion, Harold J Jr.  Johnson, Albert F.  Johnson, Ashley Lamar.  Johnson, Bernard Jr.  Johnson, Brent W.  Johnson, Bruce Wareem.  Johnson, Carl S.  Johnson, Carolyn.  Johnson, Clyde Sr.  Johnson, David G.  Johnson, David Paul.  Johnson, Gary Allen Sr.  Johnson, George D.  Johnson, Michael A.  Johnson, Randy J.  Johnson, Regenia.  Johnson, Robert.  Johnson, Ronald Ray Sr.  Johnson, Steve.  Johnson, Thomas Allen Jr.  Johnston, Ronald.  Joly, Nicholas J Jr.  Jones, Charles.  Jones, Clinton.  Jones, Daisy Mae.  Jones, Jeffery E.  Jones, Jerome N Sr.  Jones, John W.  Jones, Larry.  Jones, Len.  Jones, Michael G Sr.  Jones, Paul E.  Jones, Perry T Sr.  Jones, Ralph William.  Jones, Richard G Sr.  Jones, Stephen K.  Jones, Wayne.  Joost, Donald F.  Jordan, Dean.  Jordan, Hubert William III (Bert).  Jordan, Hurbert W Jr.  Judalet, Ramon G.  Judy, William Roger.  Julian, Ida.  Julian, John I Sr.  Juneau, Anthony Sr.  Juneau, Bruce.  Juneau, Robert A Jr and Laura K.  Jurjevich, Leander J.  Kain, Jules B Sr.  Kain, Martin A.  Kalliainen, Dale.  Kalliainen, Richard.  Kang, Chamroeun.  Kang, Sambo.  Kap, Brenda.  Keen, Robert Steven.  Keenan, Robert M.  Kellum, Kenneth Sr.  Kellum, Larry Gray Sr.  Kellum, Roxanne.  Kelly, Roger B.  Kelly, Thomas E.  Kendrick, Chuck J.  Kennair, Michael S.  Kennedy, Dothan.  Kenney, David Jr.  Kenney, Robert W.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Kent, Michael A. Keo, Bunly. Kerchner, Steve. Kern, Thurmond. Khin, Sochenda. Khui, Lep and Nga Ho. Kidd, Frank. Kiesel, Edward C and Lorraine T. Kiff, Hank J. Kiff, Melvin. Kiffe, Horace. Kim, Puch. Kimbrough, Carson. Kim-Tun, Soeun. King, Andy A. King, Donald Jr. King, James B. King, Thornell. King, Wesley. Kit, An. Kizer, Anthony J. Kleimann, Robert. Knapp, Alton P Jr. Knapp, Alton P Sr. Knapp, Ellis L Jr. Knapp, Melvin L. Knapp, Theresa. Knecht, Frederick Jr. Knezek, Lee. Knight, George. Knight, Keith B. Knight, Robert E. Koch, Howard J. Kong, Seng. Konitz, Bobby. Koo, Herman. Koonce, Curtis S. Koonce, Howard N. Kopszywa, Mark L. Kopszywa, Stanley J. Kotulja, Stejepan. Kraemer, Bridget. Kraemer, Wilbert J. Kraemer, Wilbert Jr. Kramer, David. Krantz, Arthur Jr. Krantz, Lori. Kraver, C W. Kreger, Ronald A Sr. Kreger, Roy J Sr. Kreger, Ryan A. Krennerich, Raymond A. Kroke, Stephen E. Kruth, Frank D. Kuchler, Alphonse L III. Kuhn, Bruce A Sr. Kuhn, Gerard R Jr. Kuhn, Gerard R Sr. Kuhns, Deborah. LaBauve, Kerry. LaBauve, Sabrina. LaBauve, Terry. LaBiche, Todd A. LaBove, Carroll. LaBove, Frederick P. Lachica, Jacqueline. Lachico, Douglas. Lacobon, Tommy W Jr. Lacobon, Tony C. LaCoste, Broddie. LaCoste, Carl. LaCoste, Dennis E. LaCoste, Grayland J.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			LaCoste, Malcolm Jr. LaCoste, Melvin. LaCoste, Melvin W Jr. LaCoste, Ravin J Jr. LaCoste, Ravin Sr. Ladner, Clarence J III. Ladson, Earlene G. LaFont, Douglas A Sr. LaFont, Edna S. LaFont, Jackin. LaFont, Noces J Jr. LaFont, Weyland J Sr. LaFrance, Joseph T. Lagarde, Frank N. Lagarde, Gary Paul. Lagasse, Michael F. Lai, Hen K. Lai, Then. Lam, Cang Van. Lam, Cui. Lam, Dong Van. Lam, Hiep Tan. Lam, Lan Van. Lam, Lee Phenh. Lam, Phan. Lam, Qui. Lam, Sochen. Lam, Tai. Lam, Tinh Huu. Lambas, Jessie J Sr. Lanclos, Paul. Landry, David A. Landry, Dennis J. Landry, Edward N Jr. Landry, George. Landry, George M. Landry, James F. Landry, Jude C. Landry, Robert E. Landry, Ronald J. Landry, Samuel J Jr. Landry, Tracy. Lane, Daniel E. Lapeyrouse, Lance M. Lapeyrouse, Rosalie. Lapeyrouse, Tillman Joseph. LaRive, James L Jr. LaRoche, Daniel S. Lasseigne, Betty. Lasseigne, Blake. Lasseigne, Floyd. Lasseigne, Frank. Lasseigne, Harris Jr. Lasseigne, Ivy Jr. Lasseigne, Jefferson. Lasseigne, Jefferson P Jr. Lasseigne, Johnny J. Lasseigne, Marlene. Lasseigne, Nolan J. Lasseigne, Trent. Lat, Chhiet. Latapie, Charlotte A. Latapie, Crystal. Latapie, Jerry. Latapie, Joey G. Latapie, Joseph. Latapie, Joseph F Sr. Latapie, Travis. Latiolais, Craig J. Latiolais, Joel. Lau, Ho Thanh. Laughlin, James G. Laughlin, James Mitchell.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Laurent, Yvonne M. Lavergne, Roger. Lawdros, Terrance Jr. Layrisson, Michael A III. Le, Amanda. Le, An Van. Le, Ben. Le, Binh T. Le, Cheo Van. Le, Chinh Thanh. Le, Chinh Thanh and Yen Vo. Le, Cu Thi. Le, Dai M. Le, Dale. Le, David Rung. Le, Du M. Le, Duc V. Le, Duoc M. Le, Hien V. Le, Houston T. Le, Hung. Le, Jimmy. Le, Jimmy and Hoang. Le, Khoa. Le, Kim. Le, Ky Van. Le, Lang Van. Le, Lily. Le, Lisa Tuyet Thi. Le, Loi. Le, Minh Van. Le, Muoi Van. Le, My. Le, My V. Le, Nam and Xhan-Minh Le. Le, Nam Van. Le, Nhieu T. Le, Nhut Hoang. Le, Nu Thi. Le, Phuc Van. Le, Que V. Le, Quy. Le, Robert. Le, Sam Van. Le, Sau V. Le, Son. Le, Son. Le, Son H. Le, Son Quoc. Le, Son Van. Le, Su. Le, Tam V. Le, Thanh Huong. Le, Tong Minh. Le, Tony. Le, Tracy Lan Chi. Le, Tuan Nhu. Le, Viet Hoang. Le, Vui. Leaf, Andrew Scott. Leary, Roland. LeBeauf, Thomas. LeBlanc, Donnie. LeBlanc, Edwin J. LeBlanc, Enoch P. LeBlanc, Gareth R III. LeBlanc, Gareth R Jr. LeBlanc, Gerald E. LeBlanc, Hubert C. LeBlanc, Jerald. LeBlanc, Jesse Jr. LeBlanc, Keenon Anthony. LeBlanc, Lanvin J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			LeBlanc, Luke A. LeBlanc, Marty J. LeBlanc, Marty J Jr. LeBlanc, Mickel J. LeBlanc, Robert Patrick. LeBlanc, Scotty M. LeBlanc, Shelton. LeBlanc, Terry J. LeBoeuf, Brent J. LeBoeuf, Emery J. LeBoeuf, Joseph R. LeBoeuf, Tammy Y. LeBouef, Dale. LeBouef, Edward J. LeBouef, Ellis J Jr. LeBouef, Gillis. LeBouef, Jimmie. LeBouef, Leslie. LeBouef, Lindy J. LeBouef, Micheal J. LeBouef, Raymond. LeBouef, Tommy J. LeBouef, Wiley Sr. LeBourgeois, Stephen A. LeCompte, Alena. LeCompte, Aubrey J. LeCompte, Etha. LeCompte, Jesse C Jr. LeCompte, Jesse Jr. LeCompte, Jesse Sr. LeCompte, Lyle. LeCompte, Patricia F. LeCompte, Todd. LeCompte, Troy A Sr. Ledet, Brad. Ledet, Bryan. Ledet, Carlton. Ledet, Charles J. Ledet, Jack A. Ledet, Kenneth A. Ledet, Mark. Ledet, Maxine B. Ledet, Mervin. Ledet, Phillip John. Ledoux, Dennis. Ledwig, Joe J. Lee, Carl. Lee, James K. Lee, Marilyn. Lee, Otis M Jr. Lee, Raymond C. Lee, Robert E. Lee, Steven J. Leek, Mark A. LeGaux, Roy J Jr. Legendre, Kerry. Legendre, Paul. Leger, Andre. LeGros, Alex M. LeJeune, Philip Jr. LeJeune, Philip Sr. LeJeune, Ramona V. LeJeunee, Debbie. LeJuine, Eddie R. LeLand, Allston Bochet. Leland, Rutledge B III. Leland, Rutledge B Jr. LeLeaux, David. Leleux, Kevin J. Lemoine, Jeffery Jr. Leonard, Dan. Leonard, Dexter J Jr. Leonard, Micheal A.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lepine, Leroy L. Lesso, Rudy Jr. Lester, Shawn. Levron, Dale T. Levy, Patrick T. Lewis, Kenneth. Lewis, Mark Steven. Libersat, Anthony R. Libersat, Kim. Licatino, Daniel Jr. Lichenstein, Donald L. Lilley, Douglas P. Lim, Chhay. Lim, Koung. Lim, Tav Seng. Linden, Eric L. Liner, Claude J Jr. Liner, Harold. Liner, Jerry. Liner, Kevin. Liner, Michael B Sr. Liner, Morris T Jr. Liner, Morris T Sr. Liner, Tandy M. Linh, Pham. Linwood, Dolby. Lirette, Alex J Sr. Lirette, Bobby and Sheri. Lirette, Chester Patrick. Lirette, Daniel J. Lirette, Dean J. Lirette, Delvin J Jr. Lirette, Delvin Jr. Lirette, Desaire J. Lirette, Eugis P Sr. Lirette, Guy A. Lirette, Jeannie. Lirette, Kern A. Lirette, Ron C. Lirette, Russell (Chico) Jr. Lirette, Shaun Patrick. Lirette, Terry J Sr. Little, William A. Little, William Boyd. Liv, Niem S. Livaudais, Ernest J. Liverman, Harry R. LoBue, Michael Anthony Sr. Locascio, Dustin. Lockhart, William T. Lodrigue, Jimmy A. Lodrigue, Kerry. Lombardo, Joseph P. Lombas, James A Jr. Lombas, Kim D. Londrie, Harley. Long, Cao Thanh. Long, Dinh. Long, Robert. Longo, Ronald S Jr. Longwater, Ryan Heath. Loomer, Rhonda. Lopez, Celestino. Lopez, Evelio. Lopez, Harry N. Lopez, Ron. Lopez, Scott. Lopez, Stephen R Jr. Lord, Michael E Sr. Loupe, George Jr. Loupe, Ted. Lovell, Billy. Lovell, Bobby Jason.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Lovell, Bradford John. Lovell, Charles J Jr. Lovell, Clayton. Lovell, Douglas P. Lovell, Jacob G. Lovell, Lois. Lovell, Slade M. Luke, Bernadette C. Luke, David. Luke, Dustan. Luke, Henry. Luke, Jeremy Paul. Luke, Keith J. Luke, Patrick A. Luke, Patrick J. Luke, Paul Leroy. Luke, Rudolph J. Luke, Samantha. Luke, Sidney Jr. Luke, Terry Patrick Jr. Luke, Terry Patrick Sr. Luke, Timothy. Luke, Wiltz J. Lund, Ora G. Luneau, Ferrell J. Luong, Kevin. Luong, Thu X. Luscyc, Lydia. Luscyc, Richard. Lutz, William A. Luu, Binh. Luu, Vinh. Luu, Vinh V. Ly, Bui. Ly, Hen. Ly, Hoc. Ly, Kelly D. Ly, Nu. Ly, Sa. Ly, Ven. Lyall, Rosalie. Lycett, James A. Lyons, Berton J. Lyons, Berton J Sr. Lyons, Jack. Lyons, Jerome M. Mackey, Marvin Sr. Mackie, Kevin L. Maggio, Wayne A. Magwood, Edwin Wayne. Mai, Danny V. Mai, Lang V. Mai, Tai. Mai, Trach Xuan. Maise, Rubin J. Maise, Todd. Majoue, Ernest J. Majoue, Nathan L. Malcombe, David. Mallett, Irvin Ray. Mallett, Jimmie. Mallett, Lawrence J. Mallett, Mervin B. Mallett, Rainbow. Mallett, Stephney. Malley, Ned F Jr. Mamolo, Charles H Sr. Mamolo, Romeo C Jr. Mamolo, Terry A. Mancera, Jesus. Manuel, Joseph R. Manuel, Shon. Mao, Chandarasy.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mao, Kim. Marcel, Michelle. Marchese, Joe Jr. Mareno, Ansley. Mareno, Brent J. Mareno, Kenneth L. Marie, Allen J. Marie, Marty. Marmande, Al. Marmande, Alidore. Marmande, Denise. Marquize, Heather. Marquize, Kip. Marris, Roy C Jr. Martin, Darren. Martin, Dean J. Martin, Dennis. Martin, Jody W. Martin, John F III. Martin, Michael A. Martin, Nora S. Martin, Rod J. Martin, Roland J Jr. Martin, Russel J Sr. Martin, Sharon J. Martin, Tanna G. Martin, Wendy. Martinez, Carl R. Martinez, Henry. Martinez, Henry Joseph. Martinez, Lupe. Martinez, Michael. Martinez, Rene J. Mason, James F Jr. Mason, Johnnie W. Mason, Luther. Mason, Mary Lois. Mason, Percy D Jr. Mason, Walter. Matherne, Anthony. Matherne, Blakland Sr. Matherne, Bradley J. Matherne, Claude I Jr. Matherne, Clifford P. Matherne, Curlis J. Matherne, Forest J. Matherne, George J. Matherne, Glenn A. Matherne, Grace L. Matherne, James C. Matherne, James J Jr. Matherne, James J Sr. Matherne, Joey A. Matherne, Keith. Matherne, Larry Jr. Matherne, Louis M Sr. Matherne, Louis Michael. Matherne, Nelson. Matherne, Thomas G. Matherne, Thomas G Jr. Matherne, Thomas Jr. Matherne, Thomas M Sr. Matherne, Wesley J. Mathews, Patrick. Mathurne, Barry. Matte, Martin J Sr. Mauldin, Johnny. Mauldin, Mary. Mauldin, Shannon. Mavar, Mark D. Mayeux, Lonies A Jr. Mayeux, Roselyn P. Mayfield, Gary.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mayfield, Henry A Jr. Mayfield, James J III. Mayon, Allen J. Mayon, Wayne Sr. McAnespy, Henry. McAnespy, Louis. McCall, Marcus H. McCall, R Terry Sr. McCarthy, Carliss. McCarthy, Michael. McCauley, Byron Keith. McCauley, Katrina. McClantoc, Robert R and Debra. McClellan, Eugene Gardner. McCormick, Len. McCuiston, Denny Carlton. McDonald, Allan. McElroy, Harry J. McFarlain, Merlin J Jr. McGuinn, Dennis. McIntosh, James Richard. McIntyre, Michael D. Mclver, John H Jr. McKendree, Roy. McKenzie, George B. McKinzie, Bobby E. McKoin, Robert. McKoin, Robert F Jr. McLendon, Jonathon S. McNab, Robert Jr. McQuaig, Don W. McQuaig, Oliver J. Medine, David P. Mehaffey, John P. Melancon, Brent K. Melancon, Neva. Melancon, Rickey. Melancon, Roland Jr. Melancon, Roland T Jr. Melancon, Sean P. Melancon, Terral J. Melancon, Timmy J. Melanson, Ozimea J III. Melerine, Angela. Melerine, Brandon T. Melerine, Claude A. Melerine, Claude A Jr. Melerine, Dean J. Melerine, Eric W Jr. Melerine, John D Sr. Melerine, Linda C. Melerine, Raymond Joseph. Melford, Daniel W Sr. Mello, Nelvin. Men, Sophin. Menendez, Wade E. Menesses, Dennis. Menesses, James H. Menesses, Jimmy. Menesses, Louis. Menge, Lionel A. Menge, Vincent J. Mercy, Dempsey. Merrick, Harold A. Merrick, Kevin Sr. Merritt, Darren Sr. Messer, Chase. Meyers, Otis J. Miarm, Soeum. Michel, Steven D. Middleton, Dan Sr. Miguez, Henry. Miguez, Kevin L Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Milam, Ricky. Miles, Ricky David. Miley, Donna J. Milletto, Joseph. Miller, David W. Miller, Fletcher N. Miller, James A. Miller, Larry B. Miller, Mabry Allen Jr. Miller, Michael E. Miller, Michele K. Miller, Randy A. Miller, Rhonda E. Miller, Wayne. Millet, Leon B. Millington, Donnie. Millington, Ronnie. Millis, Moses. Millis, Raeford. Millis, Timmie Lee. Mine, Derrick. Miner, Peter G. Minh, Kha. Minh, Phuc-Truong. Mitchell, Ricky Allen. Mitchell, Todd. Mitchum, Francis Craig. Nixon, G C. Mobley, Bryan A. Mobley, Jimmy Sr. Mobley, Robertson. Mock, Frank Sr. Mock, Frankie E Jr. Mock, Jesse R II. Mock, Terry Lyn. Molerio, Louis F III. Molerio, Louis Frank. Molinere, Al L. Molinere, Floyd. Molinere, Roland Jr. Molinere, Stacey. Moll, Angela. Moll, Jerry J Jr. Moll, Jonathan P. Moll, Julius J. Moll, Randall Jr. Mollere, Randall. Mones, Philip J Jr. Mones, Tino. Moody, Guy D. Moore, Carl Stephen. Moore, Curtis L. Moore, Kenneth. Moore, Richard. Moore, Willis. Morales, Anthony. Morales, Clinton A. Morales, Daniel Jr. Morales, Daniel Sr. Morales, David. Morales, Elwood J Jr. Morales, Eugene J Jr. Morales, Eugene J Sr. Morales, Kimberly. Morales, Leonard L. Morales, Phil J Jr. Morales, Raul. Moran, Scott. Moreau, Allen Joseph. Moreau, Berlin J Sr. Moreau, Daniel R. Moreau, Hubert J. Moreau, Mary.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Moreau, Rickey J Sr.  Morehead, Arthur B Jr.  Moreno, Ansley.  Morgan, Harold R.  Morici, John.  Morris, Herbert Eugene.  Morris, Jesse A.  Morris, Jesse A Sr.  Morris, Preston.  Morrison, Stephen D Jr.  Morton, Robert A.  Morvant, Keith M.  Morvant, Patsy Lishman.  Moschettieri, Chalam.  Moseley, Kevin R.  Motley, Michele.  Mouille, William L.  Mouton, Ashton J.  Moveront, Timothy.  Mund, Mark.  Murphy, Denis R.  Muth, Gary J Sr.  Myers, Joseph E Jr.  Na, Tran Van.  Naccio, Andrew.  Nacio, Lance M.  Nacio, Noel.  Nacio, Philocles J Sr.  Naquin, Alton J.  Naquin, Andrew J Sr.  Naquin, Antoine Jr.  Naquin, Autry James.  Naquin, Bobby J and Sheila.  Naquin, Bobby Jr.  Naquin, Christine.  Naquin, Dean J.  Naquin, Donna P.  Naquin, Earl.  Naquin, Earl L.  Naquin, Freddie.  Naquin, Gerald.  Naquin, Henry.  Naquin, Irvin J.  Naquin, Jerry Joseph Jr.  Naquin, Kenneth J Jr.  Naquin, Kenneth J Sr.  Naquin, Linda L.  Naquin, Lionel A Jr.  Naquin, Mark D Jr.  Naquin, Marty J Sr.  Naquin, Milton H IV.  Naquin, Oliver A.  Naquin, Robert.  Naquin, Roy A.  Naquin, Vernon.  Navarre, Curtis J.  Naverro, Floyd G Jr.  Neal, Craig A.  Neal, Roy J Jr.  Neely, Bobby H.  Nehlig, Raymond E Sr.  Neil, Dean.  Neil, Jacob.  Neil, Julius.  Neil, Robert J Jr.  Neil, Tommy Sr.  Nelson, Billy J Sr.  Nelson, Deborah.  Nelson, Elisha W.  Nelson, Ernest R.  Nelson, Faye.  Nelson, Fred H Sr.  Nelson, Gordon Kent Sr.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nelson, Gordon W III. Nelson, Gordon W Jr. Nelson, John Andrew. Nelson, William Owen Jr. Nelton, Aaron J Jr. Nelton, Steven J. Nettleton, Cody. Newell, Ronald B. Newsome, Thomas E. Newton, Paul J. Nghiem, Billy. Ngo, Chuong Van. Ngo, Duc. Ngo, Hung V. Ngo, Liem Thanh. Ngo, Maxie. Ngo, The T. Ngo, Truong Dinh. Ngo, Van Lo. Ngo, Vu Hoang. Ngoc, Lam Lam. Ngu,Thoi. Nguyen, Amy. Nguyen, An Hoang. Nguyen, Andy Dung. Nguyen, Andy T. Nguyen, Anh and Thanh D Tiet. Nguyen, Ba. Nguyen, Ba Van. Nguyen, Bac Van. Nguyen, Bao Q. Nguyen, Bay Van. Nguyen, Be. Nguyen, Be. Nguyen, Be. Nguyen, Be Em. Nguyen, Bich Thao. Nguyen, Bien V. Nguyen, Binh. Nguyen, Binh Cong. Nguyen, Binh V. Nguyen, Binh Van. Nguyen, Binh Van. Nguyen, Binh Van. Nguyen, Bui Van. Nguyen, Ca Em. Nguyen, Can. Nguyen, Can Van. Nguyen, Canh V. Nguyen, Charlie. Nguyen, Chien. Nguyen, Chien Van. Nguyen, Chin. Nguyen, Chinh Van. Nguyen, Christian. Nguyen, Chuc. Nguyen, Chung. Nguyen, Chung Van. Nguyen, Chuong Hoang. Nguyen, Chuong V. Nguyen, Chuyen. Nguyen, Coolly Dinh. Nguyen, Cuong. Nguyen, Dai. Nguyen, Dan T. Nguyen, Dan Van. Nguyen, Dan Van. Nguyen, Dang. Nguyen, Danny. Nguyen, David. Nguyen, Day Van. Nguyen, De Van. Nguyen, Den.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Diem. Nguyen, Dien. Nguyen, Diep. Nguyen, Dinh. Nguyen, Dinh V. Nguyen, Dong T. Nguyen, Dong Thi. Nguyen, Dong X. Nguyen, Duc. Nguyen, Duc Van. Nguyen, Dung. Nguyen, Dung Anh and Xuan Duong. Nguyen, Dung Ngoc. Nguyen, Dung Van. Nguyen, Dung Van. Nguyen, Duoc. Nguyen, Duong V. Nguyen, Duong Van. Nguyen, Duong Xuan. Nguyen, Francis N. Nguyen, Frank. Nguyen, Gary. Nguyen, Giang T. Nguyen, Giang Truong. Nguyen, Giau Van. Nguyen, Ha T. Nguyen, Ha Van. Nguyen, Hai Van. Nguyen, Hai Van. Nguyen, Han Van. Nguyen, Han Van. Nguyen, Hang. Nguyen, Hanh T. Nguyen, Hao Van. Nguyen, Harry H. Nguyen, Henri Hiep. Nguyen, Henry-Trang. Nguyen, Hien. Nguyen, Hien V. Nguyen, Hiep. Nguyen, Ho. Nguyen, Ho V. Nguyen, Hoa. Nguyen, Hoa. Nguyen, Hoa N. Nguyen, Hoa Van. Nguyen, Hoang. Nguyen, Hoang. Nguyen, Hoang T. Nguyen, Hoi. Nguyen, Hon Xuong. Nguyen, Huan. Nguyen, Hung. Nguyen, Hung. Nguyen, Hung. Nguyen, Hung M. Nguyen, Hung Manh. Nguyen, Hung Van. Nguyen, Hung-Joseph. Nguyen, Huu Nghia. Nguyen, Hy Don N. Nguyen, Jackie Tin. Nguyen, James. Nguyen, James N. Nguyen, Jefferson. Nguyen, Jennifer. Nguyen, Jimmy. Nguyen, Jimmy. Nguyen, Joachim. Nguyen, Joe. Nguyen, John R. Nguyen, John Van. Nguyen, Johnny.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Joseph Minh. Nguyen, Kenny Hung Mong. Nguyen, Kevin. Nguyen, Khai. Nguyen, Khanh. Nguyen, Khanh and Viet Dinh. Nguyen, Khanh Q. Nguyen, Khiem. Nguyen, Kien Phan. Nguyen, Kim. Nguyen, Kim Mai. Nguyen, Kim Thoa. Nguyen, Kinh V. Nguyen, Lai. Nguyen, Lai. Nguyen, Lai Tan. Nguyen, Lam. Nguyen, Lam Van. Nguyen, Lam Van. Nguyen, Lam Van. Nguyen, Lan. Nguyen, Lang. Nguyen, Lang. Nguyen, Lanh. Nguyen, Lap Van. Nguyen, Lap Van. Nguyen, Le. Nguyen, Lien and Hang Luong. Nguyen, Lien Thi. Nguyen, Linda Oan. Nguyen, Linh Thi. Nguyen, Linh Van. Nguyen, Lintt Danny. Nguyen, Lluu. Nguyen, Loc. Nguyen, Loi. Nguyen, Loi. Nguyen, Long Phi. Nguyen, Long T. Nguyen, Long Viet. Nguyen, Luom T. Nguyen, Mai Van. Nguyen, Man. Nguyen, Mao-Van. Nguyen, Mary. Nguyen, Mary. Nguyen, Melissa. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh. Nguyen, Minh Ngoc. Nguyen, Minh Van. Nguyen, Moot. Nguyen, Mui Van. Nguyen, Mung T. Nguyen, Muoi. Nguyen, My Le Thi. Nguyen, My Tan. Nguyen, My V. Nguyen, Nam Van. Nguyen, Nam Van. Nguyen, Nam Van. Nguyen, Nam Van. Nguyen, Nancy. Nguyen, Nancy. Nguyen, Nghi. Nguyen, Nghi Q. Nguyen, Nghia. Nguyen, Nghiep. Nguyen, Ngoc Tim. Nguyen, Ngoc Van.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Nguyet. Nguyen, Nhi. Nguyen, Nho Van. Nguyen, Nina. Nguyen, Nuong. Nguyen, Peter. Nguyen, Peter Thang. Nguyen, Peter V. Nguyen, Phe. Nguyen, Phong. Nguyen, Phong Ngoc. Nguyen, Phong T. Nguyen, Phong Xuan. Nguyen, Phu Huu. Nguyen, Phuc. Nguyen, Phuoc H. Nguyen, Phuoc Van. Nguyen, Phuong. Nguyen, Phuong. Nguyen, Quang. Nguyen, Quang. Nguyen, Quang Dang. Nguyen, Quang Dinh. Nguyen, Quang Van. Nguyen, Quoc Van. Nguyen, Quyen Minh. Nguyen, Quyen T. Nguyen, Quyen-Van. Nguyen, Ran T. Nguyen, Randon. Nguyen, Richard. Nguyen, Richard Nghia. Nguyen, Rick Van. Nguyen, Ricky Tinh. Nguyen, Roe Van. Nguyen, Rose. Nguyen, Sam. Nguyen, Sandy Ha. Nguyen, Sang Van. Nguyen, Sau V. Nguyen, Si Ngoc. Nguyen, Son. Nguyen, Son Thanh. Nguyen, Son Van. Nguyen, Song V. Nguyen, Steve. Nguyen, Steve Q. Nguyen, Steven Giap. Nguyen, Sung. Nguyen, Tai. Nguyen, Tai The. Nguyen, Tai Thi. Nguyen, Tam. Nguyen, Tam Minh. Nguyen, Tam Thanh. Nguyen, Tam V. Nguyen, Tam Van. Nguyen, Tan. Nguyen, Ten Tan. Nguyen, Thach. Nguyen, Thang. Nguyen, Thanh. Nguyen, Thanh. Nguyen, Thanh. Nguyen, Thanh Phuc. Nguyen, Thanh V. Nguyen, Thanh Van. Nguyen, Thanh Van. Nguyen, Thanh Van. Nguyen, Thanh Van. Nguyen, Thao. Nguyen, Thi Bich Hang. Nguyen, Thiet.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nguyen, Thiet. Nguyen, Tho Duke. Nguyen, Thoa D. Nguyen, Thoa Thi. Nguyen, Thomas. Nguyen, Thu. Nguyen, Thu and Rose. Nguyen, Thu Duc. Nguyen, Thu Van. Nguyen, Thuan. Nguyen, Thuan. Nguyen, Thuong. Nguyen, Thuong Van. Nguyen, Thuy. Nguyen, Thuyen. Nguyen, Thuyen. Nguyen, Tinh. Nguyen, Tinh Van. Nguyen, Toan. Nguyen, Toan Van. Nguyen, Tommy. Nguyen, Tony. Nguyen, Tony. Nguyen, Tony. Nguyen, Tony D. Nguyen, Tony Hong. Nguyen, Tony Si. Nguyen, Tra. Nguyen, Tra. Nguyen, Tracy T. Nguyen, Tri D. Nguyen, Trich Van. Nguyen, Trung Van. Nguyen, Tu Van. Nguyen, Tuan. Nguyen, Tuan A. Nguyen, Tuan H. Nguyen, Tuan Ngoc. Nguyen, Tuan Q. Nguyen, Tuan Van. Nguyen, Tung. Nguyen, Tuyen Duc. Nguyen, Tuyen Van. Nguyen, Ty and Ngoc Ngo. Nguyen, Van H. Nguyen, Van Loi. Nguyen, Vang Van. Nguyen, Viet. Nguyen, Viet. Nguyen, Viet V. Nguyen, Viet Van. Nguyen, Vinh Van. Nguyen, Vinh Van. Nguyen, Vinh Van. Nguyen, VT. Nguyen, Vu Minh. Nguyen, Vu T. Nguyen, Vu Xuan. Nguyen, Vui. Nguyen, Vuong V. Nguyen, Xuong Kim. Nhan, Tran Quoc. Nhon, Seri. Nichols, Steve Anna. Nicholson, Gary. Nixon, Leonard. Noble, Earl. Noland, Terrel W. Normand, Timothy. Norris, Candace P. Norris, John A. Norris, Kenneth L. Norris, Kevin J.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Nowell, James E.  Noy, Phn.  Nunez, Conrad.  Nunez, Jody.  Nunez, Joseph Paul.  Nunez, Randy.  Nunez, Wade Joseph.  Nyuyen, Toan.  Oberling, Darryl.  O'Blance, Adam.  O'Brien, Gary S.  O'Brien, Mark.  O'Brien, Michele.  Ogden, John M.  Oglesby, Henry.  Oglesby, Phyllis.  O'Gwynn, Michael P Sr.  Ohmer, Eva G.  Ohmer, George J.  Olander, Hazel.  Olander, Rodney.  Olander, Roland J.  Olander, Russell J.  Olander, Thomas.  Olano, Kevin.  Olano, Owen J.  Olano, Shelby F.  Olds, Malcolm D Jr.  Olinde, Wilfred J Jr.  Oliver, Charles.  O'Neil, Carey.  Oracoy, Brad R.  Orage, Eugene.  Orlando, Het.  Oteri, Robert F.  Oubre, Faron P.  Oubre, Thomas W.  Ourks, SokHoms K.  Owens, Larry E.  Owens, Sheppard.  Owens, Timothy.  Pacaccio, Thomas Jr.  Padgett, Kenneth J.  Palmer, Gay Ann P.  Palmer, John W.  Palmer, Mack.  Palmisano, Daniel P.  Palmisano, Dwayne Jr.  Palmisano, Kim.  Palmisano, Larry J.  Palmisano, Leroy J.  Palmisano, Robin G.  Pam, Phuong Bui.  Parfait, Antoine C Jr.  Parfait, Jerry Jr.  Parfait, John C.  Parfait, Joshua K.  Parfait, Mary F.  Parfait, Mary S.  Parfait, Olden G Jr.  Parfait, Robert C Jr.  Parfait, Robert C Sr.  Parfait, Rodney.  Parfait, Shane A.  Parfait, Shelton J.  Parfait, Timmy J.  Parker, Clyde A.  Parker, Franklin L.  Parker, Paul A.  Parker, Percy Todd.  Parks, Daniel Duane.  Parks, Ellery Doyle Jr.  Parrett, Joseph D Jr.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Parria, Danny. Parria, Gavin C Sr. Parria, Gillis F Jr. Parria, Gillis F Sr. Parria, Jerry D. Parria, Kip G. Parria, Lionel J Sr. Parria, Louis III. Parria, Louis J Sr. Parria, Louis Jr. Parria, Michael. Parria, Ronald. Parria, Ross. Parria, Troy M. Parrish, Charles. Parrish, Walter L. Passmore, Penny. Pate, Shane. Paterbaugh, Richard. Patingo, Roger D. Paul, Robert Emmett. Payne, John Francis. Payne, Stuart. Peatross, David A. Pelas, James Curtis. Pelas, Jeffery. Pellegrin, Corey P. Pellegrin, Curlynn. Pellegrin, James A Jr. Pellegrin, Jordey. Pellegrin, Karl. Pellegrin, Karl J. Pellegrin, Randy. Pellegrin, Randy Sr. Pellegrin, Rodney J Sr. Pellegrin, Samuel. Pellegrin, Troy Sr. Peltier, Clyde. Peltier, Rodney J. Pena, Bartolo Jr. Pena, Israel. Pendarvis, Gracie. Pennison, Elaine. Pennison, Milton G. Pequeno, Julius. Percle, David P. Perez, Allen M. Perez, David J. Perez, David P. Perez, Derek. Perez, Edward Jr. Perez, Henry Jr. Perez, Joe B. Perez, Tilden A Jr. Perez, Warren A Jr. Perez, Warren A Sr. Perez, Wesley. Perrin, Dale. Perrin, David M. Perrin, Edward G Sr. Perrin, Errol Joseph Jr. Perrin, Jerry J. Perrin, Kenneth V. Perrin, Kevin. Perrin, Kline J Sr. Perrin, Kurt M. Perrin, Michael. Perrin, Michael A. Perrin, Murphy P. Perrin, Nelson C Jr. Perrin, Pershing J Jr. Perrin, Robert. Perrin, Tim J.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Perrin, Tony. Persohn, William T. Peshoff, Kirk Lynn. Pete, Alfred F Jr. Pete, Alfred F Sr. Pfleeger, William A. Pham, An V. Pham, Anh My. Pham, Bob. Pham, Cho. Pham, Cindy. Pham, David. Pham, Dung. Pham, Dung Phuoc. Pham, Dung Phuoc. Pham, Duong Van. Pham, Gai. Pham, Hai. Pham, Hai Hong. Pham, Hien. Pham, Hien C. Pham, Hiep. Pham, Hieu. Pham, Huan Van. Pham, Hung. Pham, Hung V. Pham, Hung V. Pham, Huynh. Pham, John. Pham, Johnny. Pham, Joseph S. Pham, Kannin. Pham, Nga T. Pham, Nhung T. Pham, Osmond. Pham, Paul P. Pham, Phong-Thanh. Pham, Phung. Pham, Quoc V. Pham, Steve Ban. Pham, Steve V. Pham, Thai Van. Pham, Thai Van. Pham, Thanh. Pham, Thanh. Pham, Thanh V. Pham, Thinh. Pham, Thinh V. Pham, Tommy V. Pham, Tran and Thu Quang. Pham, Ut Van. Phan, Anh Thi. Phan, Banh Van. Phan, Cong Van. Phan, Dan T. Phan, Hoang. Phan, Hung Thanh. Phan, Johnny. Phan, Lam. Phan, Luyen Van. Phan, Nam V. Phan, Thong. Phan, Tien V. Phan, Toan. Phan, Tu Van. Phat, Lam Mau. Phelps, John D. Phillips, Bruce A. Phillips, Danny D. Phillips, Gary. Phillips, Harry Louis. Phillips, James C Jr. Phillips, Kristrina W.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Phipps, AW. Phonthaasa, Khaolop. Phorn, Phen. Pickett, Kathy. Picou, Calvin Jr. Picou, Gary M. Picou, Jennifer. Picou, Jerome J. Picou, Jordan J. Picou, Randy John. Picou, Ricky Sr. Picou, Terry. Pierce, Aaron. Pierce, Dean. Pierce, Elwood. Pierce, Imogene. Pierce, Stanley. Pierce, Taffie Boone. Pierre, Ivy. Pierre, Joseph. Pierre, Joseph C Jr. Pierre, Paul J. Pierre, Ronald J. Pierron, Jake. Pierron, Patsy H. Pierron, Roger D. Pinell, Ernie A. Pinell, Harry J Jr. Pinell, Jody J. Pinell, Randall James. Pinnell, Richard J. Pinnell, Robert. Pitre, Benton J. Pitre, Carol. Pitre, Claude A Sr. Pitre, Elrod. Pitre, Emily B. Pitre, Glenn P. Pitre, Herbert. Pitre, Jeannie. Pitre, Leo P. Pitre, Robert Jr. Pitre, Robin. Pitre, Ryan P. Pitre, Ted J. Pittman, Roger. Pizani, Bonnie. Pizani, Craig. Pizani, Jane. Pizani, Terrill J. Pizani, Terry M. Pizani, Terry M Jr. Plaisance, Arthur E. Plaisance, Burgess. Plaisance, Darren. Plaisance, Dean J Sr. Plaisance, Dorothy B. Plaisance, Dwayne. Plaisance, Earl J Jr. Plaisance, Errance H. Plaisance, Evans P. Plaisance, Eves A III. Plaisance, Gideons. Plaisance, Gillis S. Plaisance, Henry A Jr. Plaisance, Jacob. Plaisance, Jimmie J. Plaisance, Joyce. Plaisance, Keith. Plaisance, Ken G. Plaisance, Lawrence J. Plaisance, Lucien Jr. Plaisance, Peter A Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Plaisance, Peter Jr. Plaisance, Richard J. Plaisance, Russel P. Plaisance, Russell P Sr. Plaisance, Thomas. Plaisance, Thomas J. Plaisance, Wayne P. Plaisance, Whitney III. Plork, Phan. Poche, Glenn J Jr. Poche, Glenn J Sr. Pockrus, Gerald. Poiencot, Russell Jr. Poillion, Charles A. Polito, Gerald. Polkey, Gary J. Polkey, Richard R Jr. Polkey, Ronald. Polkey, Shawn Michael. Pollet, Lionel J Sr. Pomgoria, Mario. Ponce, Ben. Ponce, Lewis B. Poon, Raymond. Pope, Robert. Popham, Winford A. Poppell, David M. Porche, Ricky J. Portier, Bobby. Portier, Chad. Portier, Corinne L. Portier, Penelope J. Portier, Robbie. Portier, Russel A Sr. Portier, Russell. Potter, Hubert Edward Jr. Potter, Robert D. Potter, Robert J. Pounds, Terry Wayne. Powers, Clyde T. Prejean, Dennis J. Price, Carl. Price, Curtis. Price, Edwin J. Price, Franklin J. Price, George J Sr. Price, Norris J Sr. Price, Steve J Jr. Price, Timmy T. Price, Wade J. Price, Warren J. Prihoda, Steve. Primeaux, Scott. Pritchard, Dixie J. Pritchard, James Ross Jr. Prosperie, Claude J Jr. Prosperie, Myron. Prout, Rollen. Prout, Sharonski K. Prum, Thou. Pugh, Charles D Jr. Pugh, Charles Sr. Pugh, Cody. Pugh, Deanna. Pugh, Donald. Pugh, Nickolas. Punch, Alvin Jr. Punch, Donald J. Punch, Todd M. Punch, Travis J. Purata, Maria. Purse, Emil. Purvis, George.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Quach, Duc. Quach, James D. Quach, Joe. Quach, Si Tan. Quinn, Dora M. Racca, Charles. Racine, Sylvan P Jr. Radulic, Igor. Ragas, Albert G. Ragas, Gene. Ragas, John D. Ragas, Jonathan. Ragas, Richard A. Ragas, Ronda S. Ralph, Lester B. Ramirez, Alfred J Jr. Randazzo, John A Jr. Randazzo, Rick A. Rando, Stanley D. Ranko, Ellis Gerald. Rapp, Dwayne. Rapp, Leroy and Sedonia. Rawlings, John H Sr. Rawlings, Ralph E. Rawls, Norman E. Ray, Leo. Ray, William C Jr. Raynor, Steven Earl. Readenour, Kelty O. Reagan, Roy. Reason, Patrick W. Reaux, Paul S Sr. Reaves, Craig A. Reaves, Laten. Rebert, Paul J Sr. Rebert, Steve M Jr. Rebstock, Charles. Rector, Lance Jr. Rector, Warren L. Redden, Yvonne. Regnier, Leoncea B. Remondet, Garland Jr. Renard, Lanny. Reno, Edward. Reno, George C. Reno, George H. Reno, George T. Reno, Harry. Revell, Ben David. Reyes, Carlton. Reyes, Dwight D Sr. Reynon, Marcello Jr. Rhodes, Randolph N. Rhoto, Christopher L. Ribardi, Frank A. Rich, Wanda Heafner. Richard, Bruce J. Richard, David L. Richard, Edgar J. Richard, James Ray. Richard, Melissa. Richard, Randall K. Richardson, James T. Richert, Daniel E. Richo, Earl Sr. Richoux, Dudley Donald Jr. Richoux, Irvin J Jr. Richoux, Judy. Richoux, Larry. Richoux, Mary A. Riego, Raymond A. Riffle, Josiah B. Rigaud, Randall Ryan.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Riggs, Jeffrey B. Riley, Jackie Sr. Riley, Raymond. Rinkus, Anthony J III. Rios, Amado. Ripp, Norris M. Robbins, Tony. Robert, Dan S. Roberts, Michael A. Robertson, Kevin. Robeson, Richard S Jr. Robichaux, Craig J. Robin, Alvin G. Robin, Cary Joseph. Robin, Charles R III. Robin, Danny J. Robin, Donald. Robin, Floyd A. Robin, Kenneth J Sr. Robin, Ricky R. Robinson, Johnson P III. Robinson, Walter. Roccaforte, Clay. Rodi, Dominick R. Rodi, Rhonda. Rodrigue, Brent J. Rodrigue, Carrol Sr. Rodrigue, Glenn. Rodrigue, Lerlene. Rodrigue, Reggie Sr. Rodrigue, Sonya. Rodrigue, Wayne. Rodriguez, Barry. Rodriguez, Charles V Sr. Rodriguez, Gregory. Rodriguez, Jesus. Rodriguez, Joseph C Jr. Roelum, Orn. Rogers, Barry David. Rogers, Chad. Rogers, Chad M. Rogers, Kevin J. Rogers, Nathan J. Rojas, Carlton J Sr. Rojas, Curtis Sr. Rojas, Dennis J Jr. Rojas, Dennis J Sr. Rojas, Gordon V. Rojas, Kerry D. Rojas, Kerry D Jr. Rojas, Randy J Sr. Rojas, Raymond J Jr. Roland, Brad. Roland, Mathias C. Roland, Vincent. Rollins, Theresa. Rollo, Wayne A. Rome, Victor J IV. Romero, D H. Romero, Kardel J. Romero, Norman. Romero, Philip J. Ronquille, Glenn. Ronquille, Norman C. Ronquillo, Earl. Ronquillo, Richard J. Ronquillo, Timothy. Roseburrough, Charles R Jr. Ross, Dorothy. Ross, Edward Danny Jr. Ross, Leo L. Ross, Robert A. Roth, Joseph F Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Roth, Joseph M Jr. Rotolo, Carolyn. Rotolo, Feliz. Rouse, Jimmy. Roussel, Michael D Jr. Roy, Henry Lee Jr. Rudolph, Chad A. Ruiz, Donald W. Ruiz, James L. Ruiz, Paul E. Ruiz, Paul R. Russell, Bentley R. Russell, Casey. Russell, Daniel. Russell, James III. Russell, Julie Ann. Russell, Michael J. Russell, Nicholas M. Russell, Paul. Rustick, Kenneth. Ruttley, Adrian K. Ruttley, Ernest T Jr. Ruttley, JT. Ryan, James C Sr. Rybiski, Rhebb R. Ryder, Luther V. Sadler, Stewart. Sagnes, Everett. Saha, Amanda K. Saling, Don M. Saltamacchia, Preston J. Saltamacchia, Sue A. Salvato, Lawrence Jr. Samanie, Caroll J. Samanie, Frank J. Samsome, Don. Sanamo, Troy P. Sanchez, Augustine. Sanchez, Jeffery A. Sanchez, Juan. Sanchez, Robert A. Sanders, William Shannon. Sandras, R J. Sandras, R J Jr. Sandrock, Roy R III. Santini, Lindberg W Jr. Santiny, James. Santiny, Patrick. Sapia, Carroll J Jr. Sapia, Eddie J Jr. Sapia, Willard. Saturday, Michael Rance. Sauce, Carlton Joseph. Sauce, Joseph C Jr. Saucier, Houston J. Sauls, Russell. Savage, Malcolm H. Savant, Raymond. Savoie, Allen. Savoie, Brent T. Savoie, James. Savoie, Merlin F Jr. Savoie, Reginald M II. Sawyer, Gerald. Sawyer, Rodney. Scarabin, Clifford. Scarabin, Michael J. Schaffer, Kelly. Schaubhut, Curry A. Schellinger, Lester B Jr. Schexnaydre, Michael. Schirmer, Robert Jr. Schjott, Joseph J Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Schlindwein, Henry. Schmit, Paul A Jr. Schmit, Paul A Sr. Schmit, Victor J Jr. Schouest, Ellis J III. Schouest, Ellis Jr. Schouest, Justin. Schouest, Mark. Schouest, Noel. Schrimpf, Robert H Jr. Schultz, Troy A. Schwartz, Sidney. Scott, Aaron J. Scott, Audie B. Scott, James E III. Scott, Milford P. Scott, Paul. Seabrook, Terry G. Seal, Charles T. Seal, Joseph G. Seaman, Garry. Seaman, Greg. Seaman, Ollie L Jr. Seaman, Ollie L Sr. Seang, Meng. Sehon, Robert Craig. Sekul, Morris G. Sekul, S George. Sellers, Isaac Charles. Seng, Sophan. Serigne, Adam R. Serigne, Elizabeth. Serigne, James J III. Serigne, Kimmie J. Serigne, Lisa M. Serigne, Neil. Serigne, O'Neil N. Serigne, Richard J Sr. Serigne, Rickey N. Serigne, Ronald Raymond. Serigne, Ronald Roch. Serigne, Ross. Serigny, Gail. Serigny, Wayne A. Serpas, Lenny Jr. Sessions, William O III. Sessions, William O Jr. Sevel, Michael D. Sevin, Carl Anthony. Sevin, Earline. Sevin, Janell A. Sevin, Joey. Sevin, Nac J. Sevin, O'Neil and Symantha. Sevin, Phillip T. Sevin, Shane. Sevin, Shane Anthony. Sevin, Stanley J. Sevin, Willis. Seymour, Janet A. Shackelford, David M. Shaffer, Curtis E. Shaffer, Glynnon D. Shay, Daniel A. Shilling, Jason. Shilling, L E. Shugars, Robert L. Shutt, Randy. Sifuentes, Esteban. Sifuentes, Fernando. Silver, Curtis A Jr. Simon, Curnis. Simon, John.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Simon, Leo. Simpson, Mark. Sims, Donald L. Sims, Mike. Singley, Charlie Sr. Singley, Glenn. Singley, Robert Joseph. Sirgo, Jace. Sisung, Walter. Sisung, Walter Jr. Skinner, Gary M Sr. Skinner, Richard. Skipper, Malcolm W. Skrmetta, Martin J. Smelker, Brian H. Smith, Brian. Smith, Carl R Jr. Smith, Clark W. Smith, Danny. Smith, Danny M Jr. Smith, Donna. Smith, Elmer T Jr. Smith, Glenda F. Smith, James E. Smith, Margie T. Smith, Mark A. Smith, Nancy F. Smith, Raymond C Sr. Smith, Tim. Smith, Walter M Jr. Smith, William T. Smithwick, Ted Wayne. Smoak, Bill. Smoak, William W III. Snell, Erick. Snodgrass, Sam. Soeung, Phat. Soileau, John C Sr. Sok, Kheng. Sok, Montha. Sok, Nhip. Solet, Darren. Solet, Donald M. Solet, Joseph R. Solet, Raymond J. Solorzano, Marilyn. Son, Kim. Son, Sam Nang. Son, Samay. Son, Thuong Cong. Soprano, Daniel. Sork, William. Sou, Mang. Soudelier, Louis Jr. Soudelier, Shannon. Sour, Yem Kim. Southerland, Robert. Speir, Barbara Kay. Spell, Jeffrey B. Spell, Mark A. Spellmeyer, Joel F Sr. Spencer, Casey. Spiers, Donald A. Sprinkle, Avery M. Sprinkle, Emery Shelton Jr. Sprinkle, Joseph Warren. Squarsich, Kenneth J. Sreiy, Siphon. St Amant, Dana A. St Ann, Mr and Mrs Jerome K. St Pierre, Darren. St Pierre, Scott A. Staves, Patrick.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stechmann, Chad. Stechmann, Karl J. Stechmann, Todd. Steele, Arnold D Jr. Steele, Henry H III. Steen, Carl L. Steen, James D. Steen, Kathy G. Stein, Norris J Jr. Stelly, Adlar. Stelly, Carl A. Stelly, Chad P. Stelly, Delores. Stelly, Sandrus J Sr. Stelly, Sandrus Jr. Stelly, Toby J. Stelly, Veronica G. Stelly, Warren. Stephenson, Louis. Stevens, Alvin. Stevens, Curtis D. Stevens, Donald. Stevens, Glenda. Stewart, Chester Jr. Stewart, Derald. Stewart, Derek. Stewart, Fred. Stewart, Jason F. Stewart, Ronald G. Stewart, William C. Stiffler, Thanh. Stipelcovich, Lawrence L. Stipelcovich, Todd J. Stockfett, Brenda. Stokes, Todd. Stone-Rinkus, Pamela. Strader, Steven R. Strickland, Kenneth. Strickland, Rita G. Stuart, James Vernon. Stutes, Rex E. Sulak, Billy W. Sun, Hong Sreng. Surmik, Donald D. Swindell, Keith M. Sylve, Dennis A. Sylve, James L. Sylve, Nathan. Sylve, Scott. Sylvesr, Paul A. Ta, Ba Van. Ta, Chris. Tabb, Calvin. Taliacich, Andrew. Taliacich, Ivan. Taliacich, Joseph M. Taliacich, Srecka. Tan, Ho Dung. Tan, Hung. Tan, Lan T. Tan, Ngo The. Tang, Thanh. Tanner, Robert Charles. Taravella, Raymond. Tassin, Alton J. Tassin, Keith P. Tate, Archie P. Tate, Terrell. Tauzier, Kevin M. Taylor, Doyle L. Taylor, Herman R. Taylor, Herman R Jr. Taylor, J P Jr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p> Taylor, John C.  Taylor, Leander J Sr.  Taylor, Leo Jr.  Taylor, Lewis.  Taylor, Nathan L.  Taylor, Robert L.  Taylor, Robert M.  Teap, Phal.  Tek, Heng.  Templat, Paul.  Terluin, John L III.  Terrebonne, Adrein Scott.  Terrebonne, Alphonse J.  Terrebonne, Alton S Jr.  Terrebonne, Alton S Sr.  Terrebonne, Carol.  Terrebonne, Carroll.  Terrebonne, Chad.  Terrebonne, Chad Sr.  Terrebonne, Daniel J.  Terrebonne, Donavon J.  Terrebonne, Gary J Sr.  Terrebonne, Jimmy Jr.  Terrebonne, Jimmy Sr.  Terrebonne, Kline A.  Terrebonne, Lanny.  Terrebonne, Larry F Jr.  Terrebonne, Scott.  Terrebonne, Steven.  Terrebonne, Steven.  Terrebonne, Toby J.  Terrel, Chad J Sr.  Terrell, C Todd.  Terrio, Brandon James.  Terrio, Harvey J Jr.  Terry, Eloise P.  Tevich, Kuzma D.  Thac, Dang Van.  Thach, Phuong.  Thai, Huynh Tan.  Thai, Paul.  Thai, Thomas.  Thanh, Thien.  Tharpe, Jack.  Theriot, Anthony.  Theriot, Carroll A Jr.  Theriot, Clay J Jr.  Theriot, Craig A.  Theriot, Dean P.  Theriot, Donnie.  Theriot, Jeffery C.  Theriot, Larry J.  Theriot, Lynn.  Theriot, Mark A.  Theriot, Roland P Jr.  Theriot, Wanda J.  Thibodeaux, Jared.  Thibodeaux, Bart James.  Thibodeaux, Brian A.  Thibodeaux, Brian M.  Thibodeaux, Calvin A Jr.  Thibodeaux, Fay F.  Thibodeaux, Glenn P.  Thibodeaux, Jeffrey.  Thibodeaux, Jonathan.  Thibodeaux, Josephine.  Thibodeaux, Keith.  Thibodeaux, Tony J.  Thibodeaux, Warren J.  Thidobaux, James V Sr.  Thiet, Tran.  Thomas, Alvin.  Thomas, Brent. </p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Thomas, Dally S. Thomas, Janie G. Thomas, John Richard. Thomas, Kenneth Ward. Thomas, Monica P. Thomas, Ralph L. Jr. Thomas, Ralph Lee Jr. Thomas, Randall. Thomas, Robert W. Thomas, Willard N Jr. Thomassie, Gerard. Thomassie, Nathan A. Thomassie, Philip A. Thomassie, Ronald J. Thomassie, Tracy Joseph. Thompson, Bobbie. Thompson, David W. Thompson, Edwin A. Thompson, George. Thompson, James D Jr. Thompson, James Jr. Thompson, John E. Thompson, John R. Thompson, Randall. Thompson, Sammy. Thompson, Shawn. Thong, R. Thonn, John J Jr. Thonn, Victor J. Thorpe, Robert Lee Jr. Thurman, Charles E. Tiet, Thanh Duc. Tilghman, Gene E. Tillett, Billy Carl. Tillman, Lewis A Jr. Tillman, Timothy P and Yvonne M. Tillotson, Pat. Tinney, Mark A. Tisdale, Georgia W. Tiser, Oscar. Tiser, Thomas C Jr. Tiser, Thomas C Sr. To, Cang Van. To, Du Van. Todd, Fred Noel. Todd, Patricia J. Todd, Rebecca G. Todd, Robert C and Patricia J. Todd, Vonnice Frank Jr. Tompkins, Gerald Paul II. Toney, George Jr. Tong, Hai V. Tong, Linh C. Toomer, Christina Abbott. Toomer, Christy. Toomer, Frank G Jr. Toomer, Jeffrey E. Toomer, Kenneth. Toomer, Lamar K. Toomer, Larry Curtis and Tina. Toomer, William Kemp. Torrible, David P. Torrible, Jason. Touchard, Anthony H. Touchard, John B Jr. Touchard, Paul V Jr. Touchet, Eldridge III. Touchet, Eldridge Jr. Touns, Anthony G. Touns, Bryan. Touns, Jeff. Touns, Jimmie J. Touns, Kim.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Toups, Manuel.  Toups, Ted.  Toups, Tommy.  Toureau, James.  Tower, H Melvin.  Townsend, Harmon Lynn.  Townsend, Marion Brooks.  Tra, Hop T.  Trabeau, James D.  Trahan, Allen A Jr.  Trahan, Alvin Jr.  Trahan, Druby.  Trahan, Dudley.  Trahan, Elie J.  Trahan, Eric J.  Trahan, James.  Trahan, Karen C.  Trahan, Lynn P Sr.  Trahan, Ricky.  Trahan, Ronald J.  Trahan, Tracey L.  Trahan, Wayne Paul.  Tran, Allen Hai.  Tran, Andana.  Tran, Anh.  Tran, Anh.  Tran, Anh N.  Tran, Bay V.  Tran, Bay Van.  Tran, Binh.  Tran, Binh Van.  Tran, Ca Van.  Tran, Cam Van.  Tran, Chau V.  Tran, Chau Van.  Tran, Chau Van.  Tran, Chi T.  Tran, Christina Phuong.  Tran, Chu V.  Tran, Cuong.  Tran, Cuong.  Tran, Danny Duc.  Tran, Den.  Tran, Dien.  Tran, Dinh M.  Tran, Dinh Q.  Tran, Doan.  Tran, Dung Van.  Tran, Duoc.  Tran, Duoc.  Tran, Duong.  Tran, Eric.  Tran, Francis.  Tran, Francis.  Tran, Giang.  Tran, Giao.  Tran, Ha Mike.  Tran, Hai.  Tran, Hien H.  Tran, Hiep Phuoc.  Tran, Hieu.  Tran, Hoa.  Tran, Hoa.  Tran, Hue T.  Tran, Huey.  Tran, Hung.  Tran, Hung.  Tran, Hung.  Tran, Hung P.  Tran, Hung Van.  Tran, Hung Van.  Tran, Hung Viet.  Tran, James N.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tran, John. Tran, Johnny Dinh. Tran, Joseph. Tran, Joseph T. Tran, Khan Van. Tran, Khanh. Tran, Kim. Tran, Kim Chi Thi. Tran, Lan Tina. Tran, Le and Phat Le. Tran, Leo Van. Tran, Loan. Tran, Long. Tran, Long Van. Tran, Luu Van. Tran, Ly. Tran, Ly Van. Tran, Mai Thi. Tran, Mary. Tran, Miel Van. Tran, Mien. Tran, Mike. Tran, Mike Dai. Tran, Minh Huu. Tran, Muoi. Tran, My T. Tran, Nam Van. Tran, Nang Van. Tran, Nghia and T Le Banh. Tran, Ngoc. Tran, Nhanh Van. Tran, Nhieu T. Tran, Nhieu Van. Tran, Nho. Tran, Peter. Tran, Phu Van. Tran, Phuc D. Tran, Phuc V. Tran, Phung. Tran, Quan Van. Tran, Quang Quang. Tran, Quang T. Tran, Quang Van. Tran, Qui V. Tran, Quy Van. Tran, Ran Van. Tran, Sarah T. Tran, Sau. Tran, Scotty. Tran, Son. Tran, Son Van. Tran, Steven Tuan. Tran, Tam. Tran, Te Van. Tran, Than. Tran, Thang Van. Tran, Thanh. Tran, Thanh. Tran, Thanh Van. Tran, Theresa. Tran, Thi. Tran, Thich Van. Tran, Thien. Tran, Thien Van. Tran, Thiet. Tran, Tommy. Tran, Tony. Tran, Tri. Tran, Trinh. Tran, Trung. Tran, Trung Van. Tran, Tu. Tran, Tuan.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Tran, Tuan. Tran, Tuan Minh. Tran, Tuong Van. Tran, Tuyet Thi. Tran, Van T. Tran, Victor. Tran, Vinh. Tran, Vinh Q. Tran, Vinh Q. Tran, Vui Kim. Trang, Tan. Trapp, Tommy. Treadaway, Michael. Tregle, Curtis. Treloar, William Paul. Treuil, Gary J. Trevino, Manuel. Treybig, E H "Buddy" Jr. Triche, Donald G. Trieu, Hiep and Jackie. Trieu, Hung Hoa. Trieu, Jasmine and Ly. Trieu, Lorie and Tam. Trieu, Tam. Trinh, Christopher B. Trinh, Philip P. Trosclair, Clark K. Trosclair, Clark P. Trosclair, Eugene P. Trosclair, James J. Trosclair, Jerome. Trosclair, Joseph. Trosclair, Lori. Trosclair, Louis V. Trosclair, Patricia. Trosclair, Randy. Trosclair, Ricky. Trosclair, Wallace Sr. Truong, Andre. Truong, Andre V. Truong, Be Van. Truong, Benjamin. Truong, Dac. Truong, Huan. Truong, Kim. Truong, Nhut Van. Truong, Steve. Truong, Tham T. Truong, Thanh Minh. Truong, Them Van. Truong, Thom. Truong, Timmy. Trutt, George W Sr. Trutt, Wanda. Turlich, Mervin A. Turner, Calvin L. Tyre, John. Upton, Terry R. Valentino, J G Jr. Valentino, James. Vallot, Christopher A. Vallot, Nancy H. Valure, Hugh P. Van Alsborg, Charles. Van Gordstovon, Jean J. Van Nguyen, Irving. Van, Than. Van, Vui. Vanacor, Kathy D. Vanacor, Malcolm J Sr. Vanicor, Bobbie. VanMeter, Matthew T. VanMeter, William Earl.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Varney, Randy L. Vath, Raymond S. Veasel, William E III. Vegas, Brien J. Vegas, Percy J. Vegas, Terry J. Vegas, Terry J Jr. Vegas, Terry Jr. Vela, Peter. Verdin, Aaron. Verdin, Av. Verdin, Bradley J. Verdin, Brent A. Verdin, Charles A. Verdin, Charles E. Verdin, Coy P. Verdin, Curtis A Jr. Verdin, Delphine. Verdin, Diana A. Verdin, Ebro W. Verdin, Eric P. Verdin, Ernest Joseph Sr. Verdin, Jeff C. Verdin, Jeffrey A. Verdin, Jessie J. Verdin, John P. Verdin, Joseph. Verdin, Joseph A Jr. Verdin, Joseph Cleveland. Verdin, Joseph D Jr. Verdin, Joseph S. Verdin, Joseph W Jr. Verdin, Justilien G. Verdin, Matthew W Sr. Verdin, Michel A. Verdin, Paul E. Verdin, Perry Anthony. Verdin, Rodney. Verdin, Rodney P. Verdin, Rodney P. Verdin, Skylar. Verdin, Timmy J. Verdin, Toby. Verdin, Tommy P. Verdin, Tony J. Verdin, Troy. Verdin, Vincent. Verdin, Viness Jr. Verdin, Wallace P. Verdin, Webb A Sr. Verdin, Wesley D Sr. Verdine, Jimmy R. Vermeulen, Joseph Thomas. Verret, Darren L. Verret, Donald J. Verret, Ernest J Sr. Verret, James A. Verret, Jean E. Verret, Jimmy J Sr. Verret, Johnny R. Verret, Joseph L. Verret, Paul L. Verret, Preston. Verret, Quincy. Verret, Ronald Paul Sr. Versaggi, Joseph A. Versaggi, Salvatore J. Vicknair, Brent J Sr. Vicknair, Duane P. Vicknair, Henry Dale. Vicknair, Ricky A. Vidrine, Bill and Kathi. Vidrine, Corey.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Vidrine, Richard. Vila, William F. Villers, Joseph A. Vincent, Gage Tyler. Vincent, Gene. Vincent, Gene B. Vincent, Robert N. Vise, Charles E III. Vizier, Barry A. Vizier, Christopher. Vizier, Clovis J III. Vizier, Douglas M. Vizier, Tommie Jr. Vo, Anh M. Vo, Chin Van. Vo, Dam. Vo, Dan M. Vo, Dany. Vo, Day V. Vo, Duong V. Vo, Dustin. Vo, Hai Van. Vo, Hanh Xuan. Vo, Hien Van. Vo, Hoang The. Vo, Hong. Vo, Hung Thanh. Vo, Huy K. Vo, Johnny. Vo, Kent. Vo, Lien Van. Vo, Man. Vo, Mark Van. Vo, Minh Hung. Vo, Minh Ngoc. Vo, Minh Ray. Vo, Mong V. Vo, My Dung Thi. Vo, My Lynn. Vo, Nga. Vo, Nhon Tai. Vo, Nhu Thanh. Vo, Quang Minh. Vo, Sang M. Vo, Sanh M. Vo, Song V. Vo, Tan Thanh. Vo, Tan Thanh. Vo, Thanh Van. Vo, Thao. Vo, Thuan Van. Vo, Tien Van. Vo, Tom. Vo, Tong Ba. Vo, Trao Van. Vo, Truong. Vo, Van Van. Vo, Vi Viet. Vodopija, Benjamin S. Vogt, James L. Voisin, Eddie James. Voisin, Joyce. Voison, Jamie. Von Harten, Harold L. Vona, Michael A. Vongrith, Richard. Vossler, Kirk. Vu, Hung. Vu, John H. Vu, Khanh. Vu, Khoi Van. Vu, Quan Quoc. Vu, Ruyen Viet.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Vu, Sac. Vu, Sean. Vu, Tam. Vu, Thiem Ngoc. Vu, Thuy. Vu, Tom. Vu, Tu Viet. Vu, Tuyen Jack. Vu, Tuyen Viet. Wade, Calvin J Jr. Wade, Gerard. Waguespack, David M Sr. Waguespack, Randy P II. Wainwright, Vernon. Walker, Jerry. Walker, Rogers H. Wallace, Dennis. Wallace, Edward. Wallace, John A. Wallace, John K. Wallace, Trevis L. Waller, Jack Jr. Waller, John M. Waller, Mike. Wallis, Craig A. Wallis, Keith. Walters, Samuel G. Walton, Marion M. Wannage, Edward Joseph. Wannage, Fred Jr. Wannage, Frederick W Sr. Ward, Clarence Jr. Ward, Olan B. Ward, Walter M. Washington, Clifford. Washington, John Emile III. Washington, Kevin. Washington, Louis N. Wattigney, Cecil K Jr. Wattigney, Michael. Watts, Brandon A. Watts, Warren. Webb, Bobby. Webb, Bobby N. Webb, Josie M. Webre, Donald. Webre, Dudley A. Webster, Harold. Weeks, Don Franklin. Weems, Laddie E. Weinstein, Barry C. Weiskopf, Rodney. Weiskopf, Rodney Sr. Weiskopf, Todd. Welch, Amos J. Wells, Douglas E. Wells, Stephen Ray. Wendling, Steven W. Wescovich, Charles W. Wescovich, Wesley Darryl. Whatley, William J. White, Allen Sr. White, Charles. White, Charles Fulton. White, David L. White, Gary Farrell. White, James Hugh. White, Perry J. White, Raymond. White, Robert Sr. Wicher, John. Wiggins, Chad M Sr. Wiggins, Ernest.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Wiggins, Harry L. Wiggins, Kenneth A. Wiggins, Matthew. Wilbur, Gerald Anthony. Wilcox, Robert. Wiles, Alfred Adam. Wiles, Glen Gilbert. Wiles, Sonny Joel Sr. Wilkerson, Gene Dillard and Judith. Wilkinson, William Riley. Williams, Allen Jr. Williams, Andrew. Williams, B Dean. Williams, Clyde L. Williams, Dale A. Williams, Emmett J. Williams, Herman J Jr. Williams, J T. Williams, John A. Williams, Johnny Paul. Williams, Joseph H. Williams, Kirk. Williams, Leopold A. Williams, Mark A. Williams, Mary Ann C. Williams, Melissa A. Williams, Nina. Williams, Oliver Kent. Williams, Parish. Williams, Roberto. Williams, Ronnie. Williams, Scott A. Williams, Steven. Williams, Thomas D. Williamson, Richard L Sr. Willyard, Derek C. Willyard, Donald R. Wilson, Alward. Wilson, Hosea. Wilson, Joe R. Wilson, Jonathan. Wilson, Katherine. Wiltz, Allen. Wing, Melvin. Wiseman, Allen. Wiseman, Clarence J Jr. Wiseman, Jean P. Wiseman, Joseph A. Wiseman, Michael T Jr. Wiseman, Michael T Sr. Wolfe, Charles. Woods, John T III. Wright, Curtis. Wright, Leonard. Wright, Randy D. Yeamans, Douglas. Yeamans, Neil. Yeamans, Ronnie. Yoeuth, Peon. Yopp, Harold. Yopp, Jonathon. Yopp, Milton Thomas. Young, James. Young, Taing. Young, Willie. Yow, Patricia D. Yow, Richard C. Zanca, Anthony V Sr. Zar, Ashley A. Zar, Carl J. Zar, John III. Zar, Steve. Zar, Steven.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Zar, Troy A. Zerinque, John S Jr. Zirlott, Curtis. Zirlott, Jason D. Zirlott, Jeremy. Zirlott, Kimberly. Zirlott, Milton. Zirlott, Perry. Zirlott, Rosa H. Zito, Brian C. Zuvich, Michael A Jr. Ad Hoc Shrimp Trade Action Committee. Bryan Fishermens' Co-Op Inc. Louisiana Shrimp Association. South Carolina Shrimpers Association. Vietnamese-American Commerical Fisherman's Union. 3-G Enterprize dba Griffin's Seafood. A & G Trawlers Inc. A & T Shrimping. A Ford Able Seafood. A J Horizon Inc. A&M Inc. A&R Shrimp Co. A&T Shrimping. AAH Inc. AC Christopher Sea Food Inc. Ace of Trade LLC. Adriana Corp. AJ Boats Inc. AJ Horizon Inc. AJ's Seafood. Alario Inc. Alcide J Adams Jr. Aldebaran Inc. Aldebran Inc. Alexander and Dola. Alfred Englade Inc. Alfred Trawlers Inc. Allen Hai Tran dba Kien Giang. Al's Shrimp Co. Al's Shrimp Co LLC. Al's Shrimp Co LLC. Al's Whosale & Retail. Alton Cheeks. Amada Inc. Amber Waves. Amelia Isle. American Beauty. American Beauty Inc. American Eagle Enterprise Inc. American Girl. American Seafood. Americana Shrimp. Amvina II. Amvina II. Amy D Inc. Amy's Seafood Mart. An Kit. Andy Boy. Andy's SFD. Angel Annie Inc. Angel Leigh. Angel Seafood Inc. Angela Marie Inc. Angela Marie Inc. Angelina Inc. Anna Grace LLC. Anna Grace LLC. Annie Thornton Inc. Annie Thornton Inc. Anthony Boy I. Anthony Boy I. Anthony Fillinich Sr.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Apalachee Girl Inc. Aparicio Trawlers Inc dba Marcosa. Apple Jack Inc. Aquila Seafood Inc. Aquillard Seafood. Argo Marine . Arnold's Seafood. Arroya Cruz Inc. Art & Red Inc. Arthur Chisholm. A-Seafood Express. Ashley Deeb Inc. Ashley W 648675. Asian Gulf Corp. Atlantic. Atocha Troy A LeCompte Sr. Atwood Enterprises. B & B Boats Inc. B & B Seafood. B&J Seafood. BaBe Inc. Baby Ruth. Bailey, David B Sr—Bailey's Seafood. Bailey's Seafood of Cameron Inc. Bait Inc. Bait Inc. Baker Shrimp. Bama Love Inc. Bama Sea Products Inc. Bao Hung Inc. Bao Hung Inc. Bar Shrimp. Barbara Brooks Inc. Barbara Brooks Inc. Barisich Inc. Barisich Inc. Barnacle-Bill Inc. Barney's Bait & Seafood. Barrios Seafood. Bay Boy. Bay Islander Inc. Bay Sweeper Nets. Baye's Seafood 335654. Bayou Bounty Seafood LLC. Bayou Caddy Fisheries Inc. Bayou Carlin Fisheries. Bayou Carlin Fisheries Inc. Bayou Shrimp Processors Inc. BBC Trawlers Inc. BBS Inc. Beachcomber Inc. Beachcomber Inc. Bea's Corp. Beecher's Seafood. Believer Inc. Bennett's Seafood. Benny Alexie. Bergeron's Seafood. Bertileana Corp. Best Sea-Pack of Texas Inc. Beth Lomonte Inc. Beth Lomonte Inc. Betty B. Betty H Inc. Bety Inc. BF Millis & Sons Seafood. Big Daddy Seafood Inc. Big Grapes Inc. Big Kev. Big Oak Seafood. Big Oak Seafood. Big Oaks Seafood. Big Shrimp Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Billy J Foret—BJF Inc. Billy Sue Inc. Billy Sue Inc. Biloxi Freezing & Processing. Binh Duong. BJB LLC. Blain & Melissa Inc. Blanca Cruz Inc. Blanchard & Cheramie Inc. Blanchard Seafood. Blazing Sun Inc. Blazing Sun Inc. Blue Water Seafood. Bluewater Shrimp Co. Bluffton Oyster Co. Boat Josey Wales. Boat Josey Wales LLC. Boat Monica Kiff. Boat Warrior. Bob-Rey Fisheries Inc. Bodden Trawlers Inc. Bolillo Prieto Inc. Bon Secour Boats Inc. Bon Secour Fisheries Inc. Bon Secur Boats Inc. Bonnie Lass Inc. Boone Seafood. Bosarge Boats. Bosarge Boats. Bosarge Boats Inc. Bottom Verification LLC. Bowers Shrimp. Bowers Shrimp Farm. Bowers Valley Shrimp Inc. Brad Friloux. Brad Nicole Seafood. Bradley John Inc. Bradley's Seafood Mkt. Brava Cruz Inc. Brenda Darlene Inc. Brett Anthony. Bridgeside Marina. Bridgeside Seafood. Bridget's Seafood Service Inc. Bridget's Seafood Service Inc. BRS Seafood. BRS Seafood. Bruce W Johnson Inc. Bubba Daniels Inc. Bubba Tower Shrimp Co. Buccaneer Shrimp Co. Buchmer Inc. Buck & Peed Inc. Buddy Boy Inc. Buddy's Seafood. Bumble Bee Seafoods LLC. Bumble Bee Seafoods LLC. Bundy Seafood. Bundy's Seafood. Bunny's Shrimp. Burgbe Gump Seafood. Burnell Trawlers Inc. Burnell Trawlers Inc/Mamacita/Swamp Irish. Buster Brown Inc. By You Seafood. C & R Trawlers Inc. CA Magwood Enterprises Inc. Cajun Queen of LA LLC. Calcasien Point Bait N More Inc. Cam Ranh Bay. Camardelle's Seafood. Candy Inc. Cao Family Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Cap Robear. Cap'n Bozo Inc. Capn Jasper's Seafood Inc. Capt Aaron. Capt Adam. Capt Anthony Inc. Capt Bean (Richard A Ragas). Capt Beb Inc. Capt Bill Jr Inc. Capt Brother Inc. Capt Bubba. Capt Buck. Capt Carl. Capt Carlos Trawlers Inc. Capt Chance Inc. Capt Christopher Inc. Capt Chuckie. Capt Craig. Capt Craig Inc. Capt Crockett Inc. Capt Darren Hill Inc. Capt Dennis Inc. Capt Dickie Inc. Capt Dickie V Inc. Capt Doug. Capt Eddie Inc. Capt Edward Inc. Capt Eli's. Capt Elroy Inc. Capt Ernest LLC. Capt Ernest LLC. Capt GDA Inc. Capt George. Capt H & P Corp. Capt Havey Seafood. Capt Henry Seafood Dock. Capt Huy. Capt JDL Inc. Capt Jimmy Inc. Capt Joe. Capt Johnny II. Capt Jonathan. Capt Jonathan Inc. Capt Joshua Inc. Capt Jude 520556 13026. Capt Ken. Capt Kevin Inc. Capt Ko Inc. Capt Koung Lim. Capt Larry Seafood Market. Capt Larry's Inc. Capt LC Corp. Capt LD Seafood Inc. Capt Linton Inc. Capt Mack Inc. Capt Marcus Inc. Capt Morris. Capt Opie. Capt P Inc. Capt Pappie Inc. Capt Pat. Capt Paw Paw. Capt Pete Inc. Capt Peter Long Inc. Capt Pool Bear II's Seafood. Capt Quang. Capt Quina Inc. Capt Richard. Capt Ross Inc. Capt Roy. Capt Russell Jr Inc. Capt Ryan Inc. Capt Ryan's.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Capt Sam. Capt Sang. Capt Scar Inc. Capt Scott. Capt Scott 5. Capt Scott Seafood. Capt Sparkers Shrimp. Capt St Peter. Capt T&T Corp. Capt Thien. Capt Tommy Inc. Capt Two Inc. Capt Van's Seafood. Capt Walley Inc. Capt Zoe Inc. Captain Allen's Bait & Tackle. Captain Arnulfo Inc. Captain Blair Seafood. Captain Dexter Inc. Captain D's. Captain Homer Inc. Captain Jeff. Captain JH III Inc. Captain Joshua. Captain Larry'O. Captain Miss Cammy Nhung. Captain Regis. Captain Rick. Captain T/Thiet Nguyen. Captain Tony. Captain Truong Phi Corp. Captain Vinh. Cap't-Brandon. Captian Thomas Trawler Inc. Carlino Seafood. Carly Sue Inc. Carmelita Inc. Carolina Lady Inc. Carolina Sea Foods Inc. Caroline and Calandra Inc. Carson & Co. Carson & Co Inc. Cary Encalade Trawling. Castellano's Corp. Cathy Cheramie Inc. CBS Seafood & Catering LLC. CBS Seafood & Catering LLC. Cecilia Enterprise Inc. CF Gollot & Son Sfd Inc. CF Gollot and Son Seafood Inc. Chackbay Lady. Chad & Chaz LLC. Challenger Shrimp Co Inc. Chalmette Marine Supply Co Inc. Chalmette Net & Trawl. Chapa Shrimp Trawlers. Chaplin Seafood. Charlee Girl. Charles Guidry Inc. Charles Sellers. Charles White. Charlotte Maier Inc. Charlotte Maier Inc. Chef Seafood Ent LLC. Cheramies Landing. Cherry Pt Seafood. Cheryl Lynn Inc. Chez Francois Seafood. Chilling Pride Inc. Chin Nguyen Co. Chin Nguyen Co. Chinatown Seafood Co Inc. Chines Cajun Net Shop.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Chris Hansen Seafood. Christian G Inc. Christina Leigh Shrimp Co. Christina Leigh Shrimp Company Inc. Christina Leigh Shrimp Company Inc. Cieutat Trawlers. Cinco de Mayo Inc. Cindy Lynn Inc. Cindy Mae Inc. City Market Inc. CJ Seafood. CJs Seafood. Clifford Washington. Clinton Hayes—C&S Enterprises of Brandon Inc. Cochran's Boat Yard. Colorado River Seafood. Colson Marine. Comm Fishing. Commercial Fishing Service CFS Seafoods. Cong Son. Cong-An Inc. Country Girl Inc. Country Inc. Courtney & Ory Inc. Cowdrey Fish. Cptn David. Crab-Man Bait Shop. Craig A Wallis, Keith Wallis dba W&W Dock & 10 boats. Cristina Seafood. CRJ Inc. Cruillas Inc. Crusader Inc. Crustacean Frustration. Crystal Gayle Inc. Crystal Light Inc. Crystal Light Inc. Curtis Henderson. Custom Pack Inc. Custom Pack Inc. Cyril's Ice House & Supplies. D & A Seafood. D & C Seafood Inc. D & J Shrimping LLC. D & M Seafood & Rental LLC. D Ditcharo Jr Seafoods. D G & R C Inc. D S L & R Inc. D&T Marine Inc. Daddys Boys. DaHa Inc/Cat'Sass. DAHAPA Inc. Dale's Seafood Inc. Dang Nguyen. Daniel E Lane. Danny Boy Inc. Danny Max. David & Danny Inc. David C Donnelly. David Daniels. David Ellison Jr. David Gollott Sfd Inc. David W Casanova's Seafood. David White. David's Shrimping Co. Davis Seafood. Davis Seafood. Davis Seafood Inc. Dawn Marie. Deana Cheramie Inc. Deanna Lea. Dean's Seafood. Deau Nook. Debbe Anne Inc.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Deep Sea Foods Inc/Jubilee Foods Inc. Delcambre Seafood. Dell Marine Inc. Dennis Menesses Seafood. Dennis' Seafood Inc. Dennis Shrimp Co Inc. Desperado. DFS Inc. Diamond Reef Seafood. Diem Inc. Dinh Nguyen. Dixie General Store LLC. Dixie Twister. Dominick's Seafood Inc. Don Paco Inc. Donald F Boone II. Dong Nguyen. Donini Seafoods Inc. Donna Marie. Donovan Tien I & II. Dopson Seafood. Dorada Cruz Inc. Double Do Inc. Double Do Inc. Doug and Neil Inc. Douglas Landing. Doxey's Oyster & Shrimp. Dragnet II. Dragnet Inc. Dragnet Seafood LLC. Dubberly's Mobile Seafood. Dudenhefer Seafood. Dugas Shrimp Co LLC. Dunamis Towing Inc. Dupree's Seafood. Duval & Duval Inc. Dwayne's Dream Inc. E & M Seafood. E & T Boating. E Gardner McClellan. E&E Shrimp Co Inc. East Coast Seafood. East Coast Seafood. East Coast Seafood. East Coast Seafood. Edisto Queen LLC. Edward Garcia Trawlers. EKV Inc. El Pedro Fishing & Trading Co Inc. Eliminator Inc. Elizabeth Nguyen. Ellerbee Seafoods. Ellie May. Elmira Pflueckhahn Inc. Elmira Pflueckhahn Inc. Elvira G Inc. Emily's SFD. Emmanuel Inc. Ensenada Cruz Inc. Enterprise. Enterprise Inc. Equalizer Shrimp Co Inc. Eric F Dufrene Jr LLC. Erica Lynn Inc. Erickson & Jensen Seafood Packers. Ethan G Inc. Excalibur LLC. F/V Apalachee Warrior. F/V Atlantis I. F/V Capt Walter B. F/V Captain Andy. F/V Eight Flags. F/V Mary Ann.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			F/V Miss Betty. F/V Morning Star. F/V Nam Linh. F/V Olivia B. F/V Phuoc Thanh Mai II. F/V Sea Dolphin. F/V Southern Grace. F/V Steven Mai. F/V Steven Mai II. Famer Boys Catfish Kitchens. Family Thing. Father Casimir Inc. Father Dan Inc. Father Mike Inc. Fiesta Cruz Inc. Fine Shrimp Co. Fire Fox Inc. Fisherman's Reef Shrimp Co. Fishermen IX Inc. Fishing Vessel Enterprise Inc. Five Princesses Inc. FKM Inc. Fleet Products Inc. Flower Shrimp House. Flowers Seafood Co. Floyd's Wholesale Seafood Inc. Fly By Night Inc. Forest Billiot Jr. Fortune Shrimp Co Inc. FP Oubre. Francis Brothers Inc. Francis Brothers Inc. Francis III. Frank Toomer Jr. Fran-Tastic Too. Frederick-Dan. Freedom Fishing Inc. Freeman Seafood. Frelich Seafood Inc. Frenchie D-282226. Fripp Point Seafood. G & L Trawling Inc. G & O Shrimp Co Inc. G & O Trawlers Inc. G & S Trawlers Inc. G D Ventures II Inc. G G Seafood. G R LeBlanc Trawlers Inc. Gail's Bait Shop. Gale Force Inc. Gambler Inc. Gambler Inc. Garijak Inc. Gary F White. Gator's Seafood. Gay Fish Co. Gay Fish Co. GeeChee Fresh Seafood. Gemita Inc. Gene P Callahan Inc. George J Price Sr Ent Inc. Georgia Shrimp Co LLC. Gerica Marine. Gilden Enterprises. Gillikin Marine Railways Inc. Gina K Inc. Gisco Inc. Gisco Inc. Glenda Guidry Inc. Gloria Cruz Inc. Go Fish Inc. God's Gift. God's Gift Shrimp Vessel.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Gogie.  Gold Coast Seafood Inc.  Golden Gulf Coast Pkg Co Inc.  Golden Phase Inc.  Golden Text Inc.  Golden Text Inc.  Golden Text Inc.  Goldenstar.  Gollott Brothers Sfd Co Inc.  Gollott's Oil Dock &amp; Ice House Inc.  Gonzalez Trawlers Inc.  Gore Enterprises Inc.  Gore Enterprises Inc.  Gore Seafood Co.  Gore Seafood Inc.  Gove Lopez.  Graham Fisheries Inc.  Graham Shrimp Co Inc.  Graham Shrimp Co Inc.  Gramps Shrimp Co.  Grandma Inc.  Grandpa's Dream.  Grandpa's Dream.  Granny's Garden and Seafood.  Green Flash LLC.  Greg Inc.  Gregory Mark Gaubert.  Gregory Mark Gaubert.  Gregory T Boone.  Gros Tete Trucking Inc.  Guidry's Bait Shop.  Guidry's Net Shop.  Gulf Central Seaood Inc.  Gulf Crown Seafood Co Inc.  Gulf Fish Inc.  Gulf Fisheries Inc.  Gulf Island Shrimp &amp; Seafood II LLC.  Gulf King Services Inc.  Gulf Pride Enterprises Inc.  Gulf Seaway Seafood Inc.  Gulf Shrimp.  Gulf South Inc.  Gulf Stream Marina LLC.  Gulf Sweeper Inc (Trawler Gulf Sweeper).  Gypsy Girl Inc.  H &amp; L Seafood.  Hack Berry Seafood.  Hagen &amp; Miley Inc.  Hailey Marie Inc.  Hanh Lai Inc.  Hannah Joyce Inc.  Hardy Trawlers.  Hardy Trawlers.  Harrington Fish Co Inc.  Harrington Seafood &amp; Supply Inc.  Harrington Shrimp Co Inc.  Harrington Trawlers Inc.  Harris Fisheries Inc.  Hazel's Hustler.  HCP LLC.  Heather Lynn Inc.  Heavy Metal Inc.  Hebert Investments Inc.  Hebert's Mini Mart LLC.  Helen E Inc.  Helen Kay Inc.  Helen Kay Inc.  Helen W Smith Inc.  Henderson Seafood.  Henry Daniels Inc.  Hermosa Cruz Inc.  Hi Seas of Dulac Inc.  Hien Le Van Inc.</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			High Hope Inc. Hoang Anh. Hoang Long I, II. Holland Enterprises. Holly Beach Seafood. Holly Marie's Seafood Market. Hombre Inc. Home Loving Care Co. Hondumex Ent Inc. Hong Nga Inc. Hongri Inc. Houston Foret Seafood. Howerin Trawlers Inc. HTH Marine Inc. Hubbard Seafood. Hurricane Emily Seafood Inc. Hutcherson Christian Shrimp Inc. Huyen Inc. Icy Seafood II Inc. ICY Seafood Inc. Icy Seafood Inc. Ida's Seafood Rest & Market. Ike & Zack Inc. Independent Fish Company Inc. Inflation Inc. Integrity Fisheries Inc. Integrity Fishing Inc. International Oceanic Ent. Interstate Vo LLC. Intracoastal Seafood Inc. Iorn Will Inc. Irma Trawlers Inc. Iron Horse Inc. Isabel Maier Inc. Isabel Maier Inc. Isla Cruz Inc. J & J Rentals Inc. J & J Trawler's Inc. J & R Seafood. J Collins Trawlers. J D Land Co. Jackie & Hiep Trieu. Jacob A Inc. Jacquelin Marie Inc. Jacquelin Marie Inc. James D Quach Inc. James E Scott III. James F Dubberly. James Gadson. James J Matherne Jr. James J Matherne Sr. James Kenneth Lewis Sr. James LaRive Jr. James W Green Jr dba Miss Emilie Ann. James W Hicks. Janet Louise Inc. Jani Marie. JAS Inc. JBS Packing Co Inc. JBS Packing Inc. JCM. Jean's Bait. Jeff Chancey. Jemison Trawler's Inc. Jenna Dawn LLC. Jennifer Nguyen—Capt T. Jensen Seafood Pkg Co Inc. Jesse LeCompte Jr. Jesse LeCompte Sr. Jesse Shantelle Inc. Jessica Ann Inc. Jessica Inc. Jesus G Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Jimmy and Valerie Bonvillain. Jimmy Le Inc. Jim's Cajen Shrimp. Joan of Arc Inc. JoAnn and Michael W Daigle. Jody Martin. Joe Quach. Joel's Wild Oak Bait Shop & Fresh Seafood. John A Norris. John J Alexie. John Michael E Inc. John V Alexie. Johnny & Joyce's Seafood. Johnny O Co. Johnny's Seafood. John's Seafood. Joker's Wild. Jones—Kain Inc. Joni John Inc (Leon J Champagne). Jon's C Seafood Inc. Joseph Anthony. Joseph Anthony Inc. Joseph Garcia. Joseph Martino. Joseph Martino Corp. Joseph T Vermeulen. Josh & Jake Inc. Joya Cruz Inc. JP Fisheries. Julie Ann LLC. Julie Hoang. Julie Shrimp Co Inc (Trawler Julie). Julio Gonzalez Boat Builders Inc. Justin Dang. JW Enterprise. K & J Trawlers. K&D Boat Company. K&S Enterprises Inc. Kalliainen Seafoods Inc. KAM Fishing. Kandi Sue Inc. Karl M Belsome LLC. KBL Corp. KDH Inc. Keith M Swindell. Kellum's Seafood. Kellum's Seafood. Kelly Marie Inc. Ken Lee's Dock LLC. Kenneth Guidry. Kenny-Nancy Inc. Kentucky Fisheries Inc. Kentucky Trawlers Inc. Kevin & Bryan (M/V). Kevin Dang. Khang Dang. Khanh Huu Vu. Kheng Sok Shrimping. Kim & James Inc. Kim Hai II Inc. Kim Hai Inc. Kim's Seafood. Kingdom World Inc. Kirby Seafood. Klein Express. KMB Inc. Knight's Seafood Inc. Knight's Seafood Inc. Knowles Noel Camardelle. Kramer's Bait Co. Kris & Cody Inc. KTC Fishery LLC. L & M.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			L & N Friendship Corp. L & O Trawlers Inc. L & T Inc. L&M. LA-3184 CA. La Belle Idee. La Macarela Inc. La Pachita Inc. LA-6327-CA. LaBauve Inc. LaBauve Inc. Lade Melissa Inc. Lady Agnes II. Lady Agnes III. Lady Amelia Inc. Lady Anna I. Lady Anna II. Lady Barbara Inc. Lady Carolyn Inc. Lady Catherine. Lady Chancery Inc. Lady Chelsea Inc. Lady Danielle. Lady Debra Inc. Lady Dolcina Inc. Lady Gail Inc. Lady Katherine Inc. Lady Kelly Inc. Lady Kelly Inc. Lady Kristie. Lady Lavang LLC. Lady Liberty Seafood Co. Lady Lynn Ltd. Lady Marie Inc. Lady Melissa Inc. Lady Shelly. Lady Shelly. Lady Snow Inc. Lady Stephanie. Lady Susie Inc. Lady Kim T Inc. Lady TheLna. Lady Toni Inc. Lady Veronica. Lafitte Frozen Foods Corp. Lafont Inc. Lafourche Clipper Inc. Lafourche Clipper Inc. Lamarah Sue Inc. Lan Chi Inc. Lan Chi Inc. Lancero Inc. Lanny Renard and Daniel Bourque. Lapeyrouse Seafood Bar Groc Inc. Larry G Kellum Sr. Larry Scott Freeman. Larry W Hicks. Lasseigne & Sons Inc. Laura Lee. Lauren O. Lawrence Jacobs Sfd. Lazaretta Packing Inc. Le & Le Inc. Le Family Inc. Le Family Inc. Le Tra Inc. Leek & Millington Trawler Privateer. Lee's Sales & Distribution. Leonard Shrimp Producers Inc. Leoncea B Regnier. Lerin Lane. Li Johnson. Liar Liar.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Libertad Fisheries Inc. Liberty I. Lighthouse Fisheries Inc. Lil Aly. Lil Arthur Inc. Lil BJ LLC. Lil Robbie Inc. Lil Robbie Inc. Lil Robin. Lil Robin. Lilla. Lincoln. Linda & Tot Inc. Linda Cruz Inc. Linda Hoang Shrimp. Linda Lou Boat Corp. Linda Lou Boat Corp. Lisa Lynn Inc. Lisa Lynn Inc. Little Andrew Inc. Little Andy Inc. Little Arthur. Little David Gulf Trawler Inc. Little Ernie Gulf Trawler Inc. Little Ken Inc. Little Mark. Little William Inc. Little World. LJL Inc. Long Viet Nguyen. Longwater Seafood dba Ryan H Longwater. Louisiana Gulf Shrimp LLC. Louisiana Lady Inc. Louisiana Man. Louisiana Newpack Shrimp Co Inc. Louisiana Pride Seafood Inc. Louisiana Pride Seafood Inc. Louisiana Seafood Dist LLC. Louisiana Shrimp & Packing Inc. Louisiana Shrimp and Packing Co Inc. Lovely Daddy II & III. Lovely Jennie. Low Country Lady (Randolph N Rhodes). Low Country Lady. Luchador Inc. Lucky. Lucky I. Lucky Jack Inc. Lucky Lady. Lucky Lady II. Lucky Leven Inc. Lucky MV. Lucky Ocean. Lucky Sea Star Inc. Lucky Star. Lucky World. Lucky's Seafood Market & Poboys LLC. Luco Drew's. Luisa Inc. Lupe Martinez Inc. LV Marine Inc. LW Graham Inc. Lyle LeCompte. Lynda Riley Inc. Lynda Riley Inc. M & M Seafood. M V Sherry D. M V Tony Inc. M&C Fisheries. M/V Baby Doll. M/V Chevo's Bitch. M/V Lil Vicki. M/V Loco-N Motion.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			M/V Patsy K #556871. M/V X L. Mabry Allen Miller Jr. Mad Max Seafood. Madera Cruz Inc. Madison Seafood. Madlin Shrimp Co Inc. Malibu. Malolo LLC. Mamacita Inc. Man Van Nguyen. Manteo Shrimp Co. Marco Corp. Marcos A. Maria Elena Inc. Maria Sandi. Mariachi Trawlers Inc. Mariah Jade Shrimp Company. Marie Teresa Inc. Marine Fisheries. Marisa Elida Inc. Mark and Jace. Marleann. Martin's Fresh Shrimp. Mary Bea Inc. Master Brandon Inc. Master Brock. Master Brock. Master Dylan. Master Gerald Trawlers Inc. Master Hai. Master Hai II. Master Henry. Master Jared Inc. Master Jhy Inc. Master John Inc. Master Justin Inc. Master Justin Inc. Master Ken Inc. Master Kevin Inc. Master Martin Inc. Master Mike Inc. Master NT Inc. Master Pee-Wee. Master Ronald Inc. Master Scott. Master Scott II. Master Seelos Inc. Master T. Master Tai LLC. Master Tai LLC. Mat Roland Seafood Co. Maw Doo. Mayflower. McQuaig Shrimp Co Inc. Me Kong. Melerine Seafood. Melody Shrimp Co. Mer Shrimp Inc. Michael Lynn. Michael Nguyen. Michael Saturday's Fresh Every Day South Carolina Shrimp. Mickey Nelson Net Shop. Mickey's Net. Midnight Prowler. Mike's Seafood Inc. Miley's Seafood Inc. Militello and Son Inc. Miller & Son Seafood Inc. Miller Fishing. Milliken & Son's. Milton J Dufrene and Son Inc. Milton Yopp—Capt'n Nathan & Thomas Winfield.



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Minh & Liem Doan. Mis Quynh Chi II. Miss Adrianna Inc. Miss Alice Inc. Miss Ann Inc. Miss Ann Inc. Miss Ashleigh. Miss Ashleigh Inc. Miss Barbara. Miss Barbara Inc. Miss Bernadette A Inc. Miss Bertha (M/V). Miss Beverly Kay. Miss Brenda. Miss Candace. Miss Candace Nicole Inc. Miss Carla Jean Inc. Miss Caroline Inc. Miss Carolyn Louise Inc. Miss Caylee. Miss Charlotte Inc. Miss Christine III. Miss Cleda Jo Inc. Miss Courtney Inc. Miss Courtney Inc. Miss Cynthia. Miss Danielle Gulf Trawler Inc. Miss Danielle LLC. Miss Dawn. Miss Ellie Inc. Miss Faye LLC. Miss Fina Inc. Miss Georgia Inc. Miss Hannah. Miss Hannah Inc. Miss Hazel Inc. Miss Hilary Inc. Miss Jennifer Inc. Miss Joanna Inc. Miss Julia. Miss Kandy Tran LLC. Miss Kandy Tran LLC. Miss Karen. Miss Kathi Inc. Miss Kathy. Miss Kaylyn LLC. Miss Khayla. Miss Lil. Miss Lillie Inc. Miss Liz Inc. Miss Loraine. Miss Loraine Inc. Miss Lori Dawn IV Inc. Miss Lori Dawn V Inc. Miss Lori Dawn VI Inc. Miss Lori Dawn VII Inc. Miss Lorie Inc. Miss Luana D Shrimp Co. Miss Luana D Shrimp Co. Miss Madeline Inc. Miss Madison. Miss Marie. Miss Marie Inc. Miss Marilyn Louis Inc. Miss Marilyn Louise. Miss Marilyn Louise Inc. Miss Marissa Inc. Miss Martha Inc. Miss Martha Inc. Miss Mary T. Miss Myle. Miss Narla. Miss Nicole.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Miss Nicole Inc. Miss Plum Inc. Miss Quynh Anh I. Miss Quynh Anh I LLC. Miss Quynh Anh II LLC. Miss Redemption LLC. Miss Rhianna Inc. Miss Sambath. Miss Sandra II. Miss Sara Ann. Miss Savannah. Miss Savannah II. Miss Soriya. Miss Suzanne. Miss Sylvia. Miss Than. Miss Thom. Miss Thom Inc. Miss Tina Inc. Miss Trinh Trinh. Miss Trisha Inc. Miss Trisha Inc. Miss Verna Inc. Miss Vicki. Miss Victoria Inc. Miss Vivian Inc. Miss WillaDean. Miss Winnie Inc. Miss Yvette Inc. Miss Yvonne. Misty Morn Eat. Misty Star. MJM Seafood Inc. M'M Shrimp Co Inc. Mom & Dad Inc. Mona-Dianne Seafood. Montha Sok and Tan No Le. Moon River Inc. Moon Tillett Fish Co Inc. Moonlight. Moonlight Mfg. Moore Trawlers Inc. Morgan Creek Seafood. Morgan Rae Inc. Morning Star. Morrison Seafood. Mother Cabrini. Mother Teresa Inc. Mr & Mrs Inc. Mr & Mrs Inc. Mr Coolly. Mr Fox. Mr Fox. Mr G. Mr Gaget LLC. Mr Henry. Mr Natural Inc. Mr Neil. Mr Phil T Inc. Mr Sea Inc. Mr Verdin Inc. Mr Williams. Mrs Judy Too. Mrs Tina Lan Inc. Ms Alva Inc. Ms An. My Angel II. My Blues. My Dad Whitney Inc. My Girls LLC. My Thi Tran Inc. My Three Sons Inc. My V Le Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			My-Le Thi Nguyen. Myron A Smith Inc. Nancy Joy. Nancy Joy Inc. Nancy Joy Inc. Nanny Granny Inc. Nanny Kat Seafood LLC. Napolean Seafoods. Napoleon II. Napoleon Seafood. Napoleon SF. Naquin's Seafood. Nautilus LLC. Nelma Y Lane. Nelson and Son. Nelson Trawlers Inc. Nelson's Quality Shrimp Company. Nevgulmarco Co Inc. New Deal Comm Fishing. New Way Inc. Nguyen Day Van. Nguyen Express. Nguyen Int'l Enterprises Inc. Nguyen Shipping Inc. NHU UYEN. Night Moves of Cut Off Inc. Night Shift LLC. Night Star. North Point Trawlers Inc. North Point Trawlers Inc. Nuestra Cruz Inc. Nunez Seafood. Oasis. Ocean Bird Inc. Ocean Breeze Inc. Ocean Breeze Inc. Ocean City Corp. Ocean Emperor Inc. Ocean Harvest Wholesale Inc. Ocean Pride Seafood Inc. Ocean Seafood. Ocean Select Seafood LLC. Ocean Springs Seafood Market Inc. Ocean Wind Inc. Oceanica Cruz Inc. Odin LLC. Old Maw Inc. Ole Holbrook's Fresh Fish Market LLC. Ole Nelle. One Stop Bait & Ice. Open Sea Inc. Orage Enterprises Inc. Orn Roeum Shrimping. Otis Cantrelle Jr. Otis M Lee Jr. Owens Shrimping. Palmetto Seafood Inc. Papa Rod Inc. Papa T. Pappy Inc. Pappy's Gold. Parfait Enterprises Inc. Paris/Asia. Parramore Inc. Parrish Shrimping Inc. Pascagoula Ice & Freezer Co Inc. Pat-Lin Enterprises Inc. Patricia Foret. Patrick Sutton Inc. Patty Trish Inc. Paul Piazza and Son Inc. Paw Paw Allen. Paw Paw Pride Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Pearl Inc dba Indian Ridge Shrimp Co. Pei Gratia Inc. Pelican Point Seafood Inc. Penny V LLC. Perliita Inc. Perseverance I LLC. Pete & Queenie Inc. Phat Le and Le Tran. Phi Long Inc. Phi-Ho LLC. Pip's Place Marina Inc. Plaisance Trawlers Inc. Plata Cruz Inc. Poc-Tal Trawlers Inc. Pointe-Aux-Chene Marina. Pontchaurnain Blue Crab. Pony Express. Poppee. Poppy's Pride Seafood. Port Bolivar Fisheries Inc. Port Marine Supplies. Port Royal Seafood Inc. Poteet Seafood Co Inc. Potter Boats Inc. Price Seafood Inc. Prince of Tides. Princess Ashley Inc. Princess Celine Inc. Princess Cindy Inc. Princess Lorie LLC. Princess Mary Inc. Prosperity. PT Fisheries Inc. Punch's Seafood Mkt. Purata Trawlers Inc. Pursuer Inc. Quality Seafood. Quang Minh II Inc. Queen Lily Inc. Queen Mary. Queen Mary Inc. Quinta Cruz Inc. Quoc Bao Inc. Quynh NHU Inc. Quynh Nhu Inc. R & J Inc. R & K Fisheries LLC. R & L Shrimp Inc. R & P Fisheries. R & R Bait/Seafood. R & S Shrimping. R & T Atocha LLC. R&D Seafood. R&K Fisheries LLC. R&R Seafood. RA Lesso Brokerage Co Inc. RA Lesso Seafood Co Inc. Rachel-Jade. Ralph Lee Thomas Jr. Ralph W Jones. Ramblin Man Inc. Ranchero Trawlers Inc. Randall J Pinell Inc. Randall J Pinell Inc. Randall K and Melissa B Richard. Randall Pinell. Randy Boy Inc. Randy Boy Inc. Rang Dong. Raul L Castellanos. Raul's Seafood. Raul's Seafood. Rayda Cheramie Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Raymond LeBouef. RCP Seafood I II III. RDR Shrimp Inc. Reagan's Seafood. Rebecca Shrimp Co Inc. Rebel Seafood. Regulus. Rejimi Inc. Reno's Sea Food. Res Vessel. Reyes Trawlers Inc. Rick's Seafood Inc. Ricky B LLC. Ricky G Inc. Riffle Seafood. Rigolets Bait & Seafood LLC. Riverside Bait & Tackle. RJ's. Roatex Ent Inc. Robanie C Inc. Robanie C Inc. Robanie C Inc. Robert E Landry. Robert H Schrimpf. Robert Johnson. Robert Keenan Seafood. Robert Upton or Terry Upton. Robert White Seafood. Rockin Robbin Fishing Boat Inc. Rodney Hereford Jr. Rodney Hereford Sr. Rodney Hereford Sr. Roger Blanchard Inc. Rolling On Inc. Romo Inc. Ronald Louis Anderson Jr. Rosa Marie Inc. Rose Island Seafood. RPM Enterprises LLC. Rubi Cruz Inc. Ruf-N-Redy Inc. Ruttley Boys Inc. Sadie D Seafood. Safe Harbour Seafood Inc. Salina Cruz Inc. Sally Kim III. Sally Kim IV. Sam Snodgrass & Co. Samaira Inc. San Dia. Sand Dollar Inc. Sandy N. Sandy O Inc. Santa Fe Cruz Inc. Santa Maria I Inc. Santa Maria II. Santa Monica Inc. Scavanger. Scooby Inc. Scooby Inc. Scottie and Juliette Dufrene. Scottie and Juliette Dufrene. Sea Angel. Sea Angel Inc. Sea Bastion Inc. Sea Drifter Inc. Sea Durbin Inc. Sea Eagle. Sea Eagle Fisheries Inc. Sea Frontier Inc. Sea Gold Inc. Sea Gulf Fisheries Inc. Sea Gypsy Inc.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sea Hawk I Inc. Sea Horse Fisheries. Sea Horse Fisheries Inc. Sea King Inc. Sea Pearl Seafood Company Inc. Sea Queen IV. Sea Trawlers Inc. Sea World. Seabrook Seafood Inc. Seabrook Seafood Inc. Seafood & Us Inc. Seaman's Magic Inc. Seaman's Magic Inc. Seaside Seafood Inc. Seaweed 2000. Seawolf Seafood. Second Generation Seafood. Shark Co Seafood Inter Inc. Sharon—Ali Michelle Inc. Shelby & Barbara Seafood. Shelby & Barbara Seafood. Shelia Marie LLC. Shell Creek Seafood Inc. Shirley Elaine. Shirley Girl LLC. Shrimp Boat Patrice. Shrimp Boating Inc. Shrimp Express. Shrimp Man. Shrimp Networks Inc. Shrimp Trawler. Shrimper. Shrimper. Shrimpy's. Si Ky Lan Inc. Si Ky Lan Inc. Si Ky Lan Inc. Sidney Fisheries Inc. Silver Fox. Silver Fox LLC. Simon. Sims Shrimping. Skip Toomer Inc. Skip Toomer Inc. Skyla Marie Inc. Smith & Sons Seafood Inc. Snowdrift. Snowdrift. Sochenda. Soeung Phat. Son T Le Inc. Son's Pride Inc. Sophie Marie Inc. Soul Mama Inc. Souther Obsession Inc. Southern Lady. Southern Nightmare Inc. Southern Star. Southshore Seafood. Spencers Seafood. Sprig Co Inc. St Anthony Inc. St Daniel Phillip Inc. St Dominic. St Joseph. St Joseph. St Joseph II Inc. St Joseph III Inc. St Joseph IV Inc. St Martin. St Martyrs VN. St Mary Seafood. St Mary Seven.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			St Mary Tai. St Michael Fuel & Ice Inc. St Michael's Ice & Fuel. St Peter. St Peter 550775. St Teresa Inc. St Vincent Andrew Inc. St Vincent Gulf Shrimp Inc. St Vincent One B. St Vincent One B Inc. St Vincent SF. St Vincent Sfd Inc. Start Young Inc. Steamboat Bills Seafood. Stella Mestre Inc. Stephen Dantin Jr. Stephney's Seafood. Stipelcovich Marine Wks. Stone-Co Farms LP. Stone-Co Farms LP. Stormy Sean Inc. Stormy Seas Inc. Sun Star Inc. Sun Swift Inc. Sunshine. Super Coon Inc. Super Cooper Inc. Swamp Irish Inc. Sylvan P Racine Jr—Capt Romain. T & T Seafood. T Brothers. T Cvitanovich Seafood LLC. Ta Do. Ta T Vo Inc. Ta T Vo Inc. Tana Inc. Tanya Lea Inc. Tanya Lea Inc. Tanya Lea Inc. Tasha Lou. T-Brown Inc. Tee Frank Inc. Tee Tigre Inc. Tercera Cruz Inc. Terrebonne Seafood Inc. Terri Monica. Terry Luke Corp. Terry Luke Corp. Terry Luke Corp. Terry Lynn Inc. Te-Sam Inc. Texas 1 Inc. Texas 18 Inc. Texas Lady Inc. Texas Pack Inc. Tex-Mex Cold Storage Inc. Tex-Mex Cold Storage Inc. Thai & Tran Inc. Thai Bao Inc. Thanh Phong. The Boat Phat Tai. The Fishermans Dock. The Last One. The Light House Bait & Seafood Shack LLC. The Mayporter Inc. The NGO. The Seafood Shed. Thelma J Inc. Theresa Seafood Inc. Third Tower Inc. Thomas Winfield—Capt Nathan. Thompson Bros. Three C's.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Three Dads. Three Sons. Three Sons Inc. Three Sons Inc. Thunder Roll. Thunderbolt Fisherman's Seafood Inc. Thy Tra Inc. Thy Tra Inc. Tidelands Seafood Co Inc. Tiffani Claire Inc. Tiffani Claire Inc. Tiger Seafood. Tikede Inc. Timmy Boy Corp. Tina Chow. Tina T LLC. Tino Mones Seafood. TJ's Seafood. Toan Inc. Todd Co. Todd's Fisheries. Tom LE LLC. Tom Le LLC. Tom N & Bill N Inc. Tommy Bui dba Mana II. Tommy Cheramie Inc. Tommy Gulf Sea Food Inc. Tommy's Seafood Inc. Tonya Jane Inc. Tony-N. Tookie Inc. Tot & Linda Inc. T-Pops Inc. Tran Phu Van. Tran's Express Inc. Travis—Shawn. Travis—Shawn. Trawler Azteca. Trawler Becky Lyn Inc. Trawler Capt GC. Trawler Capt GC II. Trawler Dalia. Trawler Doctor Bill. Trawler Gulf Runner. Trawler HT Seaman. Trawler Joyce. Trawler Kristi Nicole. Trawler Kyle & Courtney. Trawler Lady Catherine. Trawler Lady Gwen Doe. Trawler Linda B Inc. Trawler Linda June. Trawler Little Brothers. Trawler Little Gavino. Trawler Little Rookie Inc. Trawler Mary Bea. Trawler Master Alston. Trawler Master Jeffrey Inc. Trawler Michael Anthony Inc. Trawler Mildred Barr. Trawler Miss Alice Inc. Trawler Miss Jamie. Trawler Miss Kelsey. Trawler Miss Sylvia Inc. Trawler Mrs Viola. Trawler Nichols Dream. Trawler Raindear Partnership. Trawler Rhonda Kathleen. Trawler Rhonda Lynn. Trawler Sandra Kay. Trawler Sarah Jane. Trawler Sea Wolf. Trawler Sea Wolf.





Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Weems Bros Seafood. Weems Bros Seafood Co. Weiskopf Fisheries LLC. Wendy & Eric Inc. Wescovich Inc. West Point Trawlers Inc. Westley J Domangue. WH Blanchard Inc. Whiskey Joe Inc. White and Black. White Bird. White Foam. White Gold. Wilcox Shrimping Inc. Wild Bill. Wild Eagle Inc. William E Smith Jr Inc. William Lee Inc. William O Nelson Jr. William Patrick Inc. William Smith Jr Inc. Willie Joe Inc. Wind Song Inc. Wonder Woman. Woods Fisheries Inc. Woody Shrimp Co Inc. Yeaman's Inc. Yen Ta. Yogi's Shrimp. You & Me Shrimp. Ysclaskey Seafood. Zirlott Trawlers Inc. Zirlott Trawlers Inc.

[FR Doc. 2018-10462 Filed 5-30-18; 8:45 am]

BILLING CODE 9111-14-P



# FEDERAL REGISTER

---

Vol. 83

Thursday,

No. 105

May 31, 2018

---

Part III

## Department of Commerce

---

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in the Northwest Atlantic Ocean; Notice

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648–XG170

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in the Northwest Atlantic Ocean**

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from United States Geological Survey (USGS) for authorization to take marine mammals incidental to a marine geophysical survey in the northwest Atlantic Ocean. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations, and agency responses will be summarized in the final notice of our decision.

**DATES:** Comments and information must be received no later than July 2, 2018.

**ADDRESSES:** Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.molineaux@noaa.gov](mailto:ITP.molineaux@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at [www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities](http://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities) without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible.

Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

Jonathan Molineaux, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:****Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding,

feeding, or sheltering (Level B harassment).

**National Environmental Policy Act**

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

Accordingly, NMFS is preparing an Environmental Assessment (EA) to consider the environmental impacts associated with the issuance of the proposed IHA. We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

**Summary of Request**

On March 20, 2018, NMFS received a request from USGS for an IHA to take marine mammals incidental to a marine geophysical survey in the northwest Atlantic Ocean. On April 11, 2018, we deemed USGS’s application for authorization to be adequate and complete. USGS’s request is for take a small number of 29 species of marine mammals by Level B harassment only. Neither USGS nor NMFS expects serious injury or mortality to result from this activity; and, therefore, an IHA is appropriate. The planned activity is not expected to exceed one year; hence, we do not expect subsequent MMPA incidental harassment authorizations would be issued for this particular activity.

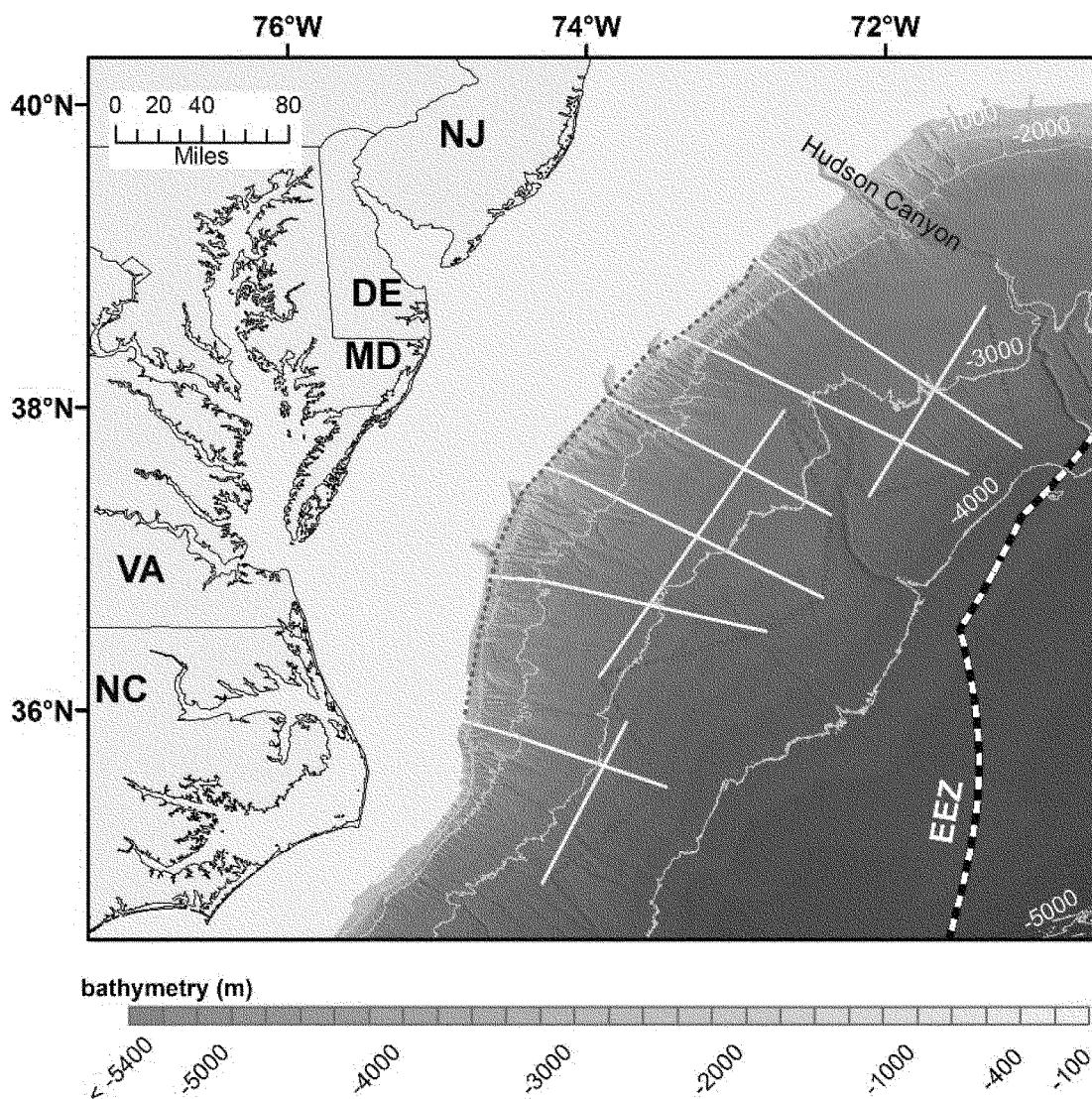
**Description of Proposed Activity***Overview*

The USGS intends to conduct a seismic survey aboard the *R/V Hugh R. Sharp*, a University National Oceanographic Laboratory (UNOLS) Federal fleet vessel that is owned and operated by the University of Delaware, during a cruise up to 22 days long on the northern U.S. Atlantic margin in August 2018. The program is named MATRIX, for “Mid-Atlantic Resource Imaging Experiment.” The seismic survey will take place in water depths ranging from ~100 meters (m) to 3,500 m, entirely within the U.S. Exclusive Economic Zone (EEZ), and acquire ~6 dip lines (roughly perpendicular to the orientation of the shelf-break) and ~3 strike lines (roughly parallel to the shelf-break) between about 35 nautical miles (nmi) south of Hudson Canyon on the north and Cape Hatteras on the south. In addition, multichannel seismic

(MCS) data will be acquired along some linking/transit/interseismic lines between the main survey lines. Total data acquisition could be up to ~2,400

kilometers (km) of trackline. Exemplary seismic lines for the program are shown in Figure 1. Some deviation in actual tracklines and timing could be

necessary for reasons such as science drivers, poor data quality, inclement weather, or mechanical issues with the research vessel and/or equipment.



**Figure 1. Exemplary seismic lines (solid) to be acquired by the USGS during the Proposed Action, superposed on the USGS high-resolution bathymetric grid (Andrews *et al.*, 2016). Dashed lines are linking/transit/interseismic lines, and data will be acquired along only half of these lines.**

The purpose of the proposed MATRIX survey is to collect data to constrain the lateral and vertical distribution of gas hydrates and shallow natural gas in marine sediments relative to seafloor gas seeps, slope failures, and geological and erosional features.

#### *Dates and Duration*

The seismic survey's airgun operations are scheduled to occur for up

to 19 days during a cruise that may be as long as 22 days, departing port on August 8, 2018. Some minor deviation from these dates is possible, depending on logistics and especially weather.

#### *Specific Geographic Region*

The survey is bound within the region ~34.75° N–40° N, ~71–75° W in the northwest Atlantic Ocean (See Figure 1), with the closest approach to the U.S.

coastline at 70 km (North Carolina) to 130 km (New Jersey). The survey area starts 35 nmi south of Hudson Canyon on the north and is bound by Cape Hatteras on the south, the nominal shelf break (~100 m water depth) on the west, and the ~3,500 m bathymetric contour on the east.

*Detailed Description of Specific Activity*

The procedures that will be used for the seismic surveys would be similar to those used during previous research seismic surveys funded by the National Science Foundation (NSF) or conducted by the USGS and would utilize a conventional seismic methodology. The survey will involve only one source vessel, the *R/V Hugh R. Sharp*. The source vessel will deploy two to four low-energy Generator-Injector (GI) airguns (each with a discharge volume of 105 cubic inches (in<sup>3</sup>)) as an energy source. The GI guns could sometimes be fired in a mode that gives them a discharge volume of 210 in<sup>3</sup> each, but only at water depths greater than 1,000 m (See description of Optimal Survey below for more details). A hydrophone streamer 750- to 1,300-m-long and consisting of up to 160 channels will be

continuously towed to receive the seismic signals. In addition, up to 90 disposable sonobuoy receivers will be deployed at water depths greater than 1,000 m to provide velocity control and possibly wide-angle reflections along the highest priority transects. Below we provide a description of each of the airgun modes during the survey.

The Optimal Survey (GG mode) (See Table 1) for the Proposed Action would acquire the portion of the solid lines in Figure 1 at water depths greater than 1,000 m using the GI-guns in “GG” mode. In this mode, the four GI guns would produce a total of 840 in<sup>3</sup> of air and sonobuoys would be deployed to passively record data at long distances. When shooting to sonobuoys while in GG mode, the GI guns will be operated with both chambers releasing air simultaneously (*i.e.*, “generator-

generator” or “GG” mode). The rest of the survey, including the portion shallower than 1,000 m water depth on the uppermost slope and the interseismic linking lines (dashed lines in Figure 1), would be acquired with four GI guns operated in normal mode (also called GI mode), producing a total of 420 in<sup>3</sup> of air.

The Base Survey (GI mode) (See Table 1) assumes that all of the solid lines in Figure 1, as well as all of the interseismic connecting lines, would be acquired using four GI guns operating in normal mode (GI mode), producing a total air volume of 420 in<sup>3</sup>. Only a maximum of half of the interseismic linking lines (dashed lines in Figure 1) would be acquired. These lines are longer and geometrically more complex at the deepwater side than near the shelf-break.

TABLE 1—GENERAL CHARACTERISTICS OF EXEMPLARY SURVEY SCENARIOS FOR THE PROPOSED ACTION

	GI mode (4 × 105 in <sup>3</sup> )		GG mode (4 × 210 in <sup>3</sup> )	
	Depth and line type	Track line distance (km)	Depth and line type	Track line distance (km)
Optimal Survey .....	100–1,000 m water depth on exemplary lines and 50% of interseismic, linking lines.	~750	Greater than 1,000 m on exemplary lines	~1,600
Base Survey .....	Exemplary lines plus 50% of interseismic, linking lines.	2,350		

During the cruise, the USGS would continuously use an echosounder (EK60/EK80) with 38 kHz transducer at water depths less than ~1,800 m to locate water column anomalies associated with seafloor seeps emitting gas bubbles. The 38 kHz transducer would be mounted in the *R/V Sharp*'s retractable keel and would typically ping 0.5 to 2 Hz with pings of 0.256 to 1.024 millisecond (m/s) duration. The returned signals would be detected on an EK60 or EK80 (broadband) transceiver. Based on past USGS experience with this instrument, it is unlikely to acquire useful data at water depths greater than 1,800 m, although it could be used in passive mode at these depths to record broadband ambient signals in the water column.

*Airgun Array Description*

The *R/V Hugh R. Sharp* will tow two or four 105-in<sup>3</sup> Sercel GI airguns at a time as the primary energy source following exemplary survey lines and transit/linking/interseismic lines between the primary exemplary lines. Seismic pulses for the GI guns will be emitted at intervals of ~12 s. At speeds of ~7.4 km/h (4 knots (kn)), the shot

intervals correspond to a spacing of ~25 m.

In standard GI mode, the generator chamber of each GI airgun is the primary source, the one responsible for introducing the sound pulse into the ocean, is 105 in<sup>3</sup>. The 105 in<sup>3</sup> injector chamber injects air into the previously-generated bubble to reduce bubble reverberations and does not introduce more sound into the water. In GG mode, each gun simultaneously releases an air volume of 105 in<sup>3</sup> + 105 in<sup>3</sup> = 210 in<sup>3</sup>. On the proposed survey, four GI guns will be operated either in base mode (4 × 105 in<sup>3</sup>) or GG mode (4 × 210 in<sup>3</sup>) as long as compressors are functioning correctly. If compressors are not functioning properly, a backup mode consisting of two GI guns will be used. The text below describes the three preferred modes of operation.

The Base Configuration, Configuration 1, will use 4 GI guns and generate 420 in<sup>3</sup> total volume, as shown in Figure 2 of the IHA Application. Airguns will be towed at 3 m water depth, two on each side of the stern, with 8.6 m lateral (athwartships) separation between the pairs of guns and 2 m front-to-back

separation between the guns on each stern tow line.

The GG Configuration, Configuration 2, will use four GI guns and generate 840 in<sup>3</sup> total volume, as shown in Figure 3 of the IHA application. In this configuration, the airguns will be fired in GG mode, as described above. Airguns will be towed at 3 m water depth, two on each side of the stern, with 8.6 m lateral (athwartships) separation between the pairs of airguns and 2 m front-to-back separation between the airguns on each stern tow line. The GG configuration would be used only at greater than 1000 m water depth and on specific exemplary lines on which sonobuoy data are being collected.

The Backup Configuration (Configuration 3) is two GI airguns producing 210 in<sup>3</sup> total volume. If a compressor were offline, this lowest-energy configuration would be used to sustain data acquisition. Airguns will be towed at 3 m water depth of the port towpoint on the stern, with 2 m front-to-back separation between the guns.

As the GI airguns are towed along the survey line, the towed hydrophone array receives the reflected signals and

transfers the data to the on-board processing system. Given the short streamer length behind the vessel (1,300 m), the turning rate of the vessel while

the gear is deployed is much higher than the limit of five degrees per minute for a seismic vessel towing a streamer of more typical length (e.g., 6 km or more).

Thus, the maneuverability of the vessel is not strongly limited during operations.

TABLE 2—GI AIRGUN SPECIFICATIONS

Energy Source .....	Two (backup configuration) to four (base and GG configuration) GI airguns of 105 in <sup>3</sup> each.
Tow depth of energy source .....	3 m.
Air discharge volume .....	Total volume ~210 in <sup>3</sup> (backup configuration, Appendix A) to 840 in <sup>3</sup> (limited use GG configuration at greater than 1,000 m).
Back-to-front separation of pairs of guns .....	2 m.
Side-to-side separation of pairs of guns .....	8.6 m.
Dominant frequency components .....	0–188 Hertz.
Shot interval .....	9.72 seconds (2 m airgun separation survey) and 12.15 seconds (8 m airgun separation survey).

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see “Proposed Mitigation” and “Proposed Monitoring and Reporting”).

**Description of Marine Mammals in the Area of Specified Activities**

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS’ Stock Assessment Reports (SAR; [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region)), and more general information about these species (e.g., physical and behavioral descriptions) may be found

on NMFS’ website ([www.fisheries.noaa.gov/find-species](http://www.fisheries.noaa.gov/find-species)).

Table 3 lists all species with expected potential for occurrence in the northwest Atlantic Ocean and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS’ SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here

as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS’ stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS’ U.S. Atlantic SARs (Hayes *et al.*, 2017). All values presented in Table 3 are the most recent available at the time of publication and are available in the draft 2017 SARs (Hayes *et al.*, 2017) (available online at: [www.nmfs.noaa.gov/pr/sars/draft.htm](http://www.nmfs.noaa.gov/pr/sars/draft.htm)), and Roberts *et al.* (2016).

TABLE 3—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) <sup>1</sup>	NMFS stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup>	Predicted abundance (CV) <sup>5</sup>	PBR	Annual M/SI <sup>3</sup>
<b>Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)</b>							
<b>Family Balaenidae</b>							
North Atlantic right whale .....	<i>Eubalaena glacialis</i> .....	Western North Atlantic (WNA).	E/D; Y	458 (n/a; 455; n/a) .....	334 (0.25) .....	1.4 .....	36
<b>Family Balaenopteridae (rorquals)</b>							
Humpback whale .....	<i>Megaptera novaeangliae novaeangliae</i> .	Gulf of Maine .....	-; N	335 (.42; 239; 2012) .....	1,637 (0.07) ..	3.7 .....	8.5
Minke whale .....	<i>Balaenoptera acutorostrata acutorostrata</i> .	Canadian East Coast.	-; N	2,591 (0.81; 1,425; 2011) ....	2,112 (0.05) ..	14 .....	9
Bryde’s whale .....	<i>B. edeni brydei</i> .....	None defined <sup>4</sup> ...	-; n/a	n/a .....	7 (0.58) .....	n/a .....	n/a.
Sei whale .....	<i>B. borealis borealis</i> .....	Nova Scotia .....	E/D; Y	357 (0.52; 236; 2011) .....	98 (0.25) .....	0.5 .....	0.8
Fin whale .....	<i>B. physalus physalus</i> .....	WNA .....	E/D; Y	1,618 (0.33; 1,234; 2011) ....	4,633 (0.08) ..	2.5 .....	2.65
Blue whale .....	<i>B. musculus musculus</i> .....	WNA .....	E/D; Y	Unknown (n/a; 440; n/a) .....	11 (0.41) .....	0.9 .....	Unk.
<b>Superfamily Odontoceti (toothed whales, dolphins, and porpoises)</b>							
<b>Family Physeteridae</b>							
Sperm whale .....	<i>Physeter macrocephalus</i> .....	North Atlantic .....	E/D; Y	2,288 (0.28; 1,815; 2011) ....	5,353 (0.12) ..	3.6 .....	0.8
<b>Family Kogiidae</b>							
Pygmy sperm whale .....	<i>Kogia breviceps</i> .....	WNA .....	-; N	3,785 (0.47; 2,598; 2011) ....	678 (0.23) .....	21 .....	3.5

TABLE 3—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) <sup>1</sup>	NMFS stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup>	Predicted abundance (CV) <sup>5</sup>	PBR	Annual M/SI <sup>3</sup>
Dwarf sperm whale	<i>K. sima</i>	WNA	-; N				
<b>Family Ziphiidae (beaked whales)</b>							
Cuvier's beaked whale	<i>Ziphius cavirostris</i>	WNA	-; N	6,532 (0.32; 5,021; 2011)	14,491 (0.17)	50	0.4
Gervais beaked whale	<i>Mesoplodon europaeus</i>	WNA	-; N	7,092 (0.54; 4,632; 2011)		46	0.2
Blainville's beaked whale	<i>M. densirostris</i>	WNA	-; N				
Sowerby's beaked whale	<i>M. bidens</i>	WNA	-; N				
True's beaked whale	<i>M. mirus</i>	WNA	-; N				
Northern bottlenose whale	<i>Hyperoodon ampullatus</i>	WNA	-; N	Unknown	90 (0.63)	Undet	0
<b>Family Delphinidae</b>							
Rough-toothed dolphin	<i>Steno bredanensis</i>	WNA	-; N	271 (1.0; 134; 2011)	532 (0.36)	1.3	0
Common bottlenose dolphin	<i>Tursiops truncatus truncatus</i>	WNA Offshore	-; N	77,532 (0.40; 56,053; 2011)	97,476 (0.06)	561	39.4
Clymene dolphin	<i>Stenella clymene</i>	WNA	-; N	Unknown	12,515 (0.56)	Undet	0
Atlantic spotted dolphin	<i>S. frontalis</i>	WNA	-; N	44,715 (0.43; 31,610; 2011)	55,436 (0.32)	316	0
Pantropical spotted dolphin	<i>S. attenuata attenuata</i>	WNA	-; N	3,333 (0.91; 1,733; 2011)	4,436 (0.33)	17	0
Spinner dolphin	<i>S. longirostris longirostris</i>	WNA	-; N	Unknown	262 (0.93)	Undet	0
Striped dolphin	<i>S. coeruleoalba</i>	WNA	-; N	54,807 (0.3; 42,804; 2011)	75,657 (0.21)	428	0
Short-beaked common dolphin	<i>Delphinus delphis delphis</i>	WNA	-; N	70,184 (0.28; 55,690; 2011)	86,098 (0.12)	557	437
Fraser's dolphin	<i>Lagenodelphis hosei</i>	WNA	-; N	Unknown	492 (0.76)	Undet	0
Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>	WNA	-; N	48,819 (0.61; 30,403; 2011)	37,180 (0.07)	304	57
Risso's dolphin	<i>Grampus griseus</i>	WNA	-; N	18,250 (0.46; 12,619; 2011)	7,732 (0.09)	126	43.2
Melon-headed whale	<i>Peponocephala electra</i>	WNA	-; N	Unknown	1,175 (0.50)	Undet	0
Pygmy killer whale	<i>Feresa attenuata</i>	WNA	-; N	Unknown	N/A	Undet	0
False killer whale	<i>Pseudorca crassidens</i>	WNA	-; Y	442 (1.06; 212; 2011)	95 (0.84)	2.1	Unk.
Killer whale	<i>Orcinus orca</i>	WNA	-; N	Unknown	11	Undet	0
Short-finned pilot whale	<i>Globicephala macrorhynchus</i>	WNA	-; Y	21,515 (0.37; 15,913; 2011)	18,977 (0.11)	159	192
Long-finned pilot whale	<i>G. melas melas</i>	WNA	-; Y	5,636 (0.63; 3,464; 2011)		35	38
White-beaked dolphin	<i>Lagenorhynchus albirostris</i>	WNA	-; N	2,003 (0.94; 1,023; 2007)	39 (0.42)	10	0
<b>Family Phocoenidae (porpoises)</b>							
Harbor porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/ Bay of Fundy.	-; N	79,833 (0.32; 61,415; 2011)	45,089 (0.12)	706	307

<sup>1</sup> Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

<sup>2</sup> NMFS marine mammal stock assessment reports online at: [www.nmfs.noaa.gov/pr/sars/](http://www.nmfs.noaa.gov/pr/sars/). CV is coefficient of variation; Nmin is the minimum estimate of stock abundance.

<sup>3</sup> These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

<sup>4</sup> Bryde's whales are occasionally reported off the southeastern U.S. and southern West Indies. NMFS defines and manages a stock of Bryde's whales believed to be resident in the northern Gulf of Mexico, but does not define a separate stock in the Atlantic Ocean.

<sup>5</sup> Predicted mean abundance derived from Roberts *et al.* (2016)

**Note:** *Italicized species are not expected to be taken or proposed for authorization.*

All species that could potentially occur in the proposed survey areas are included in Table 3. However, density estimates in Roberts *et al.* (2016) present very low density estimates within the proposed action area during the month of August for north Atlantic right whale, harbor porpoise, minke whale, Bryde's whale, blue whale, and white-beaked dolphin (See Table 6 of IHA Application). This, in combination with the short length of the cruise and low level airguns provide reasonable evidence that take authorization is not necessary, nor should they be authorized for these species. Species with expected take are discussed below.

**Humpback Whale**

Humpback whales inhabit all major ocean basins from the equator to

subpolar latitudes. They generally follow a predictable migratory pattern in both hemispheres, feeding during the summer in the higher latitudes (40 to 70 degrees latitude) and migrating to lower latitudes (10 to 30 degrees latitude) where calving and breeding take place in the winter (Perry *et al.*, 1999). During the spring, summer, and fall, humpback whales in the North Atlantic Ocean feed over a range that includes the eastern coast of the United States, the Gulf of St. Lawrence, Newfoundland/Labrador, and western Greenland.

Based on density modeling by Mannocci *et al.* (2017) for the western North Atlantic, higher densities are expected to occur north of 40° N during the summer; very low densities are expected south of 40° N, and the USGS

proposed survey is entirely south of this latitude.

Of the more than 43,000 global sightings of humpback whale individuals or groups dating back more than 50 years in the Ocean Biogeographic Information System (OBIS) database (2017), only 79 occurred within a rectangular block containing the exemplary proposed USGS seismic survey lines. Of these, fourteen sightings occurred during July, August, or September, primarily on the continental shelf between north of Washington Canyon and the mouth of Delaware Bay (See Figure 6 of IHA Application). Three of these sightings have been at or seaward of the shelf break, near the landward ends of the two northernmost exemplary USGS seismic lines. Humpback whales could



be encountered in the proposed project area during an August survey, but this would be an extremely rare occurrence.

#### *Sei Whale*

The sei whale occurs in all ocean basins (Horwood 2009) but appears to prefer mid-latitude temperate waters (Jefferson *et al.*, 2008). It undertakes seasonal migrations to feed in subpolar latitudes during summer and returns to lower latitudes during winter to calve (Horwood 2009). The sei whale is pelagic and generally not found in coastal waters (Harwood and Wilson 2001). It occurs in deeper waters characteristic of the continental shelf edge region (Hain *et al.*, 1985) and in other regions of steep bathymetric relief such as seamounts and canyons (Kenney and Winn 1987; Gregr and Trites 2001).

Based on density modeling by Mannocci *et al.* (2017) for the western North Atlantic, higher densities are expected to occur north of 40° N during the summer; very low densities are expected south of 40° N, where the USGS surveys are entirely located.

Of the more than 11,000 sightings of sei whale individuals or groups dating back more than 50 years in the OBIS database, only seven occurred within a rectangular block containing the exemplary proposed USGS seismic survey lines. Of these, only two sightings, comprising three individuals in total, occurred between in July, August, or September (See Figure 6 IHA Application). Sei whales could be encountered in the proposed project area during an August survey, but this would be an extremely rare occurrence.

#### *Fin Whale*

Fin whales are found throughout all oceans from tropical to polar latitudes. The species occurs most commonly offshore but can also be found in coastal areas (Aguilar, 2009). Most populations migrate seasonally between temperate waters where mating and calving occur in winter, and polar waters where feeding occurs in summer (Aguilar, 2009). However, recent evidence suggests that some animals may remain at high latitudes in winter or low latitudes in summer (Edwards *et al.*, 2015).

Based on density modeling by Mannocci *et al.* (2017) for the western North Atlantic, higher densities are expected to occur north of 40° N; very low densities are expected south of 40° N; where the USGS surveys are entirely located. Of the more than 68,000 sightings of fin whale individuals or groups dating back more than 50 years in the OBIS database, 131 occurred

within a rectangular block containing the exemplary proposed USGS seismic survey lines. Of these, 29 sightings, comprising 60 individuals in total, occurred during July, August, or September (See Figure 6 of IHA Application). Fin whales could be encountered during the proposed August surveys, particularly closer to the shelf edge and near the uppermost continental slope.

#### *Sperm Whale*

Sperm whales are found throughout the world's oceans in deep waters between about 60° N and 60° S latitudes. Their distribution is dependent on their food source and suitable conditions for breeding, and varies with the sex and age composition of the group. They are generally distributed over large areas that have high secondary productivity and steep underwater topography, in waters at least 1,000 m deep (Jaquet and Whitehead 1996; Whitehead 2009). Based on density modeling by Mannocci *et al.* (2017), sperm whale are expected to occur throughout the deeper offshore waters of the western North Atlantic.

The survey slightly intersects with a core abundance area for sperm whales. This area is centered on a large, deepwater valley system that is fed by a complex series of canyons and gullies incising the slope between Hendrickson and Baltimore Canyons (NMFS 2017). In the OBIS database, 686 sperm whale sightings occur within a rectangular area encompassing the survey area, and 395 occurred during July through September. As shown in Figure 6 of the IHA Application, most of these sightings are seaward of the shelf-break in deepwater, overlapping the area of the Proposed Action. Thus, sperm whales are likely to be encountered in the proposed project area during August 2018.

#### *Pygmy/Dwarf Sperm Whale*

Pygmy sperm whales are found in tropical and warm-temperate waters throughout the world (Ross and Leatherwood 1994) and prefer deeper waters with observations of this species in greater than 4,000 m depth (Baird *et al.*, 2013). Both *Kogia* species are sighted primarily along the continental shelf edge and slope and over deeper waters off the shelf (Hansen *et al.*, 1994; Davis *et al.*, 1998). Several studies have suggested that pygmy sperm whales live mostly beyond the continental shelf edge, whereas dwarf sperm whales tend to occur closer to shore, often over the continental shelf (Rice 1998; Wang *et al.*, 2002; MacLeod *et al.*, 2004). Barros *et al.* (1998), on the other hand,

suggested that dwarf sperm whales could be more pelagic and dive deeper than pygmy sperm whales. It has also been suggested that the pygmy sperm whale is more temperate and the dwarf sperm whale more tropical, based at least partially on live sightings at sea from a large database from the eastern tropical Pacific (Wade and Gerrodette 1993). This idea is also supported by the distribution of strandings in South American waters (Muñoz-Hincapié *et al.*, 1998).

Only four pygmy sperm whale sightings in the OBIS database occurred within the general area of the survey, and three of these were during the July through September period. Pygmy and dwarf sperm whales would likely be rare in the proposed project area.

#### *Cuvier's Beaked Whale*

Cuvier's beaked whale is the most widespread of the beaked whales occurring in almost all temperate, subtropical, and tropical waters and even some sub-polar and polar waters (MacLeod *et al.*, 2006). It is found in deep water over and near the continental slope (Jefferson *et al.*, 2008). It is mostly known from strandings and strands more commonly than any other beaked whale (Heyning 1989). Its inconspicuous blows, deep-diving behavior, and tendency to avoid vessels all help to explain the infrequent sightings (Barlow and Gisiner 2006).

Of the usable records in the OBIS database, 155 sightings of Cuvier's beaked whales overlap with the survey area, and 76 of these were during the July to September period. Cuvier's beaked whales could be encountered in the proposed project area.

#### *Mesoplodont Beaked Whales (Including True's, Gervais', Sowerby's, and Blainville's Beaked Whale)*

Mesoplodont beaked whales are distributed throughout deep waters and along the continental slopes of the North Atlantic Ocean. True's beaked whale is mainly oceanic and occurs in warm temperate waters of the North Atlantic and southern Indian oceans (Pitman 2009). Gervais' beaked whale is mainly oceanic and occurs in tropical and warmer temperate waters of the Atlantic Ocean (Jefferson *et al.*, 2015). Sowerby's beaked whale occurs in cold temperate waters of the Atlantic from the Labrador Sea to the Norwegian Sea, and south to New England, the Azores, and Madeira (Mead 1989). Blainville's beaked whale is found in tropical and warm temperate waters of all oceans; it has the widest distribution throughout the world of all mesoplodont species

and appears to be relatively common (Pitman 2009).

Records of Mesoplodont beaked whale observations in the proposed survey area are varied. There are two sightings of Trues beaked whale in the OBIS database which occurred in the general survey area, but only one of these was during the summer season that overlaps the Proposed Action. As a result, True's beaked whale would likely be rare in the proposed project area. No OBIS sightings of the Gervais' beaked whale have occurred in the survey area. However, given the geographic and depth range of the species, Gervais' beaked whale could be encountered in the proposed project area.

There are eleven OBIS database sightings of Sowerby's beaked whale in the polygon enclosing the larger area of the proposed surveys, and nine of these were during the summer months. Due to this, Sowerby's beaked whale could be encountered in the proposed project area. In addition, one sighting of Blainville's beaked whale occurred in the survey area during the summer months. Blainville's beaked whale could be encountered in the proposed project area.

#### *Northern Bottlenose Whale*

Northern bottlenose whales are distributed in the North Atlantic from Nova Scotia to about 70° N in the Davis Strait, along the east coast of Greenland to 77° N and from England, Norway, Iceland and the Faroe Islands to the south coast of Svalbard. It is largely a deep-water species and is very seldom found in waters less than 2,000 m deep (Mead, 1989; Whitehead and Hooker, 2012). Of the sightings in the OBIS database, one occurred within the survey area and none during July through September. Nonetheless, northern bottlenose whales could be encountered in the proposed project area.

#### *Rough-Toothed Dolphin*

The rough-toothed dolphin occurs in tropical and subtropical waters, rarely ranging farther north than 40° N (Jefferson *et al.*, 2015). It is considered a pelagic species, but it can also occur in shallow coastal waters (Jefferson *et al.*, 2015). Nine sightings in the OBIS database occur within the survey area, and seven of these were during the summer. Rough-toothed dolphins could occur in the proposed project area.

#### *Common Bottlenose Dolphin*

Bottlenose dolphins are widely distributed throughout the world in tropical and warm-temperate waters (Perrin *et al.*, 2009). Generally, there are

two distinct bottlenose dolphin ecotypes: One mainly found in coastal waters and one mainly found in oceanic waters (Duffield *et al.*, 1983; Hoelzel *et al.*, 1998; Walker *et al.*, 1999). As well as inhabiting different areas, these ecotypes differ in their diving abilities (Klatsky 2004) and prey types (Mead and Potter 1995). Only the offshore ecotype is expected to occur in the proposed survey area. In the OBIS database, 1873 sightings of bottlenose dolphins occurred within a polygon enclosing the general survey area, and 776 are within the summer months. Common bottlenose dolphins are very likely to be encountered in the proposed project area.

#### *Clymene Dolphin*

The Clymene dolphin only occurs in tropical and subtropical waters of the Atlantic Ocean (Jefferson *et al.*, 2008). In the western Atlantic, it occurs from New Jersey to Florida, the Caribbean Sea, the Gulf of Mexico, and south to Venezuela and Brazil (Würsig *et al.*, 2000; Fertl *et al.*, 2003). It is generally sighted in deep waters beyond the shelf edge (Fertl *et al.*, 2003). Based on the USGS analyses, 23 sightings of the 140 that are usable in the OBIS database are within the overall rectangular area that encloses the surveys, and 14 of these are during the summer months.

#### *Atlantic Spotted Dolphin*

The Atlantic spotted dolphin is distributed in tropical and warm temperate waters of the North Atlantic from Brazil to New England and to the coast of Africa (Jefferson *et al.*, 2015). There are two forms of Atlantic spotted dolphin—a large, heavily spotted coastal form that is usually found in shelf waters, and a smaller and less-spotted offshore form that occurs in pelagic offshore waters and around oceanic islands (Jefferson *et al.*, 2015). In the OBIS database, 125 sightings are in the general area of the surveys, and 58 were during the summer. Atlantic spotted dolphins would likely be encountered in the proposed project area.

#### *Pantropical Spotted Dolphin*

The pantropical spotted dolphin is distributed worldwide in tropical and some sub-tropical oceans (Perrin *et al.*, 1987; Perrin and Hohn 1994). In the Atlantic, it can occur from ~40° N to 40° S but is much more abundant in the lower latitudes (Jefferson *et al.*, 2015). Pantropical spotted dolphins are usually pelagic, although they occur close to shore where water near the coast is deep (Jefferson *et al.*, 2015). Of over 4,200 usable sightings in the OBIS database,

48 were in the polygon encompassing the entire survey area, and 29 of these were during the summer months. Pantropical spotted dolphins could be encountered in the proposed project area.

#### *Spinner Dolphin*

The spinner dolphin is pantropical in distribution, with a range nearly identical to that of the pantropical spotted dolphin, including oceanic tropical and sub-tropical waters between 40° N and 40° S (Jefferson *et al.*, 2008). The distribution of spinner dolphins in the Atlantic is poorly known, but they are thought to occur in deep waters along most of the U.S. coast; sightings off the northeast U.S. coast have occurred exclusively in offshore waters >2,000 m (Waring *et al.*, 2010). Within the OBIS database of over 2,000 usable sightings, the USGS found that none occurred in the survey area in any season. However, based on the abundance grids from Roberts *et al.* (2016), spinner dolphins could be encountered in the survey area in August 2018. Note that spinner and Clymene dolphins are often considered together in analyses but were separated here due to the availability of density grids for each species.

#### *Striped Dolphin*

Striped dolphins are found in tropical to warm-temperate waters throughout the world (Carretta *et al.*, 2016a). Striped dolphins are a deep water species, preferring depths greater than 3,500 m (Baird 2016), but have been observed approaching shore where there is deep water close to the coast (Jefferson *et al.*, 2008). The striped dolphin is typically found in waters outside the continental shelf and is often associated with convergence zones and areas of upwelling (Archer 2009). However, it has also been observed approaching shore where there is deep water close to the coast (Jefferson *et al.*, 2015). Of over 15,600 sightings in the OBIS database, 183 were in the area of the survey, and 95 of these were during the summer. Striped dolphins would likely be encountered in the proposed project area.

#### *Short-Beaked Common Dolphin*

The short-beaked common dolphin is distributed in tropical to cool temperate waters of the Atlantic and the Pacific oceans from 60° N to ~50° S (Jefferson *et al.*, 2015). It is common in coastal waters 200–300 m deep (Evans 1994), but it can also occur thousands of kilometers offshore; the pelagic range in the North Atlantic extends south to ~35° N (Jefferson *et al.*, 2015). It appears

to have a preference for areas with upwelling and steep sea-floor relief (Doksæter *et al.*, 2008; Jefferson *et al.*, 2015). Fewer than 0.1 percent of the nearly 43,000 of short-beaked common dolphins in the OBIS database occur in the general area of the survey, and only three were during the summer months. Short-beaked common dolphins could be encountered in the proposed project area.

#### *Fraser's Dolphin*

Fraser's dolphin is a deepwater (>1,000 m) species that occurs in subtropical to tropical waters, nominally as far north as 30° N. This species can dive to substantial water depths in search of prey. The dolphins often occur in large groups (100 or more). The OBIS database has fewer than 200 sightings of Fraser dolphins. Only three sightings were within the larger project area, and only two of those were during the summer months. Fraser's dolphins could be encountered within the survey area during the Proposed Action.

#### *Atlantic White-Sided Dolphin*

White-sided dolphins are found in temperate and sub-polar waters of the North Atlantic, primarily in continental shelf waters to the 100-m depth contour. In the western North Atlantic the species inhabits waters from central West Greenland to North Carolina (about 35° N) and perhaps as far east as 29° W in the vicinity of the mid-Atlantic Ridge (Evans 1987; Hamazaki 2002; Doksæter *et al.*, 2008; Waring *et al.*, 2008). Based on density modeling by Mannocci *et al.* (2017) for the western North Atlantic, densities are highest north of 40° N, with densities gradually decreasing to the south. In the OBIS database, 28 sightings of the Atlantic white-sided dolphin occur in the general area of the survey, and nine of these are during the summer months. Atlantic white-sided dolphins could be encountered in the proposed project area.

#### *Risso's Dolphin*

Risso's dolphins are found in tropical to warm-temperate waters (Carretta *et al.*, 2016a). The species occurs from coastal to deep water but is most often found in depths greater than 3,000 m with the highest sighting rate in depths greater than 4,500 m (Baird 2016). It primarily occurs between 60° N and 60° S where surface water temperatures are at least 10°C (Kruse *et al.*, 1999). Based on density modeling by Mannocci *et al.* (2017) for the western North Atlantic, higher densities are expected to occur north of 40° N; very low

densities are expected south of 40° N. There were 471 sightings of Risso's dolphins in the general area of the project in the OBIS database, and 238 of these were during the summer. Risso's dolphin is likely to be encountered in the proposed project area during August.

#### *Melon-Headed Whale*

The melon-headed whale is a pantropical species usually occurring between 40° N and 35° S (Jefferson *et al.*, 2008). Occasional occurrences in temperate waters are extralimital, likely associated with warm currents (Perryman *et al.*, 1994; Jefferson *et al.*, 2008). Melon-headed whales are oceanic and occur in offshore areas (Perryman *et al.*, 1994), as well as around oceanic islands. Off the east coast of the United States, sightings have been made of two groups (20 and 80) of melon-headed whales off Cape Hatteras in waters 2,500 m deep during vessel surveys in 1999 and 2002 (NMFS 1999, 2002 in Waring *et al.*, 2010). The OBIS database contains more than 300 sightings records for the melon-headed whale, and none of these are within the survey area.

The Roberts *et al.* (2015b) model density grid for the melon-headed whale has only two values for abundance: Zero in most of the U.S. EEZ and 0.240833 animals per 100 square kilometers (km<sup>2</sup>) in the rest of the modeled area. There are no melon-headed whales in waters shallower than 1,000 m in the model in the area of the Proposed Action, meaning that take calculations only capture potential animals in deeper waters. Melon-headed whales may be encountered during the seismic surveys, but they would likely be almost exclusively in deeper water and are more likely near the southern survey transects than the northern ones.

#### *Killer Whale*

Killer whales have been observed in all oceans and seas of the world (Leatherwood and Dahlheim 1978). Killer whale distribution in the Western Atlantic extends from the Arctic ice edge to the West Indies. Although reported from tropical and offshore waters (Heyning and Dahlheim 1988), killer whales prefer the colder waters of both hemispheres, with greatest abundances found within 800 km of major continents (Mitchell 1975). Killer whales have been sighted in shelf and offshore waters of Newfoundland and Labrador during June to September (DFO Sightings Database 2017; OBIS 2017).

Killer whales are large and conspicuous, often traveling in close-

knit matrilineal groups of a few to tens of individuals (Dahlheim and Heyning 1999). Killer whales appear to prefer coastal areas but are also known to occur in deep water (Dahlheim and Heyning 1999). In over 3,000 usable killer whale sightings in the OBIS database, only 0.1 percent were within the larger rectangular area enclosing the survey, and none was during the summer months. Killer whales could be encountered within the proposed project area.

#### *False Killer Whale*

The false killer whale is distributed worldwide throughout warm temperate and tropical oceans (Jefferson *et al.*, 2008). This species is usually sighted in offshore waters but in some cases inhabits waters closer shore (*e.g.*, Hawaii, Baird *et al.*, 2013). While records from the U.S. western North Atlantic have been uncommon, the combination of sighting, stranding and bycatch records indicates that this species routinely occurs in the western North Atlantic. The pelagic range in the North Atlantic is usually southward of ~30° N, but wanderers have been recorded as far north as Norway (Jefferson *et al.*, 2015). Of more than 1,100 usable sightings recorded in the OBIS database, two occurred within the rectangle enclosing the survey area, and one of those was during the summer months. False killer whales could be encountered in the proposed project area.

#### *Pygmy Killer Whale*

The pygmy killer whale is distributed worldwide in temperate to tropical waters (Caldwell and Caldwell, 1989; McAlpine, 2002). Sightings in the western North Atlantic occur in oceanic waters (Mullin and Fulling, 2003). Pygmy killer whales are usually found in deep water and rarely are found close to shore except where deepwater approaches the shore (Jefferson *et al.*, 2015). Three sightings of pygmy killer whales are found in the OBIS database for the general area of the survey, and all of these occurred during the summer. Pygmy killer whales could occur in the survey area.

#### *Short-Finned Pilot Whale*

Short-finned pilot whales are found in all oceans, primarily in tropical and warm-temperate waters (Carretta *et al.*, 2016a). The species prefers deeper waters, ranging from 324 m to 4,400 m, with most sightings between 500 m and 3,000 m (Baird 2016). Pilot whales are generally nomadic but may be resident in certain locations (Olson 2009). There is some overlap of range with *G. melas*

in temperate waters (Jefferson *et al.*, 2015). Water temperature appears to be the primary factor determining the relative distribution of these two species (Fullard *et al.*, 2000). The short-finned pilot whale inhabits pelagic as well as nearshore waters (Olson 2009). Of over 2,500 usable sightings in the OBIS database, 414 were within the rectangular area encompassing the survey lines, and 105 of these were during the summer months. Thus, short-finned pilot whales would likely be encountered in the proposed project area. Note that pilot whales are dealt with as an entire guild by Roberts *et al.* (2015), meaning that there are no specific model density grids applicable to short-finned pilot whales.

#### *Long-Finned Pilot Whale*

Long-finned pilot whales occur in temperate and sub-polar zones (Jefferson *et al.*, 2015) and can be found in inshore or offshore waters of the North Atlantic (Olson 2009). In the Northern Hemisphere, their range includes the U.S. east coast, Gulf of St. Lawrence, the Azores, Madeira, North Africa, western Mediterranean Sea, North Sea, Greenland and the Barents Sea. Despite this range, which would appear to overlap with that of the Proposed Action, over 9,000 records in the OBIS database yielded 51 that occurred in the rectangular box enclosing the larger survey area. Sixteen of these occurred during the summer months, mostly on the upper continental slope. The long-finned pilot whale could be encountered in the proposed study area. Note that pilot whales are dealt with as an entire guild by Roberts *et al.* (2015c), meaning that there are no specific model density grids applicable to short-finned pilot whales.

#### *Marine Mammal Hearing*

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and

other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.*, low-frequency cetaceans). Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibels (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 hertz (Hz) and 35 kilohertz (kHz);
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera *Kogia* and *Cephalorhynchus*; including two members of the genus *Lagenorhynchus*, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz.
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz;
- Pinnipeds in water; Otariidae (eared seals): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Twenty nine marine mammal species (all cetaceans) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 3. Of the cetacean species that may be present, three are classified as low-frequency cetaceans (*i.e.*, all mysticete species), 24

are classified as mid-frequency cetaceans (*i.e.*, all delphinid and ziphiid species and the sperm whale), and two are classified as high-frequency cetaceans (*i.e.*, *Kogia* spp.).

#### **Potential Effects of Specified Activities on Marine Mammals and Their Habitat**

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The “Estimated Take by Incidental Harassment” section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The “Negligible Impact Analysis and Determination” section considers the content of this section, the “Estimated Take by Incidental Harassment” section, and the “Proposed Mitigation” section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

#### *Description of Active Acoustic Sound Sources*

This section contains a brief technical background on sound, the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to a discussion of the potential effects of the specified activity on marine mammals found later in this document.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in Hz or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the “loudness” of a sound and is typically described using the relative unit of the dB. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 microPascal (μPa)) and is a logarithmic unit that accounts for large variations in amplitude; therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL)

represents the SPL referenced at a distance of 1 m from the source (referenced to 1  $\mu\text{Pa}$ ) while the received level is the SPL at the listener's position (referenced to 1  $\mu\text{Pa}$ ). It should be noted that differences in the reference pressure, density, and sound velocity for water and air give the result that dB levels in water are 61.5 dB greater than the same absolute intensity in air.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urlick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1  $\mu\text{Pa}^2\text{-s}$ ) represents the total energy contained within a pulse and considers both intensity and duration of exposure. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0-p) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the rms sound pressure. Another common metric is peak-to-peak sound pressure (pk-pk), which is the algebraic difference between the peak positive and peak negative sound pressures. Peak-to-peak pressure is typically approximately 6 dB higher than peak pressure (Southall *et al.*, 2007).

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for pulses produced by the airgun arrays considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or

point (Richardson *et al.*, 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.*, wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.*, sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.*, vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including the following (Richardson *et al.*, 1995):

- *Wind and waves*: The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kilohertz (kHz) (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf sound becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions;

- *Precipitation*: Sound from rain and hail impacting the water surface can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times;

- *Biological*: Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz; and

- *Anthropogenic*: Sources of ambient sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly. Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.*, a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also

on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from a given activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed (defined in the following). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.*, Ward, 1997 in Southall *et al.*, 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (*e.g.*, airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986, 2005; Harris, 1998; NIOSH, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.*, rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems (such as those used by the U.S. Navy). The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Airgun arrays produce pulsed signals with energy in a frequency range from about 10–2,000 Hz, with most energy radiated at frequencies below 200 Hz. The amplitude of the acoustic wave emitted from the source is equal in all directions (*i.e.*, omnidirectional), but airgun arrays do possess some directionality due to different phase delays between guns in different directions. Airgun arrays are typically tuned to maximize functionality for data acquisition purposes, meaning that sound transmitted in horizontal directions and at higher frequencies is minimized to the extent possible.

In addition to airguns, the USGS would continuously use a fisheries echosounder (EK60/EK80) with 38 kHz transducer at water depths less than ~1,800 m from the *R/V Hugh R. Sharp*. Due to the lower source level of the EK60/EK80 relative to the *R/V Hugh R. Sharp*'s airgun array, the sounds from the EK60/EK80 SBP are expected to be effectively subsumed by the sounds from the airgun array. Thus, any marine mammal that was exposed to sounds from the EK60/EK80 would already have been exposed to sounds from the airgun array, which are expected to propagate further in the water. As such, the EK60/EK80 is not expected to result in the take of any marine mammal that has not already been taken by the sounds from the airgun array; and, therefore, we do not consider noise from the EK60/EK80 further in this analysis.

#### Acoustic Impacts

*Potential Effects of Underwater Sound*—Please refer to the information given previously (“Description of Active Acoustic Sound Sources”) regarding sound, characteristics of sound types, and metrics used in this document. Note that, in the following discussion, we refer in many cases to a recent review article concerning studies of noise-induced hearing loss conducted from 1996–2015 (*i.e.*, Finneran, 2015). For study-specific citations, please see that work. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.*, 1995; Gordon *et al.*, 2004; Nowacek *et al.*,

2007; Southall *et al.*, 2007; Götz *et al.*, 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing will occur almost exclusively for noise within an animal's hearing range. We first describe specific manifestations of acoustic effects before providing discussion specific to the use of airguns.

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.*, when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

We describe the more severe effects certain non-auditory physical or physiological effects only briefly as we do not expect that use of airgun arrays are reasonably likely to result in such effects (see below for further discussion). Potential effects from impulsive sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.*, 1973). Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.*, change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.*, 2006; Southall *et al.*, 2007; Zimmer and Tyack, 2007; Tal *et al.*, 2015). The survey activities considered here do not involve the use

of devices such as explosives or mid-frequency tactical sonar that are associated with these types of effects.

1. *Threshold Shift*—Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran, 2015). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.*, 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter, 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.*, tissue damage), whereas TTS represents primarily tissue fatigue and is reversible (Southall *et al.*, 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.*, Ward, 1997). Therefore, NMFS does not consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, and there is no PTS data for cetaceans but such relationships are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above (a 40-dB TS approximates PTS onset; *e.g.*, Kryter *et al.*, 1966; Miller, 1974) that inducing mild TTS (a 6-dB threshold shift approximates TTS onset; *e.g.*, Southall *et al.*, 2007). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulse sounds (such as airgun pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level (SEL<sub>cum</sub>) thresholds are 15 to 20 dB higher than TTS SEL<sub>cum</sub> thresholds (Southall *et al.*, 2007). Given the higher level of sound or longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

For mid-frequency cetaceans in particular, potential protective mechanisms may help limit onset of TTS or prevent onset of PTS. Such mechanisms include dampening of hearing, auditory adaptation, or behavioral amelioration (*e.g.*, Nachtigall and Supin, 2013; Miller *et al.*, 2012;

Finneran *et al.*, 2015; Popov *et al.*, 2016).

TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present.

Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Finneran *et al.* (2015) measured hearing thresholds in three captive bottlenose dolphins before and after exposure to ten pulses produced by a seismic airgun in order to study TTS induced after exposure to multiple pulses. Exposures began at relatively low levels and gradually increased over a period of several months, with the highest exposures at peak SPLs from 196 to 210 dB and cumulative (unweighted) SELs from 193–195 dB. No substantial TTS was observed. In addition, behavioral reactions were observed that indicated that animals can learn behaviors that effectively mitigate noise exposures (although exposure patterns must be learned, which is less likely in wild animals than for the captive animals considered in this study). The authors note that the failure to induce more significant auditory effects likely due to the intermittent nature of exposure, the relatively low peak pressure produced by the acoustic source, and the low-frequency energy in airgun pulses as compared with the frequency range of best sensitivity for dolphins and other mid-frequency cetaceans.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale, harbor porpoise, and Yangtze finless porpoise) exposed to a limited number of sound sources (*i.e.*, mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). In general, harbor porpoises have a lower TTS onset than other measured cetacean species (Finneran, 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes.

Critical questions remain regarding the rate of TTS growth and recovery after exposure to intermittent noise and the effects of single and multiple pulses. Data at present are also insufficient to construct generalized models for recovery and determine the time necessary to treat subsequent exposures as independent events. More information is needed on the relationship between auditory evoked potential and behavioral measures of TTS for various stimuli. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), Finneran (2015), and NMFS (2016).

2. *Behavioral Effects*—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.*, minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.*, species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.*, Richardson *et al.*, 1995; Wartzok *et al.*, 2003; Southall *et al.*, 2007; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), and can vary depending on characteristics associated with the sound source (*e.g.*, whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.*, 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a “progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,” rather than as, more generally, moderation in response to human disturbance (Bejder *et al.*, 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.*, 1995; NRC, 2003; Wartzok *et al.*, 2003). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.*, 1997). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.*, 1995; Nowacek *et al.*, 2007). However, many delphinids approach acoustic source vessels with no apparent discomfort or obvious behavioral change (*e.g.*, Barkaszi *et al.*, 2012).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.*, Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to



breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.*, Frankel and Clark 2000; Ng and Leung 2003; Nowacek *et al.*, 2004; Goldbogen *et al.*, 2013). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.*, foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.*, bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.*, Croll *et al.*, 2001; Nowacek *et al.*, 2004; Madsen *et al.*, 2006; Yazvenko *et al.*, 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Visual tracking, passive acoustic monitoring, and movement recording tags were used to quantify sperm whale behavior prior to, during, and following exposure to airgun arrays at received levels in the range 140–160 dB at distances of 7–13 km, following a phase-in of sound intensity and full array exposures at 1–13 km (Madsen *et al.*, 2006; Miller *et al.*, 2009). Sperm whales did not exhibit horizontal avoidance behavior at the surface. However, foraging behavior may have been affected. The sperm whales exhibited 19 percent less vocal (buzz) rate during full exposure relative to post exposure, and the whale that was approached most closely had an extended resting period and did not resume foraging until the airguns had ceased firing. The remaining whales continued to execute foraging dives throughout exposure; however, swimming movements during foraging dives were six percent lower during exposure than control periods

(Miller *et al.*, 2009). These data raise concerns that seismic surveys may impact foraging behavior in sperm whales, although more data are required to understand whether the differences were due to exposure or natural variation in sperm whale behavior (Miller *et al.*, 2009).

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.*, Kastelein *et al.*, 2001, 2005, 2006; Gailey *et al.*, 2007; Gailey *et al.*, 2016).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.*, 2000; Fristrup *et al.*, 2003; Foote *et al.*, 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.*, 2007). In some cases, animals may cease sound production during production of adverse signals (Bowles *et al.*, 1994).

Cerchio *et al.* (2014) used passive acoustic monitoring to document the presence of singing humpback whales off the coast of northern Angola and to opportunistically test for the effect of seismic survey activity on the number of singing whales. Two recording units were deployed between March and December 2008 in the offshore environment; numbers of singers were counted every hour. Generalized Additive Mixed Models were used to assess the effect of survey day (seasonality), hour (diel variation), moon phase, and received levels of

noise (measured from a single pulse during each ten minute sampled period) on singer number. The number of singers significantly decreased with increasing received level of noise, suggesting that humpback whale breeding activity was disrupted to some extent by the survey activity.

Castellote *et al.* (2012) reported acoustic and behavioral changes by fin whales in response to shipping and airgun noise. Acoustic features of fin whale song notes recorded in the Mediterranean Sea and northeast Atlantic Ocean were compared for areas with different shipping noise levels and traffic intensities and during a seismic airgun survey. During the first 72 hours of the survey, a steady decrease in song received levels and bearings to singers indicated that whales moved away from the acoustic source and out of the study area. This displacement persisted for a time period well beyond the 10-day duration of seismic airgun activity, providing evidence that fin whales may avoid an area for an extended period in the presence of increased noise. The authors hypothesize that fin whale acoustic communication is modified to compensate for increased background noise and that a sensitization process may play a role in the observed temporary displacement.

Seismic pulses at average received levels of 131 dB re 1  $\mu\text{Pa}^2\text{-s}$  caused blue whales to increase call production (Di Iorio and Clark, 2010). In contrast, McDonald *et al.* (1995) tracked a blue whale with seafloor seismometers and reported that it stopped vocalizing and changed its travel direction at a range of 10 km from the acoustic source vessel (estimated received level 143 dB pk-pk). Blackwell *et al.* (2013) found that bowhead whale call rates dropped significantly at onset of airgun use at sites with a median distance of 41–45 km from the survey. Blackwell *et al.* (2015) expanded this analysis to show that whales actually increased calling rates as soon as airgun signals were detectable before ultimately decreasing calling rates at higher received levels (*i.e.*, 10-minute  $\text{SEL}_{\text{cum}}$  of ~127 dB). Overall, these results suggest that bowhead whales may adjust their vocal output in an effort to compensate for noise before ceasing vocalization effort and ultimately deflecting from the acoustic source (Blackwell *et al.*, 2013, 2015). These studies demonstrate that even low levels of noise received far from the source can induce changes in vocalization and/or behavior for mysticetes.

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a



sound or other stressors and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.*, 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.*, 1984). Humpback whales showed avoidance behavior in the presence of an active seismic array during observational studies and controlled exposure experiments in western Australia (McCauley *et al.*, 2000). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.*, Bowles *et al.*, 1994; Stone *et al.*, 2000; Morton and Symonds, 2002; Gailey *et al.*, 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.*, Bejder *et al.*, 2006; Teilmann *et al.*, 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.*, directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.*, when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.*, Beauchamp and Livoreil 1997; Fritz *et al.*, 2002; Purser and Radford 2011). In addition, chronic disturbance can cause population declines through reduction

of fitness (*e.g.*, decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.*, Harrington and Veitch 1992; Daan *et al.*, 1996; Bradshaw *et al.*, 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.*, 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Stone (2015) reported data from at-sea observations during 1,196 seismic surveys from 1994 to 2010. When large arrays of airguns (considered to be 500 in<sup>3</sup> or more) were firing, lateral displacement, more localized avoidance, or other changes in behavior were evident for most odontocetes. However, significant responses to large arrays were found only for the minke whale and fin whale. Behavioral responses observed included changes in swimming or surfacing behavior, with indications that cetaceans remained near the water surface at these times. Cetaceans were recorded as feeding less often when large arrays were active. Behavioral observations of gray whales during a seismic survey monitored whale movements and respirations pre-, during and post-seismic survey (Gailey *et al.*, 2016). Behavioral state and water depth were the best 'natural' predictors of whale movements and respiration and, after considering natural variation, none of the response variables were significantly associated with seismic survey or vessel sounds.

3. *Stress Responses*—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or

immune responses (*e.g.*, Seyle, 1950; Moberg 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.*, Moberg 1987; Blecha 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and "distress" is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficiently to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.*, Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (*e.g.*, Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable

expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as “distress.” In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003).

4. *Auditory Masking*—Sound can disrupt behavior through masking, or interfering with, an animal’s ability to detect, recognize, or discriminate between acoustic signals of interest (e.g., those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.*, 1995; Erbe *et al.*, 2016). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (e.g., snapping shrimp, wind, waves, precipitation) or anthropogenic (e.g., shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (e.g., signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal’s hearing abilities (e.g., sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of

communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (e.g., Clark *et al.*, 2009) and may result in energetic or other costs as animals change their vocalization behavior (e.g., Miller *et al.*, 2000; Foote *et al.*, 2004; Parks *et al.*, 2007; Di Iorio and Clark 2009; Holt *et al.*, 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.*, 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore 2014). Masking can be tested directly in captive species (e.g., Erbe 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (e.g., Branstetter *et al.*, 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world’s ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (e.g., from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

#### *Ship Strike*

Vessel collisions with marine mammals, or ship strikes, can result in death or serious injury of the animal. Wounds resulting from ship strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus 2001). An animal at the surface may be struck directly by a vessel, a surfacing animal may hit the bottom of a vessel, or an animal just below the surface may be cut by a vessel’s propeller. Superficial strikes may not kill or result in the death of the animal. These interactions are typically associated with large whales (e.g., fin whales), which are occasionally found draped across the bulbous bow of large commercial ships upon arrival in port. Although smaller cetaceans are more maneuverable in relation to large vessels than are large whales, they may also be susceptible to strike. The severity of injuries typically depends on the size and speed of the vessel, with the probability of death or serious injury

increasing as vessel speed increases (Knowlton and Kraus 2001; Laist *et al.*, 2001; Vanderlaan and Taggart 2007; Conn and Silber 2013). Impact forces increase with speed, as does the probability of a strike at a given distance (Silber *et al.*, 2010; Gende *et al.*, 2011).

Pace and Silber (2005) also found that the probability of death or serious injury increased rapidly with increasing vessel speed. Specifically, the predicted probability of serious injury or death increased from 45 to 75 percent as vessel speed increased from 10 to 14 kn, and exceeded 90 percent at 17 kn. Higher speeds during collisions result in greater force of impact, but higher speeds also appear to increase the chance of severe injuries or death through increased likelihood of collision by pulling whales toward the vessel (Clyne, 1999; Knowlton *et al.*, 1995). In a separate study, Vanderlaan and Taggart (2007) analyzed the probability of lethal mortality of large whales at a given speed, showing that the greatest rate of change in the probability of a lethal injury to a large whale as a function of vessel speed occurs between 8.6 and 15 kn. The chances of a lethal injury decline from approximately 80 percent at 15 kn to approximately 20 percent at 8.6 kn. At speeds below 11.8 kn, the chances of lethal injury drop below 50 percent, while the probability asymptotically increases toward one hundred percent above 15 kn.

The *R/V Hugh R. Sharp* would travel at a speed of ~7.4 km/h (4 kn) while towing seismic survey gear (LGL, 2018). At these speeds, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are discountable. At average transit speed, the probability of serious injury or mortality resulting from a strike is less than 50 percent. However, the likelihood of a strike actually happening is again discountable. Ship strikes, as analyzed in the studies cited above, generally involve commercial shipping, which is much more common in both space and time than is geophysical survey activity. Jensen and Silber (2004) summarized ship strikes of large whales worldwide from 1975–2003 and found that most collisions occurred in the open ocean and involved large vessels (e.g., commercial shipping). Commercial fishing vessels were responsible for three percent of recorded collisions, while no such incidents were reported for geophysical survey vessels during that time period.

It is possible for ship strikes to occur while traveling at slow speeds. For example, a hydrographic survey vessel

traveling at low speed (5.5 kn) while conducting mapping surveys off the central California coast struck and killed a blue whale in 2009. The State of California determined that the whale had suddenly and unexpectedly surfaced beneath the hull, with the result that the propeller severed the whale's vertebrae, and that this was an unavoidable event. This strike represents the only such incident in approximately 540,000 hours of similar coastal mapping activity ( $p = 1.9 \times 10^{-6}$ ; 95% CI =  $0-5.5 \times 10^{-6}$ ; NMFS, 2013b). In addition, a research vessel reported a fatal strike in 2011 of a dolphin in the Atlantic, demonstrating that it is possible for strikes involving smaller cetaceans to occur. In that case, the incident report indicated that an animal apparently was struck by the vessel's propeller as it was intentionally swimming near the vessel. While indicative of the type of unusual events that cannot be ruled out, neither of these instances represents a circumstance that would be considered reasonably foreseeable or that would be considered preventable.

Although the likelihood of the vessel striking a marine mammal is low, we require a robust ship strike avoidance protocol (see "Proposed Mitigation"), which we believe eliminates any foreseeable risk of ship strike. We anticipate that vessel collisions involving a seismic data acquisition vessel towing gear, while not impossible, represent unlikely, unpredictable events for which there are no preventive measures. Given the required mitigation measures, the relatively slow speed of the vessel towing gear, the presence of bridge crew watching for obstacles at all times (including marine mammals), the presence of marine mammal observers, and the short duration of the survey (22 days), we believe that the possibility of ship strike is discountable and, further, that were a strike of a large whale to occur, it would be unlikely to result in serious injury or mortality. No incidental take resulting from ship strike is anticipated, and this potential effect of the specified activity will not be discussed further in the following analysis.

#### Stranding

When a living or dead marine mammal swims or floats onto shore and becomes "beached" or incapable of returning to sea, the event is a "stranding" (Geraci *et al.*, 1999; Perrin and Geraci 2002; Geraci and Lounsbury 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is (A) a marine mammal is dead and is (i) on

a beach or shore of the United States; or (ii) in waters under the jurisdiction of the United States (including any navigable waters); or (B) a marine mammal is alive and is (i) on a beach or shore of the United States and is unable to return to the water; (ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

Marine mammals strand for a variety of reasons, such as infectious agents, biotoxigenesis, starvation, fishery interaction, ship strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.*, 1976; Eaton, 1979; Odell *et al.*, 1980; Best 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might pre-dispose them to strand when exposed to another phenomenon. These suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chroussos 2000; Creel 2005; DeVries *et al.*, 2003; Fair and Becker 2000; Foley *et al.*, 2001; Moberg, 2000; Relyea 2005; Romero 2004; Sih *et al.*, 2004).

Use of military tactical sonar has been implicated in a majority of investigated stranding events, although one stranding event was associated with the use of seismic airguns. This event occurred in the Gulf of California, coincident with seismic reflection profiling by the *R/V Maurice Ewing* operated by Lamont-Doherty Earth Observatory (LDEO) of Columbia University and involved two Cuvier's beaked whales (Hildebrand 2004). The vessel had been firing an array of 20 airguns with a total volume of 8,500 in<sup>3</sup> (Hildebrand 2004; Taylor *et al.*, 2004). Most known stranding events have involved beaked whales, though a small number have involved deep-diving delphinids or sperm whales (*e.g.*, Mazzariol *et al.*, 2010; Southall *et al.*, 2013). In general, long duration (~1 second) and high-intensity sounds (>235 dB SPL) have been implicated in stranding events (Hildebrand 2004). With regard to beaked whales, mid-

frequency sound is typically implicated (when causation can be determined) (Hildebrand 2004). Although seismic airguns create predominantly low-frequency energy, the signal does include a mid-frequency component. We have considered the potential for the proposed survey to result in marine mammal stranding and have concluded that, based on the best available information, stranding is not expected to occur.

#### Other Potential Impacts

Here, we briefly address the potential risks due to entanglement and contaminant spills. We are not aware of any records of marine mammal entanglement in towed arrays such as those considered here. The discharge of trash and debris is prohibited (33 CFR 151.51-77) unless it is passed through a machine that breaks up solids such that they can pass through a 25-millimeter (mm) mesh screen. All other trash and debris must be returned to shore for proper disposal with municipal and solid waste. Some personal items may be accidentally lost overboard. However, U.S. Coast Guard and Environmental Protection Act regulations require ship crews to become proactive in avoiding accidental loss of solid waste items by developing waste management plans, posting informational placards, manifesting trash sent to shore, and using special precautions such as covering outside trash bins to prevent accidental loss of solid waste. There are no meaningful entanglement risks posed by the described activity, and entanglement risks are not discussed further in this document.

Marine mammals could be affected by accidentally spilled diesel fuel from a vessel associated with proposed survey activities. Quantities of diesel fuel on the sea surface may affect marine mammals through various pathways: Surface contact of the fuel with skin and other mucous membranes, inhalation of concentrated petroleum vapors, or ingestion of the fuel (direct ingestion or by the ingestion of oiled prey) (*e.g.*, Geraci and St. Aubin, 1980, 1985, 1990). However, the likelihood of a fuel spill during any particular geophysical survey is considered to be remote, and the potential for impacts to marine mammals would depend greatly on the size and location of a spill and meteorological conditions at the time of the spill. Spilled fuel would rapidly spread to a layer of varying thickness and break up into narrow bands or windrows parallel to the wind direction. The rate at which the fuel spreads would be determined by the prevailing

conditions such as temperature, water currents, tidal streams, and wind speeds. Lighter, volatile components of the fuel would evaporate to the atmosphere almost completely in a few days. Evaporation rate may increase as the fuel spreads because of the increased surface area of the slick. Rougher seas, high wind speeds, and high temperatures also tend to increase the rate of evaporation and the proportion of fuel lost by this process (Scholz *et al.*, 1999). We do not anticipate potentially meaningful effects to marine mammals as a result of any contaminant spill resulting from the proposed survey activities, and contaminant spills are not discussed further in this document.

#### *Anticipated Effects on Marine Mammal Habitat*

**Effects to Prey**—Marine mammal prey varies by species, season, and location and, for some, is not well documented. Fish react to sounds which are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pulsed sound on fish, although several are based on studies in support of construction projects (*e.g.*, Scholik and Yan 2001, 2002; Popper and Hastings 2009). Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.*, 1992; Skalski *et al.*, 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality. The most likely impact to fish from survey activities at the project area would be temporary avoidance of the area. The duration of fish avoidance of a given area after survey effort stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated.

Information on seismic airgun impacts to zooplankton, which represent an important prey type for mysticetes, is limited. However, McCauley *et al.* (2017) reported that experimental exposure to a pulse from a 150 in<sup>3</sup> airgun decreased zooplankton abundance when compared with controls, as measured by sonar and net tows, and caused a two- to threefold increase in dead adult and larval zooplankton. Although no adult krill were present, the study found that all larval krill were killed after airgun

passage. Impacts were observed out to the maximum 1.2 km range sampled.

In general, impacts to marine mammal prey are expected to be limited due to the relatively small temporal and spatial overlap between the proposed survey and any areas used by marine mammal prey species. The proposed survey would occur over a relatively short time period (22 days) and would occur over a very small area relative to the area available as marine mammal habitat in the Northwest Atlantic Ocean. We do not have any information to suggest the proposed survey area represents a significant feeding area for any marine mammal, and we believe any impacts to marine mammals due to adverse effects to their prey would be insignificant due to the limited spatial and temporal impact of the proposed survey.

However, adverse impacts may occur to a few species of fish and to zooplankton.

**Acoustic Habitat**—Acoustic habitat is the soundscape—which encompasses all of the sound present in a particular location and time, as a whole—when considered from the perspective of the animals experiencing it. Animals produce sound for, or listen for sounds produced by, conspecifics (communication during feeding, mating, and other social activities), other animals (finding prey or avoiding predators), and the physical environment (finding suitable habitats, navigating). Together, sounds made by animals and the geophysical environment (*e.g.*, produced by earthquakes, lightning, wind, rain, waves) make up the natural contributions to the total acoustics of a place. These acoustic conditions, termed acoustic habitat, are one attribute of an animal's total habitat.

Soundscapes are also defined by, and acoustic habitat influenced by, the total contribution of anthropogenic sound. This may include incidental emissions from sources such as vessel traffic, or may be intentionally introduced to the marine environment for data acquisition purposes (as in the use of airgun arrays). Anthropogenic noise varies widely in its frequency content, duration, and loudness and these characteristics greatly influence the potential habitat-mediated effects to marine mammals (please see also the previous discussion on masking under "Acoustic Effects"), which may range from local effects for brief periods of time to chronic effects over large areas and for long durations. Depending on the extent of effects to habitat, animals may alter their communications signals (thereby potentially expending additional energy) or miss acoustic cues (either conspecific or adventitious). For more

detail on these concepts see, *e.g.*, Barber *et al.* 2010; Pijanowski *et al.* 2011; Francis and Barber 2013; Lillis *et al.* 2014.

Problems arising from a failure to detect cues are more likely to occur when noise stimuli are chronic and overlap with biologically relevant cues used for communication, orientation, and predator/prey detection (Francis and Barber 2013). Although the signals emitted by seismic airgun arrays are generally low frequency, they would also likely be of short duration and transient in any given area due to the nature of these surveys. As described previously, exploratory surveys such as these cover a large area but would be transient rather than focused in a given location over time and therefore would not be considered chronic in any given location.

In summary, activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat or populations of fish species or on the quality of acoustic habitat. Thus, any impacts to marine mammal habitat are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

#### **Estimated Take**

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of "small numbers" and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to airguns. Based on the nature of the activity, the cryptic behavior and low density for kogia spp (the only high-frequency cetacean authorized for take) within the action areas, and the anticipated effectiveness of the mitigation measures (*i.e.*, shutdown and a minimum vessel distance of 100 m from large whales—

discussed in detail below in the Proposed Mitigation section), Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. Below, we describe these components in more detail and present the proposed take estimate.

*Acoustic Thresholds*

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally

harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (e.g., frequency, predictability, duty cycle), the environment (e.g., bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.*, 2007, Ellison *et al.*, 2011). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1  $\mu$ Pa (rms) for continuous (e.g., vibratory pile-driving, drilling) and above 160 dB re 1  $\mu$ Pa (rms) for non-explosive impulsive

(e.g., seismic airguns) or intermittent (e.g., scientific sonar) sources. USGS's proposed activity includes the use of impulsive seismic sources. Therefore, the 160 dB re 1  $\mu$ Pa (rms) criteria is applicable for analysis of level B harassment.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Technical Guidance, 2016) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). As described above, USGS's proposed activity includes the use of intermittent and impulsive seismic sources. These thresholds are provided in Table 4.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: <http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm>.

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans .....	Cell 1: $L_{pk,flat}$ : 219 dB; $L_E,LF,24h$ : 183 dB .....	Cell 2: $L_E,LF,24h$ : 199 dB.
Mid-Frequency (MF) Cetaceans .....	Cell 3: $L_{pk,flat}$ : 230 dB; $L_E,MF,24h$ : 185 dB .....	Cell 4: $L_E,MF,24h$ : 198 dB.
High-Frequency (HF) Cetaceans .....	Cell 5: $L_{pk,flat}$ : 202 dB; $L_E,HF,24h$ : 155 dB .....	Cell 6: $L_E,HF,24h$ : 173 dB.
Phocid Pinnipeds (PW) (Underwater) .....	Cell 7: $L_{pk,flat}$ : 218 dB; $L_E,PW,24h$ : 185 dB .....	Cell 8: $L_E,PW,24h$ : 201 dB.
Otariid Pinnipeds (OW) (Underwater) .....	Cell 9: $L_{pk,flat}$ : 232 dB; $L_E,OW,24h$ : 203 dB .....	Cell 10: $L_E,OW,24h$ : 219 dB.

\* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

**Note:** Peak sound pressure ( $L_{pk}$ ) has a reference value of 1  $\mu$ Pa, and cumulative sound exposure level ( $L_E$ ) has a reference value of 1  $\mu$ Pa<sup>2</sup>s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

*Ensonified Area*

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds.

The proposed survey would entail the use of a 4-airgun array with a total maximum discharge of 840 in<sup>3</sup> for operations that occur at water depths greater than 1,000 m and 420 in<sup>3</sup> for operations that occur at water depths of 1,000 m or less with at a tow depth of 3 m. The distances to the predicted

isopleths corresponding to the threshold for Level B harassment (160 dB re 1  $\mu$ Pa) were calculated for both proposed array configurations based on results of modeling performed by LDEO's Nucleus Model. Received sound levels were predicted by LDEO's model (Diebold *et al.*, 2010) as a function of distance from the airgun array. The LDEO modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-

velocity half-space (infinite homogeneous ocean layer unbounded by a seafloor). In addition, propagation measurements of pulses from a 36-airgun array at a tow depth of 6 m have been reported in deep water (~1,600 m), intermediate water depth on the slope (~600–1,100 m), and shallow water (~50 m) in the Gulf of Mexico in 2007–2008 (Tolstoy *et al.*, 2009; Diebold *et al.*, 2010). The estimated distances to Level B harassment isopleths for the two proposed configurations of the R/V

Hugh R. Sharp airgun array are shown in Table 5.

TABLE 5—MODELED RADIAL DISTANCES [m (km<sup>2</sup>)] FROM R/V HUGH R. SHARP’S AIRGUN ARRAY TO ISOPLETHS CORRESPONDING TO LEVEL B HARASSMENT THRESHOLDS

Source and volume	Tow depth (m)	Water depth (m)	Predicted RMS radii (m)
			160 dB
Base Configuration (Configuration 1): Four 105 in <sup>3</sup> GI-guns .....	3	>1,000 m	1,091 m (3.7 km <sup>2</sup> ). <sup>1</sup>
		100–1,000 m	1,637 m (8.42 km <sup>2</sup> ). <sup>2</sup>
GG Configuration (Configuration 2): Four 210 in <sup>3</sup> GI-guns .....	3	>1,000 m	1,244 m (4.86 km <sup>2</sup> ). <sup>1</sup>
		100–1,000 m	1,866 m (10.94 km <sup>2</sup> ). <sup>2</sup>

<sup>1</sup> Distance is based on L–DEO model results.

<sup>2</sup> Distance is based on L–DEO model results with a 1.5× correction factor between deep and intermediate water depths.

For modeling of radial distances to predicted isopleths corresponding to harassment thresholds in deep water (>1,000 m), LDEO used the deep-water radii for various SELs obtained from LDEO model results down to a maximum water depth of 2,000 m (see Figures 4 and 5 in the IHA application). LDEO’s modeling methodology is described in greater detail in the IHA application (USGS, 2018) and we refer to the reader to that document rather than repeating it here.

Predicted distances to Level A harassment isopleths, which vary based on marine mammal functional hearing groups (Table 4), were calculated based on modeling performed by LDEO using the Nucleus software program and the NMFS User Spreadsheet, described below. The updated acoustic thresholds for impulsive sounds (such as airguns) contained in the Technical Guidance (NMFS, 2016) were presented as dual metric acoustic thresholds using both SEL<sub>cum</sub> and peak sound pressure level metrics. As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.*, metric resulting in the largest isopleth). The SEL<sub>cum</sub> metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group. In recognition of the fact that the requirement to calculate Level A harassment ensonified areas could be more technically challenging to predict due to the duration component and the use of weighting functions in the new SEL<sub>cum</sub> thresholds, NMFS developed an optional User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to facilitate the estimation of take numbers.

The values for SEL<sub>cum</sub> and peak SPL for the *R/V Hugh R. Sharp* airgun array were derived from calculating the modified farfield signature (Table 6). The farfield signature is often used as a theoretical representation of the source level. To compute the farfield signature, the source level is estimated at a large distance below the array (*e.g.*, 9 km), and this level is back projected mathematically to a notional distance of 1 m from the array’s geometrical center. However, when the source is an array of multiple airguns separated in space, the source level from the theoretical farfield signature is not necessarily the best measurement of the source level that is physically achieved at the source (Tolstoy *et al.*, 2009). Near the source (at short ranges, distances <1 km), the pulses of sound pressure from each individual airgun in the source array do not stack constructively, as they do for the theoretical farfield signature. The pulses from the different airguns spread out in time such that the source levels observed or modeled are the result of the summation of pulses from a few airguns, not the full array (Tolstoy *et al.*, 2009). At larger distances, away from the source array center, sound pressure of all the airguns in the array stack coherently, but not within one time sample, resulting in smaller source levels (a few dB) than the source level derived from the farfield signature. Because the farfield signature does not take into account the array effect near the source and is calculated as a point source, the modified farfield signature is a more appropriate measure of the sound source level for distributed sound sources, such as airgun arrays. Though the array effect is not expected to be as pronounced in the case of a 4-airgun array as it would be with a larger airgun array, the modified farfield method is considered more appropriate than use of the theoretical farfield signature.

In order to more realistically incorporate the Technical Guidance’s weighting functions over the seismic array’s full acoustic band, unweighted spectrum data for the *R/V Hugh R. Sharp*’s airgun array (modeled in 1 Hz bands) was used to make adjustments (dB) to the unweighted spectrum levels, by frequency, according to the weighting functions for each relevant marine mammal hearing group. These adjusted/weighted spectrum levels were then converted to pressures (μPa) in order to integrate them over the entire broadband spectrum, resulting in broadband weighted source levels by hearing group that could be directly incorporated within the User Spreadsheet (*i.e.*, to override the Spreadsheet’s more simple weighting factor adjustment). Using the User Spreadsheet’s “safe distance” methodology for mobile sources (described by Sivle *et al.*, 2014) with the hearing group-specific weighted source levels, and inputs assuming spherical spreading propagation, a source velocity of 2.06 m/second and a shot interval of 12.15 seconds, potential radial distances to auditory injury zones were calculated for Peak SPL<sub>flat</sub> and SEL<sub>cum</sub> thresholds, for both array configurations. Source level Inputs to the User Spreadsheet are shown in Table 6 (inputs to the user spreadsheet also included the source velocity and shot interval listed above). Outputs from the User Spreadsheet in the form of estimated distances to Level A harassment isopleths are shown in Table 7. The larger distance of the dual criteria (SEL<sub>cum</sub> or Peak SPL<sub>flat</sub>) is used for estimating takes by Level A harassment. The weighting functions used are shown in Appendix C of the IHA application.

TABLE 6—MODELED SOURCE LEVELS \*\* (dB) FOR THE R/V HUGH R. SHARP'S AIRGUN ARRAY

Functional hearing group	Configuration 1* 4 x 105 cu <sup>3</sup> SEL <sub>cum</sub>	Configuration 1* 4 x 105 cu <sup>3</sup> Peak SPL <sub>flat</sub>	Configuration 2* 4 x 210 cu <sup>3</sup> SEL <sub>cum</sub>	Configuration 2* 4 x 210 cu <sup>3</sup> Peak SPL <sub>flat</sub>	Configuration 3* 2 x 105 cu <sup>3</sup> SEL <sub>cum</sub>	Configuration 3* 2 x 105 cu <sup>3</sup> Peak SPL <sub>flat</sub>
Low frequency cetaceans ( $L_{pk,flat}$ : 219 dB; $L_{E,LF,24h}$ : 183 dB).	214	239	215	240	208	235
Mid frequency cetaceans ( $L_{pk,flat}$ : 230 dB; $L_{E,MF,24h}$ : 185 dB).	214	N/A	215	N/A	208	234
High frequency cetaceans ( $L_{pk,flat}$ : 202 dB; $L_{E,HF,24h}$ : 155 dB).	214	239	215	240	208	235

\* All configurations have the following airgun specifications: 3 m tow depth; 2 m separation in the fore-aft direction; 8.6 m separation in the port (starboard direction).  
 \*\* Source Levels were rounded to nearest whole number. See Appendix C of IHA Application for exact value.

TABLE 7—MODELED RADIAL DISTANCES [m(m<sup>2</sup>)] FROM R/V HUGH R. SHARP'S AIRGUN ARRAY TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

Functional hearing group	Configuration 1 4 x 105 cu <sup>3</sup> SEL <sub>cum</sub>	Configuration 1 4 x 105 cu <sup>3</sup> 3m tow depth, Peak SPL <sub>flat</sub>	Configuration 2 4 x 210 cu <sup>3</sup> SEL <sub>cum</sub>	Configuration 2 4 x 210 cu <sup>3</sup> Peak SPL <sub>flat</sub>	Configuration 3 2 x 105 cu <sup>3</sup> SEL <sub>cum</sub>	Configuration 3 2 x 105 cu <sup>3</sup> Peak SPL <sub>flat</sub>
Low frequency cetaceans ( $L_{pk,flat}$ : 219 dB; $L_{E,LF,24h}$ : 183 dB).	31 m (3,019 m <sup>2</sup> ).	10.03 m (316 m <sup>2</sup> ).	39.5 m (4,902 m <sup>2</sup> ).	11.56 m (42 0 m <sup>2</sup> ).	10.6 m (353 m <sup>2</sup> ).	6.52 m (134 m <sup>2</sup> ).
Mid frequency cetaceans ( $L_{pk,flat}$ : 230 dB; $L_{E,MF,24h}$ : 185 dB).	0	0	0	0	0	1.58 m (8 m <sup>2</sup> ).
High frequency cetaceans ( $L_{pk,flat}$ : 202 dB; $L_{E,HF,24h}$ : 155 dB).	0	70.426 m (15,582 m <sup>2</sup> ).	0.1 (.03 m <sup>2</sup> )	80.50 m (20,358 m <sup>2</sup> ).	0	42.32 m (5,627 m <sup>2</sup> ).

Note that because of some of the assumptions included in the methods used, isopleths produced may be overestimates to some degree. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools and will qualitatively address the output where appropriate. For mobile sources, such as the proposed seismic survey, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed.

*Marine Mammal Occurrence*

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. The best available scientific information was considered in conducting marine mammal exposure estimates (the basis for estimating take). For all cetacean species, densities calculated by Roberts *et al.* (2016) were used. These represent the most comprehensive and recent density data available for cetacean species in the survey area. Roberts *et al.* (2016) retained 21,946 cetacean sightings for analysis, omitted 4,786 sightings, and modeled 25 individual species and 3 multi-species guilds. In order to procure density models for species, Roberts *et al.* (2016) used an approach known as density surface modeling, as seen in DoN (2007) and

Roberts *et al.* (2016). This couples traditional distance sampling with multivariate regression modeling to produce density maps predicted from fine-scale environmental covariates (e.g., Becker *et al.*, 2014).

In addition to the density information provided by Roberts *et al.* (2016), best available data on average group sizes taken from sightings in the western North Atlantic were also used. This is discussed more in the section below.

*Take Calculation and Estimation*

Here we describe how the information provided above is brought together to produce a quantitative take estimate. To estimate marine mammal exposures, the USGS used published, quantitative density models by Roberts *et al.* (2016) for the Survey Area, which is entirely within the U.S. EEZ. These models are provided at 10 km x 10 km resolution in ArcGIS compatible IMG grids on the Duke University cetacean density website (<http://seamap.env.duke.edu/models/Duke-EC-GOM-2015>). When available, the cetacean density models for Month 8 (August) were used. Otherwise, the generic annual density model was employed. Only a single density model is provided for the *Kogia* guild (dwarf and sperm pygmy whales), beaked whale guild (Blainville's, Cuvier's, Gervais', Sowerby's, and True's beaked whales), and for pilot whales.

To determine takes, the USGS combined the Duke density grids with Level A and B zones (See Tables 5 and 7) arrayed on either side of each

exemplary seismic line and linking/interseismic line. The Level B and Level A takes for each species in each 10 km x 10 km block of the IMG density grids were calculated based on the fractional area of each block intersected by the Level A and Level B zones for LF, MF, and HF cetaceans. Summing takes along all of the lines yields the total take for each species for the Proposed Action for the Base (Configuration 1) and Optimal (Configuration 2) surveys. The method also yields take for each survey line individually, allowing examination of those exemplary lines that will yield the largest or smallest take. No Level A takes were calculated while using this method.

As indicated earlier, estimated numbers of individuals potentially exposed to sound above the Level B harassment threshold are based on the 160-dB re 1µPa (rms) criterion for all cetaceans. It is assumed that marine mammals exposed to airgun sounds that strong could change their behavior sufficiently to be considered taken by harassment. Table 8 shows the estimates of the number of cetaceans that potentially could be exposed to ≥160 dB re 1 µPa (rms) during the Proposed Action for the Base Survey and the Optimal Survey if no animals moved away from the survey vessel. The proposed takes in Table 8 represents 25 percent more than the number of takes calculated using the ArcGIS-based quantitative method devised by the USGS. This was used as a preventive measure to account for potential additional seismic operations that may

occur after repeat coverage of any areas where initial data quality is sub-standard.

Also, as shown in Table 8, rough toothed dolphin, sei whale, and humpback whale calculated takes were increased to account for the average size of one group for each species. Takes for rare species of marine mammals in the action area were also increased to the average size of one group. Rare species that could be encountered and taken during the surveys are not presented in Table 8, but are presented in Table 9. These species were omitted from Table 8 due to their low reported densities in

the action area (Roberts *et al.* 2016) resulting in low calculated incidents of potential exposures. As a result, NMFS relied on average group size data to propose the take of a single group of these species as a precautionary measure in case the survey encounters them. This is discussed further below Table 8.

The calculated takes in Table 8 also assume that the proposed surveys would be completed. However, it is unlikely that the entire survey pattern (exemplary lines plus 50 percent of the interseismic, linking lines) would be completed given the limitations on ship

time, likely logistical challenges (compressor and GI gun repairs), time spent on transits and refueling, and the historical problems with weather during August in the Northwest Atlantic. The USGS calculated timelines indicate that 25 days, including contingency, could be required to complete the full survey pattern. However, only 22 days or fewer would be scheduled for this USGS survey. The lines that are actually acquired would be dependent on weather, strength of the Gulf Stream (affects ability to tow the streamer in the appropriate geometry), and other considerations.

TABLE 8—CALCULATED INCIDENTS OF POTENTIAL EXPOSURE FOR LEVEL B AND LEVEL A HARASSMENT BASED ON DENSITY ESTIMATES FROM ROBERTS *et al.* (2016) AND USGS GIS TAKE METHODOLOGY [As discussed, table omits rare species discussed below]

Species	Base survey		Optimal survey		Max Level A take for optimal or base surveys +25%	Max Level B take for optimal or base surveys +25%	Proposed take (all Level B) <sup>6</sup>	Proposed take as % of pop. <sup>1</sup>
	Level A	Level B	Level A	Level B				
<b>Low Frequency Cetaceans</b>								
Humpback whale .....	0	0	0	0	0	0	52	<0.1
Sei whale .....	0	1	0	1	0	1	72	2.04
Fin whale .....	0	4	0	4	0	5	5	0.1
<b>Mid-Frequency Cetaceans</b>								
Sperm whale .....	0	119	0	128	0	160	160	2.9
Cuvier's beaked whale .....	0	294	0	2103	0	2128	2128	<0.1
True's beaked whale .....	0	.....	0	.....	0	.....	.....	.....
Gervais beaked whale .....	0	.....	0	.....	0	.....	.....	.....
Sowerby's beaked whale .....	0	.....	0	.....	0	.....	.....	.....
Blainville's beaked whale .....	0	.....	0	.....	0	.....	.....	.....
Rough-toothed dolphin .....	0	4	0	5	0	8	<sup>3</sup> 10	1.9
Common bottlenose dolphin .....	0	572	0	606	0	757	757	0.8
Pantropical spotted dolphin .....	0	38	0	40	0	50	50	1.1
Atlantic spotted dolphin .....	0	1191	0	1278	0	1598	1598	2.9
Striped dolphin .....	0	1086	0	1167	0	1458	1458	1.9
Short-beaked common dolphin .....	0	1253	0	1296	0	1620	1620	1.9
Risso's dolphin .....	0	181	0	189	0	236	236	3
Long-finned pilot whale .....	0	4215	0	4231	0	4288	4288	1.5
Short-finned pilot whale .....	0	.....	0	.....	0	.....	.....	.....
Clymene's dolphin .....	0	91	0	97	0	121	121	1
<b>High-Frequency Cetaceans</b>								
Pygmy/dwarf sperm whale .....	0	6	0	7	0	9	9	0.2

<sup>1</sup> Based on mean abundance estimates from Roberts *et al.* (2016).

<sup>2</sup> Values for density, proposed take number, and percentage of population proposed for authorization are for all beaked whales combined.

<sup>3</sup> Based on one average group size for rough toothed dolphin (Jefferson 2015).

<sup>4</sup> Values for density, proposed take number, and percentage of population proposed for authorization are for short-finned and long-finned pilot whales combined.

<sup>5</sup> Based on one average group size for humpback whales (Waring 2008). Very small take requested because these species are very abundant, but the calculated take is zero based on the Duke density maps, which cannot capture all of the complexity in species distribution. Summer seasonal sightings compiled from the OBIS database (See Figure 6 of IHA Application) show that humpback whales have been seen in the northern part of the Proposed Action area during August.

<sup>6</sup> Values are the same proposed take numbers shown in Table 9 below. Table 9 includes proposed take of rare species discussed below.

<sup>7</sup> Based on one average group size for sei whale in the western Atlantic (NMFS 2017).

Certain species potentially present in the proposed survey areas are expected to be encountered only extremely rarely, if at all. Although Roberts *et al.* (2016) provide density models for these species (with the exception of the pygmy killer whale), due to the small numbers of sightings that underlie these models' predictions we believe it appropriate to account for the small likelihood that these species would be encountered by

assuming that one group of each of these species might be encountered once by a given survey. With the exception of the northern bottlenose whale, none of these species should be considered cryptic (*i.e.*, difficult to observe when present) versus rare (*i.e.*, not likely to be present). Average group size was determined by considering known sightings in the western North Atlantic (CETAP, 1982; Hansen *et al.*, 1994;

NMFS, 2010a, 2011, 2012, 2013a, 2014, 2015a; Waring *et al.*, 2007, 2015). It is important to note that our proposal to authorize take equating to harassment of one group of each of these species is not equivalent to expected exposure. We do not expect that these rarely occurring (in the proposed survey area) species will be exposed at all but provide a precautionary authorization of take. We



provide a brief description for each of these species below.

**Northern Bottlenose Whale**—Northern bottlenose whales are considered extremely rare in U.S. Atlantic waters, with only five NMFS sightings. The southern extent of distribution is generally considered to be approximately Nova Scotia (though Mitchell and Kozicki (1975) reported stranding records as far south as Rhode Island), and there have been no sightings within the proposed survey areas. Whitehead and Wimmer (2005) estimated the size of the population on the Scotian Shelf at 163 whales (95 percent CI 119–214). Whitehead and Hooker (2012) report that northern bottlenose whales are found north of approximately 37.5° N and prefer deep waters along the continental slope. Roberts *et al.* (2016) produced a stratified density model on the basis of four sightings in the vicinity of Georges Bank (Roberts *et al.*, 2015b). The five sightings in U.S. waters yield a mean group size of 2.2 whales, while MacLeod and D'Amico report a mean group size of 3.6. Here, we propose take of one group of with a maximum group size of four whales.

**Killer Whale**—Killer whales are also considered rare in U.S. Atlantic waters (Katona *et al.*, 1988; Forney and Wade, 2006), constituting 0.1 percent of marine mammal sightings in the 1978–81 Cetacean and Turtle Assessment Program surveys (CETAP, 1982). Roberts *et al.* (2016) produced a stratified density model on the basis of four killer whale sightings (Roberts *et al.*, 2015g), though Lawson and Stevens (2014) provide a minimum abundance estimate of 67 photo-identified individual killer whales. Available information suggests that survey encounters with killer whales would be unlikely but could occur anywhere within the proposed survey area and at any time of year (*e.g.*, Lawson and Stevens, 2014). Silber *et al.* (1994) reported observations of two and 15 killer whales in the Gulf of California (mean group size 8.5), while May-Collado *et al.* (2005) described mean group size of 3.6 whales off the Pacific coast of Costa Rica. Based on 12 CETAP sightings and one group observed during NOAA surveys (CETAP, 1982; NMFS, 2014), the average group size in the Atlantic is 6.8 whales. Therefore, we propose take of one group with a maximum group size of seven whales.

**False Killer Whale**—Although records of false killer whales from the U.S. Atlantic are uncommon, a combination of sighting, stranding, and bycatch records indicates that this species does occur in the western North Atlantic (Waring *et al.*, 2015). Baird (2009)

suggests that false killer whales may be naturally uncommon throughout their range. Roberts *et al.* (2016) produced a stratified density model on the basis of two false killer whale sightings (Roberts *et al.*, 2015m), and NMFS produced the first abundance estimate for false killer whales on the basis of one sighting during 2011 shipboard surveys (Waring *et al.*, 2015). Similar to the killer whale, we believe survey encounters would be unlikely but could occur anywhere within the proposed survey area and at any time of year. Mullin *et al.* (2004) reported a mean false killer whale group size of 27.5 from the Gulf of Mexico, and May-Collado *et al.* (2005) described mean group size of 36.2 whales off the Pacific coast of Costa Rica. The few sightings from CETAP (1982) and from NOAA shipboard surveys give an average group size of 10.3 whales. As a precaution, we propose take of one group with a maximum group size of 28 whales, as reported from the Gulf of Mexico.

**Pygmy Killer Whale**—The pygmy killer whale is distributed worldwide in tropical to sub-tropical waters, and is assumed to be part of the cetacean fauna of the tropical western North Atlantic (Jefferson *et al.*, 1994; Waring *et al.*, 2007). Pygmy killer whales are rarely observed by NOAA surveys outside the Gulf of Mexico—one group was observed off of Cape Hatteras in 1992—and the rarity of such sightings may be due to a naturally low number of groups compared to other cetacean species (Waring *et al.*, 2007). NMFS has never produced an abundance estimate for this species and Roberts *et al.* (2016) were not able to produce a density model for the species. The 1992 sighting was of six whales; therefore, we propose take of one group with a maximum group size of six whales.

**Melon-headed Whale**—Similar to the pygmy killer whale, the melon-headed whale is distributed worldwide in tropical to sub-tropical waters, and is assumed to be part of the cetacean fauna of the tropical western North Atlantic (Jefferson *et al.*, 1994; Waring *et al.*, 2007). Melon-headed whales are rarely observed by NOAA surveys outside the Gulf of Mexico—groups were observed off of Cape Hatteras in 1999 and 2002—and the rarity of such sightings may be due to a naturally low number of groups compared to other cetacean species (Waring *et al.*, 2007). NMFS has never produced an abundance estimate for this species and Roberts *et al.* (2016) produced a stratified density model on the basis of four sightings (Roberts *et al.*, 2015d). The two sightings reported by Waring *et al.* (2007) yield an average group size of 50 whales; therefore, we

propose take of a single group of a maximum of 50 whales.

**Spinner Dolphin**—Distribution of spinner dolphins in the Atlantic is poorly known, but they are thought to occur in deep water along most of the U.S. coast south to the West Indies and Venezuela (Waring *et al.*, 2014). There have been a handful of sightings in deeper waters off the northeast United States and one sighting during a 2011 NOAA shipboard survey off North Carolina, as well as stranding records from North Carolina south to Florida and Puerto Rico (Waring *et al.*, 2014). Roberts *et al.* (2016) provide a stratified density model on the basis of two sightings (Roberts *et al.*, 2015i). Regarding group size, Mullin *et al.* (2004) report a mean of 91.3 in the Gulf of Mexico; May-Collado (2005) describe a mean of 100.6 off the Pacific coast of Costa Rica; and CETAP (1982) sightings in the Atlantic yield a mean group size of 42.5 dolphins. As a precaution, we will propose taking a single group with a maximum size of 91 dolphins (derived from mean group size reported in Mullin *et al.* 2004).

**Fraser's Dolphin**—As was stated for both the pygmy killer whale and melon-headed whale, the Fraser's dolphin is distributed worldwide in tropical waters, and is assumed to be part of the cetacean fauna of the tropical western North Atlantic (Perrin *et al.*, 1994; Waring *et al.*, 2007). The paucity of sightings of this species may be due to naturally low abundance compared to other cetacean species (Waring *et al.*, 2007). Despite possibly being more common in the Gulf of Mexico than in other parts of its range (Dolar 2009), there were only five reported sightings during NOAA surveys from 1992–2009. In the Atlantic, NOAA surveys have yielded only two sightings (Roberts *et al.*, 2015f). May-Collado *et al.* (2005) reported a single observation of 158 Fraser's dolphins off the Pacific coast of Costa Rica, and Waring *et al.* (2007) describe a single observation of 250 Fraser's dolphins in the Atlantic, off Cape Hatteras. Therefore, we propose take of a single group with a maximum group size of 204 dolphins (derived from average of May-Collado *et al.* 2005 and Waring *et al.* 2007 sightings data).

**Atlantic White-sided Dolphin**—White-sided dolphins are found in temperate and sub-polar continental shelf waters of the North Atlantic, primarily in the Gulf of Maine and north into Canadian waters (Waring *et al.*, 2016). Palka *et al.* (1997) suggest the existence of stocks in the Gulf of Maine, Gulf of St. Lawrence, and Labrador Sea. Stranding records from Virginia and North Carolina suggest a southerly winter range extent

of approximately 35° N (Waring *et al.*, 2016); therefore, it is possible that the proposed surveys could encounter white-sided dolphins. Roberts *et al.* (2016) elected to split their study area at the north wall of the Gulf Stream, separating the cold northern waters,

representing probable habitat, from warm southern waters, where white-sided dolphins are likely not present (Roberts *et al.*, 2015k). Over 600 observations of Atlantic white-sided dolphins during CETAP (1982) and during NMFS surveys provide a mean

group size estimate of 47.7 dolphins, while Weinrich *et al.* (2001) reported a mean group size of 52 dolphins. Due to this data, we propose take of a single group with a maximum group size of 48 dolphins.

TABLE 9—NUMBERS OF INCIDENTAL TAKE PROPOSED FOR AUTHORIZATION

Species	Proposed Level B take **	Proposed Level A take
Humpback whale	2	0
Sei whale	2	0
Fin whale	5	0
Sperm whale	160	0
<i>Kogia</i> spp.	9	0
Beaked whales	128	0
Northern bottlenose whale *	* 4	0
Rough-toothed dolphin	10	0
Common bottlenose dolphin	757	0
Clymene dolphin	121	0
Atlantic spotted dolphin	1,598	0
Pantropical spotted dolphin	50	0
Spinner dolphin *	* 91	0
Striped dolphin	1,458	0
Short-beaked common dolphin	1,620	0
Fraser's dolphin *	* 204	0
Atlantic white-sided dolphin *	* 48	0
Risso's dolphin	236	0
Melon-headed whale *	* 50	0
Pygmy killer whale *	* 6	0
False killer whale *	* 28	0
Killer whale *	* 7	0
Pilot whales	288	0

\* Proposed Level B take for rare species represent take of a single group. The value given for the proposed Level B take is the maximum group size allowed for take.

\*\* Proposed take numbers for non-rare species are the same as those reported in Table 8.

**Proposed Mitigation**

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where

applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

USGS has reviewed mitigation measures employed during seismic research surveys authorized by NMFS under previous incidental harassment

authorizations, as well as recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), Weir and Dolman (2007), Nowacek *et al.* (2013), Wright (2014), and Wright and Cosentino (2015), and has incorporated a suite of proposed mitigation measures into their project description based on the above sources.

To reduce the potential for disturbance from acoustic stimuli associated with the activities, USGS has proposed to implement the following mitigation measures for marine mammals:

- (1) Vessel-based visual mitigation monitoring;
- (2) Establishment of a marine mammal exclusion zone (EZ);
- (3) Shutdown procedures;
- (4) Ramp-up procedures; and
- (5) Vessel strike avoidance measures.

In addition to the measures proposed by USGS, NMFS has proposed the following mitigation measure: Establishment of a marine mammal buffer zone.

Protected Species Observer (PSO) observations would take place during all daytime airgun operations and nighttime start ups (if applicable) of the

airguns. If airguns are operating throughout the night, observations would begin 30 minutes prior to sunrise. If airguns are operating after sunset, observations would continue until 30 minutes following sunset. Following a shutdown for any reason, observations would occur for at least 30 minutes prior to the planned start of airgun operations. Observations would also occur for 30 minutes after airgun operations cease for any reason. Observations would also be made during daytime periods when the *R/V Hugh R. Sharp* is underway without seismic operations, such as during transits, to allow for comparison of sighting rates and behavior with and without airgun operations and between acquisition periods. Airgun operations would be suspended when marine mammals are observed within, or about to enter, the designated Exclusion Zone (EZ) (as described below).

During seismic operations, three visual PSOs would be based aboard the *R/V Hugh R. Sharp*. PSOs would be appointed by USGS with NMFS approval. During the majority of seismic operations, two PSOs would monitor for marine mammals around the seismic vessel. PSO(s) would be on duty in shifts of duration no longer than four hours. Other crew would also be instructed to assist in detecting marine mammals and in implementing mitigation requirements (if practical). Before the start of the seismic survey, the crew would be given additional instruction in detecting marine mammals and implementing mitigation requirements.

The *R/V Hugh R. Sharp* is a suitable platform from which PSOs would watch for marine mammals. Standard equipment for marine mammal observers would be 7 x 50 reticle binoculars, optical range finders, and Big Eye binoculars. At night, night-vision equipment would be available. The observers would be in communication with ship's officers on the bridge and scientists in the vessel's operations laboratory, so they can advise promptly of the need for avoidance maneuvers or seismic source shutdown.

The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes would be provided to NMFS for approval. At least one PSO must have a minimum of 90 days at-sea experience working as PSOs during a seismic survey. One "experienced" visual PSO will be

designated as the lead for the entire protected species observation team. The lead will serve as primary point of contact for the USGS scientist-in-charge or his/her designee. The PSOs must have successfully completed relevant training, including completion of all required coursework and passing a written and/or oral examination developed for the training program, and must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences and a minimum of 30 semester hours or equivalent in the biological sciences and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate training, including (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

#### Exclusion Zone and Buffer Zone

An EZ is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcomes, *e.g.*, auditory injury, disruption of critical behaviors. The PSOs would establish a minimum EZ with a 100 m radius from the airgun array. The 100 m EZ would be based on radial distance from any element of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within, enters, or appears on a course to enter this zone, the acoustic source would be shut down (see Shutdown Procedures below).

The 100 m radial distance of the standard EZ is precautionary in the sense that it would be expected to contain sound exceeding injury criteria (Level A thresholds) for all marine mammal hearing groups (Table 7) while also providing a consistent, reasonably observable zone within which PSOs would typically be able to conduct effective observational effort. As a result no Level A harassment is expected nor proposed for this action.

Our intent in prescribing a standard EZ distance is to (1) encompass zones within which auditory injury could occur on the basis of instantaneous exposure; (2) provide additional protection from the potential for more severe behavioral reactions (*e.g.*, panic,

antipredator response) for marine mammals at relatively close range to the acoustic source; (3) provide consistency for PSOs, who need to monitor and implement the EZ; and (4) define a distance within which detection probabilities are reasonably high for most species under typical conditions.

PSOs would also establish and monitor an additional 100 m buffer zone beginning from the outside extent of the 100 m EZ. During use of the acoustic source, occurrence of marine mammals within the 100 m buffer zone would be communicated to the USGS scientist-in-charge or his/her designee to prepare for potential shutdown of the acoustic source. The 100 m buffer zone is discussed further under *Ramp-Up Procedures* below.

#### Shutdown Procedures

If a marine mammal is detected outside the EZ but is likely to enter the EZ, the airguns would be shut down before the animal is within the EZ. Likewise, if a marine mammal is already within the EZ when first detected, the airguns would be shut down immediately.

Following a shutdown, airgun activity would not resume until the marine mammal has cleared the 100 m EZ. The animal would be considered to have cleared the 100 m EZ if the following conditions have been met:

- It is visually observed to have departed the 100 m EZ;
- it has not been seen within the 100 m EZ for 15 min in the case of small odontocetes; or
- it has not been seen within the 100 m EZ for 30 min in the case of mysticetes and large odontocetes, including sperm, pygmy and dwarf sperm, beaked whales, and large delphinids.

This shutdown requirement would be in place for all marine mammals, with the exception of small delphinoids under certain circumstances. This exception to the shutdown requirement would apply solely to specific genera of small dolphins—*Tursiops*, *Steno*, *Stenella*, *Lagenorhynchus* and *Delphinus*—and would only apply if the animals were traveling, including approaching the vessel. As defined here, the small delphinoid group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.*, bow riding). If, for example, an animal or group of animals is stationary for some reason (*e.g.*, feeding) and the source vessel approaches the animals, the shutdown requirement applies. An

animal with sufficient incentive to remain in an area rather than avoid an otherwise aversive stimulus could either incur auditory injury or disruption of important behavior. If there is uncertainty regarding identification (*i.e.*, whether the observed animal(s) belongs to the group of small dolphins described above) or whether the animals are traveling, the shutdown would be implemented.

We propose this small delphinoid exception because shutdown requirements for small delphinoids under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small delphinoids are generally the most commonly observed marine mammals in the specific geographic region and would typically be the only marine mammals likely to intentionally approach the vessel. As described below, auditory injury is extremely unlikely to occur for mid-frequency cetaceans (*e.g.*, delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.*, permanent threshold shift). Please see "Potential Effects of the Specified Activity on Marine Mammals" above for further discussion of sound metrics and thresholds and marine mammal hearing.

A large body of anecdotal evidence indicates that small delphinoids commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding, with no apparent effect observed in those delphinoids (*e.g.*, Barkaszi *et al.*, 2012). The potential for increased shutdowns resulting from such a measure would require the *R/V Hugh R. Sharp* to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.*, large delphinoids) are no more likely to incur auditory injury than are small delphinoids, they are much less likely to approach vessels. Therefore, retaining a shutdown requirement for large delphinoids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a shutdown requirement for large delphinoids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other

than to the auditory impacts. In addition, the required shutdown measure may prevent more severe behavioral reactions for any large delphinoids in close proximity to the source vessel.

Shutdown of the acoustic source would also be required upon observation beyond the 100 m EZ of any of the following:

- A large whale (*i.e.*, sperm whale or any baleen whale) with a calf;
- An aggregation of large whales of any species (*i.e.*, sperm whale or any baleen whale) that does not appear to be traveling (*e.g.*, feeding, socializing, etc.); or
- A marine mammal species not authorized (*i.e.*, a north Atlantic right whale) for take that is approaching or entering the Level B zone.
- An authorized marine mammal species that has reached its total allotted Level B take that is approaching or entering the Level B zone.

These would be the only four potential situations that would require shutdown of the array for marine mammals observed beyond the 100 m EZ.

#### *Ramp-Up Procedures*

Ramp-up of an acoustic source is intended to provide a gradual increase in sound levels following a shutdown, enabling animals to move away from the source if the signal is sufficiently aversive prior to its reaching full intensity. Ramp-up would be required after the array is shut down for any reason. Ramp up to the full array would take 20 minutes, starting with operation of a single airgun and with one additional airgun added every 5 minutes.

At least two PSOs would be required to monitor during ramp-up. During ramp up, the PSOs would monitor the 100 m EZ, and if marine mammals were observed within or approaching the 100 m EZ, a shutdown would be implemented as though the full array were operational. If airguns have been shut down due to PSO detection of a marine mammal within or approaching the 100 m EZ, ramp-up would not be initiated until all marine mammals have cleared the EZ, during the day or night. Criteria for clearing the EZ would be as described above.

Thirty minutes of pre-clearance observation are required prior to ramp-up for any shutdown of longer than 30 minutes (*i.e.*, if the array were shut down during transit from one line to another). This 30 minute pre-clearance period may occur during any vessel activity (*i.e.*, transit). If a marine mammal were observed within or

approaching the 100 m EZ or 100 m buffer zone during this pre-clearance period, ramp-up would not be initiated until all marine mammals cleared the 100 m EZ or 100 m buffer zone. Criteria for clearing the EZ would be as described above. If the airgun array has been shut down for reasons other than mitigation (*e.g.*, mechanical difficulty) for a period of less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant visual observation and no detections of any marine mammal have occurred within the EZ or 100 m buffer zone. Ramp-up would be planned to occur during periods of good visibility when possible. However, ramp-up would be allowed at night and during poor visibility if the 100 m EZ and 100 m buffer zone have been monitored by visual PSOs for 30 minutes prior to ramp-up.

The USGS scientist-in-charge or his/her designee would be required to notify a designated PSO of the planned start of ramp-up as agreed-upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up. A designated PSO must be notified again immediately prior to initiating ramp-up procedures and the USGS scientist-in-charge or his/her designee must receive confirmation from the PSO to proceed. The USGS scientist-in-charge or his/her designee must provide information to PSOs documenting that appropriate procedures were followed. Following deactivation of the array for reasons other than mitigation, the USGS scientist-in-charge or his/her designee would be required to communicate the near-term operational plan to the lead PSO with justification for any planned nighttime ramp-up.

#### *Vessel Strike Avoidance Measures*

Vessel strike avoidance measures are intended to minimize the potential for collisions with marine mammals. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

The proposed measures include the following: The USGS scientist-in-charge or his/her designee, the vessel operator (The University of Delaware) and crew would maintain a vigilant watch for all marine mammals and slow down or stop the vessel or alter course to avoid striking any marine mammal. A visual observer aboard the vessel would monitor a vessel strike avoidance zone around the vessel according to the parameters stated below. Visual

observers monitoring the vessel strike avoidance zone would be either third-party observers or crew members, but crew members responsible for these duties would be provided sufficient training to distinguish marine mammals from other phenomena. Vessel strike avoidance measures would be followed during surveys and while in transit.

The vessel would maintain a minimum separation distance of 100 m from large whales (*i.e.*, baleen whales and sperm whales). If a large whale is within 100 m of the vessel the vessel would reduce speed and shift the engine to neutral, and would not engage the engines until the whale has moved outside of the vessel's path and the minimum separation distance has been established. If the vessel is stationary, the vessel would not engage engines until the whale(s) has moved out of the vessel's path and beyond 100 m. The vessel would maintain a minimum separation distance of 50 m from all other marine mammals (with the exception of delphinids of the genera *Tursiops*, *Steno*, *Stenella*, *Lagenorhynchus* and *Delphinus* that approach the vessel, as described above). If an animal is encountered during transit, the vessel would attempt to remain parallel to the animal's course, avoiding excessive speed or abrupt changes in course. Vessel speeds would be reduced to 10 kn or less when mother/calf pairs, pods, or large assemblages of cetaceans (what constitutes "large" will vary depending on species) are observed within 500 m of the vessel. Mariners may use professional judgment as to when such circumstances warranting additional caution are present.

#### *Actions To Minimize Additional Harm to Live-Stranded (or Milling) Marine Mammals*

In the event of a live stranding (or near-shore atypical milling) event within 50 km of the survey operations, where the NMFS stranding network is engaged in herding or other interventions to return animals to the water, the Director of OPR, NMFS (or designee) will advise the IHA-holder of the need to implement shutdown procedures for all active acoustic sources operating within 50 km of the stranding. Shutdown procedures for live stranding or milling marine mammals include the following:

- If at any time, the marine mammal(s) die or are euthanized, or if herding/intervention efforts are stopped, the Director of OPR, NMFS (or designee) will advise the IHA-holder that the shutdown is no longer needed.

- Otherwise, shutdown procedures will remain in effect until the Director of OPR, NMFS (or designee) determines and advises the IHA-holder that all live animals involved have left the area (either of their own volition or following an intervention).

- If further observations of the marine mammals indicate the potential for re-stranding, additional coordination with the IHA-holder will be required to determine what measures are necessary to minimize that likelihood (*e.g.*, extending the shutdown or moving operations farther away) and to implement those measures as appropriate.

Shutdown procedures are not related to the investigation of the cause of the stranding and their implementation is not intended to imply that the specified activity is the cause of the stranding. Rather, shutdown procedures are intended to protect marine mammals exhibiting indicators of distress by minimizing their exposure to possible additional stressors, regardless of the factors that contributed to the stranding.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

#### **Proposed Monitoring and Reporting**

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential

stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

- Mitigation and monitoring effectiveness.

USGS submitted a marine mammal monitoring and reporting plan in their IHA application. Monitoring that is designed specifically to facilitate mitigation measures, such as monitoring of the EZ to inform potential shutdowns of the airgun array, are described above and are not repeated here.

USGS's monitoring and reporting plan includes the following measures:

#### *Vessel-Based Visual Monitoring*

As described above, PSO observations would take place during daytime airgun operations and nighttime start-ups (if applicable) of the airguns. During seismic operations, three visual PSOs would be based aboard the *R/V Hugh R. Sharp*. PSOs would be appointed by USGS with NMFS approval. During the majority of seismic operations, one PSO would monitor for marine mammals around the seismic vessel. PSOs would be on duty in shifts of duration no longer than four hours. Other crew would also be instructed to assist in detecting marine mammals and in implementing mitigation requirements (if practical). During daytime, PSOs would scan the area around the vessel systematically with reticle binoculars, Big Eye binoculars, and with the naked eye. At night, PSOs would be equipped with night-vision equipment.

PSOs would record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data would be used to estimate numbers

of animals potentially taken by harassment (as defined in the MMPA). They would also provide information needed to order a shutdown of the airguns when a marine mammal is within or near the EZ. When a sighting is made, the following information about the sighting would be recorded:

(1) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (e.g., none, avoidance, approach, paralleling, etc.), and behavioral pace; and

(2) Time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare.

All observations and shutdowns would be recorded in a standardized format. Data would be entered into an electronic database. The accuracy of the data entry would be verified by computerized data validity checks as the data are entered and by subsequent manual checking of the database. These procedures would allow initial summaries of data to be prepared during and shortly after the field program and would facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving. The time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare would also be recorded at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

Results from the vessel-based observations would provide:

(1) The basis for real-time mitigation (e.g., airgun shutdown);

(2) Information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS;

(3) Data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted;

(4) Information to compare the distance and distribution of marine mammals relative to the source vessel at times with and without seismic activity; and

(5) Data on the behavior and movement patterns of marine mammals seen at times with and without seismic activity.

#### *Reporting Injured or Dead Marine Mammals*

*Discovery of Injured or Dead Marine Mammal*—In the event that personnel involved in the survey activities covered by the authorization discover an injured

or dead marine mammal, the IHA-holder shall report the incident to the Office of Protected Resources (OPR), NMFS and to regional stranding coordinators as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

*Vessel Strike*—In the event of a ship strike of a marine mammal by any vessel involved in the activities covered by the authorization, the IHA-holder shall report the incident to OPR, NMFS and to regional stranding coordinators as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (e.g., dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

*Additional Information Requests*—If NMFS determines that the circumstances of any marine mammal

stranding found in the vicinity of the activity suggest investigation of the association with survey activities is warranted (example circumstances noted below), and an investigation into the stranding is being pursued, NMFS will submit a written request to the IHA-holder indicating that the following initial available information must be provided as soon as possible, but no later than 7 business days after the request for information.

- Status of all sound source use in the 48 hours preceding the estimated time of stranding and within 50 km of the discovery/notification of the stranding by NMFS; and
- If available, description of the behavior of any marine mammal(s) observed preceding (i.e., within 48 hours and 50 km) and immediately after the discovery of the stranding.

Examples of circumstances that could trigger the additional information request include, but are not limited to, the following:

- Atypical nearshore milling events of live cetaceans;
- Mass strandings of cetaceans (two or more individuals, not including cow/calf pairs);
- Beaked whale strandings;
- Necropsies with findings of pathologies that are unusual for the species or area; or
- Stranded animals with findings consistent with blast trauma.

In the event that the investigation is still inconclusive, the investigation of the association of the survey activities is still warranted, and the investigation is still being pursued, NMFS may provide additional information requests, in writing, regarding the nature and location of survey operations prior to the time period above.

#### *Reporting*

A report would be submitted to NMFS within 90 days after the end of the survey. The report would describe the operations that were conducted and sightings of marine mammals near the operations. The report would provide full documentation of methods, results, and interpretation pertaining to all monitoring and would summarize the dates and locations of seismic operations, and all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities). The report would also include estimates of the number and nature of exposures that occurred above the harassment threshold based on PSO observations, including an estimate of those on the trackline but not detected.

### Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.*, intensity, duration), the context of any responses (*e.g.*, critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

NMFS does not anticipate that serious injury or mortality would occur as a result of USGS’s proposed seismic survey, even in the absence of proposed mitigation. Thus, the proposed authorization does not authorize any mortality. As discussed in the *Potential Effects* section, non-auditory physical effects, stranding, and vessel strike are not expected to occur.

Potential impacts to marine mammal habitat were discussed previously in this document (see *Potential Effects of the Specified Activity on Marine Mammals and their Habitat*). Marine mammal habitat may be impacted by elevated sound levels, but these impacts would be temporary. Feeding behavior is not likely to be significantly impacted, as marine mammals appear to be less likely to exhibit behavioral reactions or avoidance responses while engaged in feeding activities (Richardson *et al.*, 1995). Prey species are mobile and are broadly distributed throughout the project area; therefore,

marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance, the availability of similar habitat and resources in the surrounding area, and the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. In addition, there are no feeding, mating or calving areas known to be biologically important to marine mammals within the proposed project area during the time of the survey (Ferguson *et al.*, 2015). Also, as stated, the survey slightly intersects with a core abundance area for sperm whales. However, due to the low energy-source of the airguns for the action and the proposed mitigation measures listed above, NMFS does not exclude USGS from this area during its survey, nor does it foresee the survey having effects, greater than negligible impact, on the core abundance area.

As described previously, there are multiple species that should be considered rare in the proposed survey areas and for which we propose to authorize only nominal and precautionary take of a single group. We do not expect meaningful impacts to these species (*i.e.*, killer whale, false killer whale, pygmy killer whale, melon-headed whale, northern bottlenose whale, spinner dolphin, Fraser’s dolphin, Atlantic white-sided dolphin) because we preliminarily find that the total marine mammal take from each of the specified activities will have a negligible impact on these marine mammal species. Therefore, we do not discuss these eight species further in this negligible impact analysis.

The acoustic “footprint” of the proposed survey would be very small relative to the ranges of all marine mammals that would potentially be affected. Sound levels would increase in the marine environment in a relatively small area surrounding the vessel compared to the range of the marine mammals within the proposed survey area. The seismic array would be active 24 hours per day throughout the duration of the proposed survey. However, the very brief overall duration of the proposed survey (22 days with 19 days of airgun operations) would further limit potential impacts that may occur as a result of the proposed activity.

The proposed mitigation measures are expected to reduce the number and/or severity of takes by allowing for

detection of marine mammals in the vicinity of the vessel by visual and acoustic observers, and by minimizing the severity of any potential exposures via shutdowns of the airgun array. Based on previous monitoring reports for substantially similar activities that have been previously authorized by NMFS, we expect that the proposed mitigation will be effective in preventing all Level A harassment and most Level B harassment.

Of the marine mammal species under our jurisdiction that are likely to occur in the project area, the following species are listed as endangered under the ESA; fin, sei, and sperm whales. There are currently insufficient data to determine population trends for these species (Hayes *et al.*, 2017); however, we are proposing to authorize very small numbers of takes for these species (Table 8), relative to their population sizes (again, when compared to mean abundance estimates, for purposes of comparison only). Therefore, we do not expect population-level impacts to any of these species. The other marine mammal species that may be taken by harassment during USGS’s seismic survey are not listed as threatened or endangered under the ESA. There is no designated critical habitat for any ESA-listed marine mammals within the project area; of the non-listed marine mammals for which we propose to authorize take, none are considered “depleted” or “strategic” by NMFS under the MMPA.

NMFS concludes that exposures to marine mammal species due to USGS’s proposed seismic survey would result in only short-term (temporary and short in duration) effects to individuals exposed, or some small degree of PTS to a very small number of individuals of four species. Marine mammals may temporarily avoid the immediate area but are not expected to permanently abandon the area. Major shifts in habitat use, distribution, or foraging success are not expected. NMFS does not anticipate the proposed take estimates to impact annual rates of recruitment or survival.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No injury (Level A take), serious injury or mortality is anticipated or authorized;
- The anticipated impacts of the proposed activity on marine mammals would primarily be temporary behavioral changes due to avoidance of the area around the survey vessel. The



relatively short duration of the proposed survey (22 days with 19 days of airgun operations) would further limit the potential impacts of any temporary behavioral changes that would occur;

- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity;

- The proposed project area does not contain areas of significance for feeding, mating or calving;

- The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the proposed survey would be temporary and spatially limited; and

- The proposed mitigation measures, including visual and acoustic monitoring and shutdowns, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

### Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Please see Tables 8 and 9 and the related text for information relating to the basis for our small numbers analyses. Table 8 provides the numbers of predicted exposures above specified received levels, while Table 9 provides numbers of take proposed for authorization. For the northern bottlenose whale, Fraser's dolphin, melon-headed whale, false killer whale, pygmy killer whale, killer whale, spinner dolphin, and white-sided dolphin, we propose to authorize take resulting from a single exposure of one

group of each species or stock, as appropriate (using average group size), for each applicant. As stated earlier, we believe that a single incident of take of one group of any of these species represents take of small numbers for that species. Therefore, based on the analyses contained herein of the specified activity, we preliminarily find that small numbers of marine mammals will be taken for each of these eight affected species or stocks for the specified activity. We do not discuss these eight species further in this small numbers analysis.

As shown in Table 8, we used mean abundance estimates from Roberts (2016) to calculate the percentage of population that is estimated to be taken during the proposed activities for non-rare species. These data present the best available abundance estimates for cetacean populations off of the Western Atlantic for this proposed activity. The activity is expected to impact a very small percentage of all marine mammal populations. As presented in Table 8, take of all 21 marine mammal species authorized for take is less than three percent of the abundance estimate.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has preliminarily determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the ESA Interagency Cooperation Division, whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of three species of marine mammals which are listed under the ESA: The sei whale, fin whale, and sperm whale. The Permits and Conservation Division has requested initiation of Section 7 consultation with the ESA Interagency Cooperation Division for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

### Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to USGS for conducting a marine geophysical survey in the Northwest Atlantic Ocean in August 2018, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This IHA is valid for a period of one year from the date of issuance.

2. This IHA is valid only for marine geophysical survey activity, as specified in the USGS IHA application and using an airgun array aboard the *R/V Hugh R. Sharp* with characteristics specified in the application, in the Northwest Atlantic Ocean.

3. General Conditions

- (a) A copy of this IHA must be in the possession of USGS, the vessel operator (The University of Delaware) and other relevant personnel, the lead PSO, and any other relevant designees of USGS operating under the authority of this IHA.

- (b) The species authorized for taking are listed in Table 9. The taking, by Level B harassment only, is limited to the species and numbers listed in Table 9. Any taking exceeding the authorized amounts listed in Table 9 is prohibited and may result in the modification, suspension, or revocation of this IHA.

- (c) The taking by serious injury or death of any species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

- (d) During use of the airgun(s), if marine mammal species other than those listed in Table 9 are detected by PSOs, the acoustic source must be shut down to avoid unauthorized take.

- (e) The USGS scientist-in-charge or his/her designee shall ensure that the vessel operator and other relevant vessel personnel are briefed on all responsibilities, communication procedures, marine mammal monitoring protocol, operational procedures, and IHA requirements prior to the start of



survey activity, and when relevant new personnel join the survey operations.

#### 4. Mitigation Requirements

The holder of this Authorization is required to implement the following mitigation measures:

(a) USGS must use at least three (3) dedicated, trained, NMFS-approved PSOs. The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for approval.

(b) At least one PSO must have a minimum of 90 days at-sea experience working as a PSO during a deep penetration seismic survey, with no more than eighteen months elapsed since the conclusion of the at-sea experience. One experienced visual PSO shall be designated as the lead for the entire protected species observation team. The lead PSO shall serve as primary point of contact for the USGS scientist-in-charge or his/her designee.

#### (c) Visual Observation

(i) During survey operations (*e.g.*, any day on which use of the acoustic source is planned to occur; whenever the acoustic source is in the water, whether activated or not), at least one, PSO(s) must be on duty and conducting visual observations at all times during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset).

(ii) Visual monitoring must begin not less than 30 minutes prior to ramp-up, including for nighttime ramp-ups of the airgun array, and must continue until one hour after use of the acoustic source ceases or until 30 minutes past sunset.

(iii) PSOs shall coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

(iv) PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours observation per 24 hour period.

(v) During good conditions (*e.g.*, daylight hours; Beaufort sea state 3 or less), visual PSOs shall conduct observations when the acoustic source is not operating (except during transits across the shelf where no seismic activity will occur during the survey) for comparison of sighting rates and behavior with and without use of the acoustic source and between acquisition

periods, to the maximum extent practicable.

(d) Exclusion Zone and Buffer Zone—PSOs shall establish and monitor a 100 m EZ and an additional 100 m buffer zone beginning from the outside extent of the 100 m EZ. The zones shall be based upon radial distance from any element of the airgun array (rather than being based on the center of the array or around the vessel itself). During use of the acoustic source, occurrence of marine mammals outside the EZ but within 100 m buffer zone from any element of the airgun array shall be communicated to the USGS scientist-in-charge or his/her designee to prepare for potential further mitigation measures as described below. During use of the acoustic source, occurrence of marine mammals within the EZ, shall trigger further mitigation measures as described below.

(i) Ramp-up—A ramp-up procedure is required at all times as part of the activation of the acoustic source. Ramp-up shall begin with starting one 105 in<sup>3</sup> airgun with additional 105 in<sup>3</sup> airguns being turned on every 5 minutes until all four airguns are in operation.

(ii) If the airgun array has been shut down due to a marine mammal detection, ramp-up shall not occur until all marine mammals have cleared the EZ. A marine mammal is considered to have cleared the EZ if:

(A) It has been visually observed to have left the EZ; or

(B) It has not been observed within the EZ, for 15 minutes (in the case of small odontocetes) or for 30 minutes (in the case of mysticetes and large odontocetes including sperm, pygmy and dwarf sperm, beaked whales, and large delphinids).

(iii) Thirty minutes of pre-clearance observation of the 100 m EZ and 100 m buffer zone are required prior to ramp-up for any shutdown of longer than 30 minutes. This pre-clearance period may occur during any vessel activity. If any marine mammal (including delphinids) is observed within or approaching the EZ or 100 m buffer zone during the 30 minute pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting the EZ or 100 m buffer zone or until an additional time period has elapsed with no further sightings (*i.e.*, 15 minutes for small odontocetes and 30 minutes for mysticetes and large odontocetes including sperm, pygmy and dwarf sperm, beaked whales, and large delphinids).

(iv) During ramp-up, at least two PSOs shall conduct monitoring. Ramp-up may not be initiated if any marine mammal (including delphinids) is

observed within or approaching the 100 m EZ or 100 m buffer zone. If a marine mammal is observed within or approaching the 100 m EZ during ramp-up, a shutdown shall be implemented as though the full array were operational. Ramp-up may not begin again until the animal(s) has been observed exiting the 100 m EZ or until an additional time period has elapsed with no further sightings in the 100 m EZ (*i.e.*, 15 minutes for small odontocetes and 30 minutes for mysticetes and large odontocetes including sperm, pygmy and dwarf sperm, beaked whales, and large delphinids).

(v) If the airgun array has been shut down for reasons other than mitigation (*e.g.*, mechanical difficulty) for a period of less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant visual observation and no visual detections of any marine mammal have occurred within the 100 m EZ or 100 m buffer zone.

(vi) Ramp-up at night and at times of poor visibility shall only occur where operational planning cannot reasonably avoid such circumstances. Ramp-up may occur at night and during poor visibility if the 100 m EZ and 100 m buffer zone have been continually monitored by visual PSOs for 30 minutes prior to ramp-up with no marine mammal detections.

(vii) The USGS scientist-in-charge or his/her designee must notify a designated PSO of the planned start of ramp-up. The designated PSO must be notified again immediately prior to initiating ramp-up procedures and the USGS scientist-in-charge or his/her designee must receive confirmation from the PSO to proceed.

(e) Shutdown requirements—A 100 m EZ shall be established and monitored by PSOs. If a marine mammal is observed within, entering, or approaching the 100 m exclusion zone all airguns shall be shut down.

(i) Any PSO on duty has the authority to call for shutdown of the airgun array. When there is certainty regarding the need for mitigation action on the basis of visual detection, the relevant PSO(s) must call for such action immediately.

(ii) The USGS scientist-in-charge or his/her designee must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the airgun array to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch.

(iii) When a shutdown is called for by a PSO, the shutdown must occur and any dispute resolved only following shutdown.

(iv) The shutdown requirement is waived for dolphins of the following genera: *Tursiops*, *Steno*, *Stenella*, *Lagenorhynchus* and *Delphinus*. The shutdown waiver only applies if animals are traveling, including approaching the vessel. If these animals are stationary and the vessel approaches the animals, the shutdown requirement applies. If there is uncertainty regarding identification (*i.e.*, whether the observed animal(s) belongs to the group described above) or whether the animals are traveling, shutdown must be implemented.

(v) Upon implementation of a shutdown, the source may be reactivated under the conditions described at 4(e)(vi). Where there is no relevant zone (*e.g.*, shutdown due to observation of a calf), a 30-minute clearance period must be observed following the last observation of the animal(s).

(vi) Shutdown of the array is required upon observation of a whale (*i.e.*, sperm whale or any baleen whale) with calf, with "calf" defined as an animal less than two-thirds the body size of an adult observed to be in close association with an adult, at any distance.

(vii) Shutdown of the array is required upon observation of an aggregation (*i.e.*, six or more animals) of large whales of any species (*i.e.*, sperm whale or any baleen whale) that does not appear to be traveling (*e.g.*, feeding, socializing, etc.) at any distance.

(viii) Shutdown of the array is required upon observations of a marine mammal species not authorized (*i.e.*, a north Atlantic right whale) for take that is entering or approaching the vessel's respective Level B zone (See Table 5).

(ix) Shutdown of the array is required upon observations of an authorized marine mammal species that has reached its total allotted Level B take that is entering or approaching the vessel's respective Level B zone (See Table 5).

(f) Vessel Strike Avoidance—The USGS, PSOs, vessel operator, and crew must maintain a vigilant watch for all marine mammals and the vessel operator must slow down or stop the vessel or alter course, as appropriate, to avoid striking any marine mammal. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel according to the parameters stated below. Visual observers monitoring the

vessel strike avoidance zone can be either third-party observers or crew members, but crew members responsible for these duties must be provided sufficient training to distinguish marine mammals from other phenomena.

(i) The vessel must maintain a minimum separation distance of 100 m from large whales. The following avoidance measures must be taken if a large whale is within 100 m of the vessel:

(A) The vessel must reduce speed and shift the engine to neutral, when feasible, and must not engage the engines until the whale has moved outside of the vessel's path and the minimum separation distance has been established.

(B) If the vessel is stationary, the vessel must not engage engines until the whale(s) has moved out of the vessel's path and beyond 100 m.

(ii) The vessel must maintain a minimum separation distance of 50 m from all other marine mammals, with an exception made for animals described in 4(e)(iv) that approach the vessel. If an animal is encountered during transit, the vessel shall attempt to remain parallel to the animal's course, avoiding excessive speed or abrupt changes in course.

(iii) Vessel speeds must be reduced to 10 knots or less when mother/calf pairs or large assemblages of cetaceans (what constitutes "large" will vary depending on species) are observed within 500 m of the vessel. Mariners may use professional judgment as to when such circumstances warranting additional caution are present.

(g) Miscellaneous Protocols

(i) The airgun array must be deactivated when not acquiring data or preparing to acquire data, except as necessary for testing. Unnecessary use of the acoustic source shall be avoided. Operational capacity of 840 in<sup>3</sup> (not including redundant backup airguns) must not be exceeded during the survey, except where unavoidable for source testing and calibration purposes. All occasions where activated source volume exceeds notified operational capacity must be noticed to the PSO(s) on duty and fully documented. The lead PSO must be granted access to relevant instrumentation documenting acoustic source power and/or operational volume.

(ii) Testing of the acoustic source involving all elements requires normal mitigation protocols (*e.g.*, ramp-up). Testing limited to individual source elements or strings does not require ramp-up but does require pre-clearance.

5. Monitoring Requirements

The holder of this Authorization is required to conduct marine mammal monitoring during survey activity. Monitoring shall be conducted in accordance with the following requirements:

(a) The USGS scientist-in-charge or his/her designee must provide a night-vision device suited for the marine environment for use during nighttime ramp-up pre-clearance, at the discretion of the PSOs. At minimum, the device should feature automatic brightness and gain control, bright light protection, infrared illumination, and optics suited for low-light situations.

(b) PSOs must also be equipped with reticle binoculars (*e.g.*, 7 x 50) of appropriate quality (*i.e.*, Fujinon or equivalent), Big Eye binoculars, GPS, compass, and any other tools necessary to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals.

(c) PSO Qualifications

(i) PSOs must have successfully completed relevant training, including completion of all required coursework and passing a written and/or oral examination developed for the training program.

(ii) PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences and a minimum of 30 semester hours or equivalent in the biological sciences and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver must include written justification. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

(d) Data Collection—PSOs must use standardized data forms, whether hard copy or electronic. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of animals to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source to

resume survey. If required mitigation was not implemented, PSOs should submit a description of the circumstances. We require that, at a minimum, the following information be reported:

- (i) PSO names and affiliations;
- (ii) Dates of departures and returns to port with port name;
- (iii) Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- (iv) Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts;
- (v) Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- (vi) Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon;
- (vii) Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.*, vessel traffic, equipment malfunctions);
- (viii) Survey activity information, such as acoustic source power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.*, pre-ramp-up survey, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.); and
- (ix) If a marine mammal is sighted, the following information should be recorded:
  - (A) Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
  - (B) PSO who sighted the animal;
  - (C) Time of sighting;
  - (D) Vessel location at time of sighting;
  - (E) Water depth;
  - (F) Direction of vessel's travel (compass direction);
  - (G) Direction of animal's travel relative to the vessel;
  - (H) Pace of the animal;
  - (I) Estimated distance to the animal and its heading relative to vessel at initial sighting;
  - (J) Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;
  - (K) Estimated number of animals (high/low/best);
  - (L) Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);

(M) Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

(N) Detailed behavior observations (*e.g.*, number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

(O) Animal's closest point of approach and/or closest distance from the center point of the acoustic source;

(P) Platform activity at time of sighting (*e.g.*, deploying, recovering, testing, shooting, data acquisition, other); and

(Q) Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

#### 6. Reporting

(a) USGS shall submit a draft comprehensive report on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe all activities conducted and sightings of marine mammals near the activities, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammal sightings (dates, times, locations, activities, associated survey activities). Geospatial data regarding locations where the acoustic source was used must be provided as an ESRI shapefile with all necessary files and appropriate metadata. In addition to the report, all raw observational data shall be made available to NMFS. The report must summarize the data collected as required under condition 5(d) of this IHA. The draft report must be accompanied by a certification from the lead PSO as to the accuracy of the report, and the lead PSO may submit directly to NMFS a statement concerning implementation and effectiveness of the required mitigation and monitoring. A final report must be submitted within 30 days following resolution of any comments from NMFS on the draft report.

(b) Reporting injured or dead marine mammals:

(i) In the event that the specified activity clearly causes the take of a marine mammal in a manner not prohibited by this IHA (if issued), such as serious injury or mortality, USGS shall immediately cease the specified activities and immediately report the

incident to the NMFS Office of Protected Resources and to regional stranding coordinators as soon as feasible. The report must include the following information:

(A) Time, date, and location (latitude/longitude) of the incident;

(B) Vessel's speed during and leading up to the incident;

(C) Vessel's course/heading and what operations were being conducted (if

(D) applicable);

(E) Status of all sound sources in use;

(F) Description of avoidance

measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;

(G) Description of the incident;

(H) Status of all sound source use in the 24 hours preceding the incident;

(I) Water depth;

(J) Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(K) Description of all marine mammal observations in the 24 hours preceding the incident;

(L) Species identification or description of the animal(s) involved;

(M) Fate of the animal(s); and

(N) Photographs or video footage of the animal(s).

(ii) Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with USGS to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. USGS may not resume their activities until notified by NMFS.

(iii) In the event that USGS discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of decomposition), USGS shall immediately report the incident to the NMFS Office of Protected Resources. The report must include the same information identified in condition 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with USGS to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iv) In the event that USGS discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the specified activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), USGS shall report the incident to the

NMFS Office of Protected Resources within 24 hours of the discovery. USGS shall provide photographs or video footage or other documentation of the sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact

on the species or stock of affected marine mammals.

#### **Request for Public Comments**

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed [action]. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below.

Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: May 24, 2018.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2018-11629 Filed 5-30-18; 8:45 am]

**BILLING CODE 3510-22-P**



# FEDERAL REGISTER

---

Vol. 83

Thursday,

No. 105

May 31, 2018

---

Part IV

## Department of Agriculture

---

Food Safety and Inspection Service

9 CFR Parts 301, 303, 318, et al.

Elimination of Trichinae Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations; Rule

**DEPARTMENT OF AGRICULTURE****Food Safety and Inspection Service****9 CFR Parts 301, 303, 318, 319, 320, 325, 331, 381, 417, 424, 431, and 548**

[Docket No. FSIS–2015–0036]

RIN 0583–AD59

**Elimination of Trichinae Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations****AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to eliminate the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and poultry products to be treated to destroy trichinae (*Trichinella spiralis*) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations, and because these prescriptive regulations are no longer necessary. FSIS is ending its *Trichinella* Approved Laboratory Program (TALP program) for the evaluation and approval of non-Federal laboratories that use the pooled sample digestion technique to analyze samples for the presence of trichinae. FSIS is also consolidating the regulations on thermally processed, commercially sterile meat and poultry products (*i.e.*, canned food products containing meat or poultry).

**DATES:** *Effective date:* July 30, 2018.**FOR FURTHER INFORMATION CONTACT:** Roberta Wagner, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495.**SUPPLEMENTARY INFORMATION:****Background**

On February 27, 2001, FSIS proposed food safety performance standards for all RTE and all partially heat-treated meat and poultry products (66 FR 12590). The proposed performance standards included both levels of pathogen reduction and limits on pathogen growth that official meat and poultry establishments would be required to meet in the production of these products.

The Agency also proposed to rescind the requirements in the meat inspection regulations that prescribe treatments of pork and poultry products to eliminate trichinae because the requirements are

inconsistent with the HACCP regulations (9 CFR part 417).

The Agency further proposed to require that all thermally processed, commercially sterile meat and poultry products be processed to either eliminate or control the growth of *Clostridium botulinum*, depending on the pH of the product or other factors affecting the growth of that pathogen. The processing of a low-acid canned product that receives thermal or other sporicidal lethality processing would have had to meet a 12-log<sub>10</sub> reduction standard for *C. botulinum*. The processing of acidified low-acid products and of some cured products and other canned products in which pathogen growth is controlled by factors other than the thermal process would have had to prevent growth rather than achieve any specific decimal reduction of *C. botulinum*. All thermally processed, commercially sterile products would have had to be commercially sterile and their containers hermetically sealed.

Finally, the Agency proposed that each establishment that produces RTE meat and poultry products would have to test food contact surfaces for *Listeria* species to verify the efficacy of its sanitation standard operating procedures unless it had incorporated one or more controls for *Listeria monocytogenes* (*Lm*) into its HACCP plan. FSIS addressed *Lm* separately in the interim final rule “Control of *Listeria monocytogenes* in RTE Meat and Poultry Products,” published June 6, 2003 (68 FR 34208), and affirmed the interim final rule with minor changes on June 19, 2015 (80 FR 35178).

Because of the length of time since the publication of the proposed rule, FSIS published a supplemental proposed rule on March 28, 2016, to provide the public an additional opportunity to comment (81 FR 17337). In the supplemental proposed rule, FSIS only addressed the proposed changes to the regulations on control of trichinae in pork products and on thermally processed, commercially sterile meat and poultry products. FSIS withdrew the other provisions of the 2001 proposed rule because the Agency’s current regulations and inspection program have been effective at preventing adulterated RTE product from entering commerce (81 FR 17337, 17338).

FSIS re-proposed the changes to remove the trichinae requirements, consistent with what FSIS originally proposed in 2001. FSIS explained that if the supplemental proposed rule was finalized, FSIS would end its *Trichinella* Approved Laboratory

Program (TALP) for the evaluation and approval of non-Federal laboratories that use the pooled sample digestion technique to analyze samples for the presence of trichinae. In addition, rather than what it proposed in 2001, FSIS proposed to combine the meat and poultry canning regulations into a new part in the regulations and to make minor changes that improve the clarity of the regulations and remove redundant sections. After reviewing the comments on the supplemental proposed rule, FSIS is finalizing it with one small change. Specifically, the Agency is updating the cross-reference in 9 CFR 548.6 to the new thermally processed, commercially sterile regulations.

**Compliance Guidance**

FSIS also is announcing the availability of a compliance guide to help establishments, particularly small and very small establishments, in understanding the controls that are effective for the prevention and elimination of trichinae in RTE and NRTE pork products. When FSIS published the supplemental proposed rule, FSIS posted a draft of the trichinae compliance guide on its website and requested comments on the guide. FSIS has revised the trichinae compliance guide based on comments on the supplemental proposed rule and draft compliance guide to clarify that FSIS is not requiring establishments to use validated cooking instructions. The changes to the trichinae compliance guide are discussed in more detail below. FSIS has posted the compliance guide on its web page (<http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/compliance-guides-index>).

**Comments and Responses**

FSIS received 11 comments from trade associations representing meat processors, official establishments, an organization supporting sustainable farming, a food safety consulting firm, a trade association representing shelf-stable food processors, and individuals. All but one of these comments supported the proposal to eliminate the prescriptive trichinae control regulations. One individual opposed the proposal because, according to the commenter, the trichinae control regulations are effective. Only comments from a trade association representing meat processors and a trade association representing shelf-stable food processors addressed the proposed changes to the thermally processed, commercially sterile regulations. Both comments supported

the proposal to consolidate the thermally processed, commercially sterile regulations. After review and consideration of all of the comments, as is stated above, FSIS will eliminate the trichinae control regulations and finalize the proposed thermally processed commercially sterile regulations. A summary of comments follows.

#### *Elimination of the Trichinae Control Regulations*

*Comment:* One individual consumer suggested that FSIS keep the trichinae control regulations because, according to the commenter, the fact that the rate of *Trichinella* and trichinellosis in the U.S. is currently at an all-time low shows that the regulations are working. The same commenter argued that eliminating the trichinae control regulations would reduce national food safety standards because, according to the commenter, establishments will not always follow their HACCP plans, and establishments may not adequately eliminate trichinae from pork products produced in the U.S. with pork from foreign countries where trichinae is a greater risk.

*Response:* FSIS finds no merit in the commenter's argument that eliminating the trichinae control regulations will reduce food safety because the HACCP regulations will not be effective in preventing adulterated pork products from entering the human food supply. As FSIS explained in the proposed rule, many establishments producing pork products already address trichinae in their HACCP plans or in a pre-requisite program (81 FR 17337, 17339). Under this final rule, all establishments producing pork products from swine slaughtered in the U.S. or eligible foreign countries will have to determine whether trichinae is a hazard reasonably likely to occur (RLTO) in their processes. If it is, they must address this hazard in their HACCP plans or in a pre-requisite program. FSIS inspectors will verify that establishments are following their HACCP plans and pre-requisite programs and that their HACCP plans and pre-requisite programs are effective at preventing or controlling for trichinae. If FSIS inspectors determine that establishments have inadequate HACCP systems, FSIS will take a withholding action or impose a suspension (see 9 CFR 500.4(a)).

*Comment:* A few commenters from trade associations representing meat processors were concerned that the proposed rule required validated cooking instructions for controlling trichinae in raw, not-ready-to-eat (NRTE) products. The commenters

argued that requiring small and very small establishments that produce raw, NRTE pork products to include validated cooking instructions on their labels would cause an undue burden. One commenter from an organization supporting sustainable farming recommended that FSIS conduct education and outreach activities to ensure that both industry and FSIS inspectors understand the new requirements.

*Response:* FSIS is removing 9 CFR 318.10(a)(1) and clarifying in this final rule and in the compliance guide that this change should not affect the way that establishments currently label their products. FSIS is not creating a new requirement for establishments to use validated cooking instructions on their labels of raw, NRTE pork products. However, if establishments voluntarily choose to use cooking instructions on their labels, then the cooking instructions must be validated.

In addition to providing the guidance on trichinae discussed above, the Agency will host webinars for industry to explain how establishments can address trichinae in their HACCP systems. FSIS will also update instructions to our inspection program personnel to ensure that they are all aware that the Agency is removing the trichinae control regulations and that all establishments producing pork products will have to address trichinae under the HACCP regulations (9 CFR part 417).

*Comment:* Two commenters from trade associations representing meat processors requested that FSIS delay publishing a final rule until the industry, in cooperation with USDA, establish a negligible risk compartment<sup>1</sup> in accordance with the new international standards for trichinae control. The same commenters were concerned that eliminating the trichinae control regulations before establishing a negligible risk compartment could have a negative impact on the international trade of U.S. pork products because current trade agreements reference the specific time and temperature combinations for commercial cooking and freezing of pork found in 9 CFR 318.10. One of those commenters argued that facility-specific HACCP-based control measures would be difficult to validate and may not satisfy foreign

<sup>1</sup> A negligible risk compartment for trichinae would require controlled management conditions for swine herds; at least 24 months of data demonstrating the absence of *Trichinella* infection in the herds; ongoing verification of the status of the compartment; and a response plan for deviations from negligible risk (World Organisation for Animal Health, (2016). Terrestrial Animal Health Code. Retrieved from <http://www.oie.int/international-standard-setting/terrestrial-code/access-online/>).

trading partners. The same commenter suggested that the methods in 9 CFR 318.10 should be preserved as references for effective mitigations of *Trichinella* while they are still referenced in trade agreements. One of these commenters noted that FSIS would conserve Agency and industry resources by delaying publishing a final rule until the negligible risk compartment is established, thereby requiring only one round of revision to both the Export Library and establishments' HACCP plans.

*Response:* The Agency does not see a reason to delay issuing this final rule because many establishments producing pork products already address trichinae in a pre-requisite program or in their HACCP plans (81 FR 17337, 17339). The negligible risk compartment was included in the supplemental proposed rule and the draft compliance guidance as an example of an on-farm pre-requisite program that could be used in the future to support decisions in a hazard analysis that trichinae is not reasonably likely to occur (NRLTO) because live swine were raised under strict biosecurity standards and, therefore, were not exposed to rodents and wildlife infected with *Trichinella*. FSIS will not require participation in the negligible risk compartment. Establishments may use any Animal and Plant Health Inspection Service (APHIS) approved validated *Trichinella* pre-harvest safety program that complies with the World Organization for Animal Health's (OIE's) guidance for *Trichinella*.

FSIS considers the time and temperature combinations for commercial cooking and freezing of pork in 9 CFR 318.10 as safe harbors that have been scientifically validated and has incorporated these requirements into the trichinae compliance guidance discussed above. Establishments may continue to produce their products using these "safe harbors," or they may choose to develop their own validated cooking or freezing procedures that will effectively eliminate *trichinae*. FSIS will update the Export Library to add the specific time and temperature combinations for commercial cooking and freezing of pork that were found in 9 CFR 318.10 for countries that require these times and temperatures. This update will ensure that establishments are aware of export requirements and prevent trade interruptions.

FSIS does not agree that removing the trichinae control regulations will waste Agency or industry resources because FSIS routinely updates the Export Library, and establishments must

conduct annual reassessments of their HACCP plans. Because participation in the negligible risk compartment will not be mandatory, establishments may or may not decide to revise their HACCP plans if APHIS establishes the risk compartment. Establishments will have the flexibility to determine how they will control for trichinae in their products.

*Comment:* One commenter from an association representing meat processors stated that the U.S. does not have a program that allows pigs to be classified as having a negligible risk for *Trichinella* because, according to the commenter, APHIS no longer has the U.S. Trichinae Certification Program. The same commenter argued that packers will have no tools, other than individual carcass testing, to determine the risk status of *Trichinella* in pigs and therefore, it is not possible to make fully informed decisions on risk in a HACCP plan addressing *Trichinella*.

Commenters from an association supporting sustainable agriculture and a food-safety consulting firm requested that FSIS add the industry Pork Quality Assurance (PQA) Plus program to the Compliance Guide as an acceptable pre-requisite program for controlling trichinae. The commenter stated that the PQA Plus program is based on HACCP principles and was developed by the National Pork Board to identify on-farm practices with potential to result in food safety hazards and to minimize these potential risks by improving on-farm biosecurity practices through producer education.

One commenter from an official establishment stated that FSIS should revise the draft compliance guide because, according to the commenter, industry has eliminated exposure of animals to garbage and rodents and, therefore, science does not support that pigs raised in pasture operations are at a higher risk for trichinae than others. The same commenter stated that the claims that pasture operations create a higher risk for trichinae will significantly limit establishments' market opportunities.

*Response:* FSIS disagrees with the comment that it is not possible to make fully informed decisions on the risks of *Trichinella* in HACCP plans because packers have limited resources to assess the risk status of *Trichinella* in pigs. As FSIS explained in the supplemental proposed rule, many establishments producing pork products already address trichinae in their HACCP plans or in a pre-requisite program (81 FR 17337, 17339). In addition, the compliance guide explains several different ways that establishments can

control or eliminate trichinae. APHIS's U.S. Trichinae Certification Program is just one option that is currently available to packers and establishments for the control for trichinae.

FSIS has decided that the PQA Plus program is an acceptable pre-requisite program for fresh pork products that were previously covered under 9 CFR 318.10(a). However, the PQA Plus program alone is not sufficient for products that were covered under 9 CFR 318.10(b) because these products pose a greater risk for *Trichinella* infection to consumers. Additionally, establishments that export to foreign countries should be aware that not all countries will accept the PQA Plus program as an acceptable pre-requisite program because it does not meet OIE standards. Therefore, for products previously covered under 9 CFR 318.10(a), establishments should use PQA Plus and treat pork products for the destruction of *Trichinella*.

The compliance guide states, "the risk of infection with *Trichinella* is increased in pasture raised swine that have access to rodents and wildlife infected with *Trichinella*." However, FSIS recognizes that not all pasture-raised swine are exposed to potentially infected reservoir hosts. Under the HACCP regulations, establishments producing RTE or NRTE pork products must address trichinae in their HACCP system if *Trichinella* and other parasites are hazards reasonably likely to occur in their processes. Establishments may determine that the parasitic hazard is not reasonably likely to occur because a pre-requisite program prevents the hazard, but they must have documentation to support the decisions in their hazard analysis (9 CFR 417.5(a)(1)). FSIS disagrees that the statement in the compliance guide that the risk of infection with *Trichinella* is increased in pasture raised swine that have access to rodents and wildlife infected with *Trichinella* will affect establishments' market opportunities.

*Comment:* Two trade associations representing meat processors argued that, given the lack of tools for assessing risk for *Toxoplasma gondii* (*T. gondii*), a protozoan parasite that can cause the disease toxoplasmosis, in pork, and the lack of international or national standards for this parasite, including mention of *T. gondii* in the compliance guide in relation to HACCP plans is premature. Furthermore, according to the commenters, there are no tests that can be performed at the establishment to determine whether live pigs are infected with *T. gondii*. The commenters argued that including *T. gondii* in the compliance guide could have a negative

impact on trade for U.S. pork producers. The commenters stated that current consumer guidelines for preparation of NRTE pork are effective for inactivation of *T. gondii*.

*Response:* Producers of RTE and NRTE pork products must assess in their hazard analysis which potential hazards are reasonably likely to occur (RLTO) in their production processes (9 CFR 417.2), and parasites could be a potential hazard. If establishments determine that parasites are a hazard that is RLTO, then they must include control procedures for these parasites in their HACCP plans. Establishments may determine that parasites are NRLTO, but they must have documentation to support the decisions in their hazard analysis (9 CFR 417.5(a)(1)). FSIS is keeping the section on *T. gondii* in the compliance guide to raise awareness of the parasite and provide valuable scientific information to assist establishments in conducting a hazard analysis. However, it should be noted that the compliance guidance represents best practice recommendations by FSIS, based on the best available scientific and practical consideration, and does not represent requirements that must be met. Establishments may choose to adopt different procedures than those outlined in the compliance guidance.

FSIS disagrees with the comments that it is not possible to make fully informed decisions on the risks of *T. gondii* in HACCP plans because packers have limited resources to assess the risk status of *T. gondii* in live pigs and carcasses. As explained in the compliance guide, the risk of infection with *T. gondii* is significantly increased in pasture-raised swine that are exposed to environmental contamination with cat feces in soil, grass, feed, or water. The compliance guide explains that while there are no programs to certify the risk of *T. gondii* in live swine, packers can prevent *toxoplasma* infection in swine through incorporating good production practices. Additionally, the compliance guide explains that while there are no direct testing methods for *T. gondii* that can be performed at slaughter, establishments can eliminate the parasitic hazard through the same heating, freezing, high-pressure processing, and irradiation methods that are used to eliminate *Trichinella*. FSIS has no reason to believe that including more information on *T. gondii* in the compliance guide will affect establishments' market opportunities.

Finally, FSIS agrees with commenters that current consumer guidelines for preparation of NRTE pork are effective for inactivation of *T. gondii*. However,



under HACCP regulations, establishments are required to address hazards RLTO in their products before the products reach the consumer.

*Comment:* Two trade associations representing meat processors did not support ending the TALP program because, according to the commenters, ending the TALP program eliminates a tool that packers can use for assessing the absence of risk for *Trichinella* by testing. The commenters asked what oversight FSIS would provide of third-party testing. Another commenter from a food safety consulting firm recommended that FSIS revise the establishment testing protocols for trichinae to specifically include molecular testing as having the potential to be equivalent to current digestion testing methods.

*Response:* FSIS is ending the TALP program to make more efficient use of its resources. As FSIS explained in the proposed rule, there is only one laboratory enrolled in the TALP program (81 FR 17338, 17340). Establishments may test product samples for the presence of trichinae using any validated testing method that is equivalent to the pooled sample digestion technique to verify that their system is working. FSIS has provided some guidance on sampling in the trichinae compliance guide. For example, establishments may enroll in the Agricultural Marketing Service's Trichinae Export Program, which tests for trichinae using the artificial digestion technique. Consistent with other industry testing, FSIS will not provide oversight of third-party testing and will not provide protocols for industry testing.

*Comment:* One trade association representing meat processors stated that FSIS should review the costs associated with the elimination of 9 CFR 318.10 and stated that the estimated costs were too low. The same commenter stated that FSIS did not provide a cost estimate for developing a HACCP plan that addresses trichinae and other hazards in pork products. The commenter also stated that FSIS did not consider the cost of participating in the U.S. Trichinae Certification Program. The commenter also requested that FSIS consider the costs of new validated cooking instruction labels.

*Response:* After reviewing the costs associated with the elimination of 9 CFR 318.10, FSIS is affirming the cost estimates in the proposed rule. These estimates are in 2016 dollars. The numbers still reflect FSIS costs.

FSIS disagrees with the comment that the Agency should provide a cost estimate for developing HACCP plans

that address trichinae. As FSIS explained in the supplemental proposed rule, many establishments producing pork products already address trichinae in their HACCP plans or in a pre-requisite program (81 FR 17337, 17339). Also, the HACCP regulations have been in place since 1996 and since that time have required that establishments conduct hazard analyses and HACCP plans to address hazards that are RLTO, including trichinae. As explained above, FSIS considers the time and temperature combinations for commercial cooking and freezing of pork in 9 CFR 318.10 as safe harbors and has incorporated these requirements into the compliance guidance on controlling for trichinae. Because many establishments are already addressing trichinae under their current HACCP systems, and establishments are not required to change the way that they cook or freeze pork to control for trichinae, establishments will not incur costs related to developing HACCP plans. FSIS did not include the costs of participation in on-farm programs like the U.S. Trichinae Certification Program because participation in these programs is a business decision not required by FSIS. FSIS also did not consider the costs of new validated cooking instruction labels because the Agency is not requiring establishments to add validated cooking instructions on raw, NRTE pork products.

#### *Thermally Processed, Commercially Sterile Regulations*

Two trade associations representing meat processors and a trade association representing shelf-stable food processors stated that the current regulations have been effective in ensuring safe and unadulterated products. Additionally, the commenters stated that finalizing the proposed changes to the thermally processed, commercially sterile regulations will improve clarity and understanding.

*Response:* FSIS is finalizing the proposed changes to the thermally processed, commercially sterile regulations. The Agency also is updating the regulatory citations in 9 CFR 548.6, which cross-reference the thermally processed, commercially sterile regulations, from 9 CFR part 318, subpart G to 9 CFR part 431.

#### **Executive Order 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, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated as a "non-significant" regulatory action under section 3(f) of Executive Order (E.O.) 12866. Accordingly, the final rule has not been reviewed by the Office of Management and Budget under E.O. 12866.

#### *Economic Impact Analysis*

FSIS affirms the preliminary regulatory impact analysis<sup>2</sup> and is finalizing this rule with only a small change to update the cross-reference in 9 CFR 548.6 to the new thermally processed, commercially sterile regulations. As is discussed above, FSIS is removing the trichinae treatment requirements under 9 CFR 318.10 as this action will give industry the flexibility under HACCP to develop science-based food safety controls to address trichinae and other pork associated parasitic hazards. The removal of the requirements for trichinae treatment of pork products will not impose significant costs on the industry because the establishments can address trichinae in their existing HACCP plans. If an establishment has identified trichinae as a hazard RLTO, the establishment will have to ensure that the process it uses effectively eliminates the hazard under HACCP. Establishments will not need to change any steps in their production processes since the establishments can take the same measures that they are currently taking to address the presence of trichinae. However, establishments will have the flexibility to use alternative procedures to those previously prescribed in the regulations, as long as establishments address the hazard in their HACCP plans. Establishments will have the flexibility provided by the HACCP regulations to develop appropriate science-based controls for trichinae and other parasitic hazards in pork. Among the controls that can be employed are on-farm trichinae certification of hogs, lethality treatment for RTE product, and, for NRTE products, conspicuous labeling and validated cooking instructions.

FSIS inspection program personnel will verify that establishments effectively address these hazards. Under the final rule, FSIS is ending the TALP

<sup>2</sup> <http://www.fsis.usda.gov/wps/wcm/connect/2b8aef47-9718-423f-aafb-fa31573fdb7e/2015-0036.htm?MOD=AJPERES>.

program, saving the Agency an average of \$13,000 per year (\$4,000 annual material cost + \$9,000 labor cost). TALP is a program under which FSIS has evaluated and approved non-Federal laboratories that use the pooled-sample design technique to analyze samples for the presence of trichinae. There is only one laboratory enrolled in the TALP program. FSIS is eliminating this program because very few establishments are using the laboratory that is in the program. The program is no longer necessary, and eliminating it will allow the Agency to make more efficient use of its resources.

The Agency also is combining the regulations for thermally processed, commercially sterile meat and poultry products into one new 9 CFR part 431 and making minor changes to improve clarity and remove redundant requirements. As discussed earlier in this document, FSIS is removing the requirement for the Administrator's prior approval before an establishment may use an alternative time lapse between container closure and the initiation of the thermal process (9 CFR 318.301(f)(2); 381.301(f)(2)). FSIS also is replacing the redundant descriptions of equipment (*e.g.*, bleeders, vents) common to the several types of retort systems (batch still, batch agitating, continuous rotary, and hydrostatic) with a single paragraph that describes equipment common to all the systems (9 CFR 318.305 and 381.305).

There are no additional costs associated with combining the canning regulations or with these other minor changes. FSIS is not implementing any new requirements for canning establishments and is providing additional flexibility by removing prior approval provisions.

#### **Executive Order 13771**

This final rule is an E.O. 13771 deregulatory action. We have estimated that this final rule would yield cost savings.

#### **Regulatory Flexibility Act Assessment**

The FSIS Administrator certifies that, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601–602), the final rule will not have a significant economic impact on a substantial number of small entities in the United States. The rule will affect 447 very small establishments and 222 small establishments that produce pork and pork products in the United States. FSIS is providing additional flexibility to these establishments. FSIS has developed a draft compliance guide designed to help small and very small establishments to understand the

controls that are effective for the prevention and elimination of trichinae and other parasites in RTE and NRTE pork products. There are 29 very small establishments and 80 small establishments that produce thermally processed, commercially sterile meat and poultry products in the United States. The final rule does not impose any additional costs on small and very small establishments because these establishments already are in compliance with the canning regulations, and combining the separate (meat and poultry) canning regulations into one part is an administrative action.

#### **Paperwork Reduction Act**

There are no paperwork or recordkeeping requirements associated with this final rule under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### **E-Government Act**

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

#### **Executive Order 12988**

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under this rule: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) no administrative proceedings will be required before parties may file suit in court challenging this rule.

#### **Executive Order 13175**

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." E.O. 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

FSIS has assessed the impact of this final rule on Indian tribes and determined that this rulemaking does

not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, the Food Safety and Inspection Service will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

#### **USDA Non-Discrimination Statement**

No agency, officer, or employee of the USDA will, 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](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](mailto: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).

#### **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.

#### List of Subjects

##### 9 CFR Part 301

Meat inspection.

##### 9 CFR Part 303

Meat inspection, Reporting and recordkeeping requirements.

##### 9 CFR Part 318

Food additives, Food packaging, Laboratories, Meat inspection, Reporting and recordkeeping requirements.

##### 9 CFR Part 319

Food grades and standards, Food labeling, Frozen foods, Meat inspection, Oils and fats.

##### 9 CFR Part 320

Meat inspection, Reporting and recordkeeping requirements.

##### 9 CFR Part 325

Meat inspection, Reporting and recordkeeping requirements, Transportation.

##### 9 CFR Part 331

Intergovernmental regulations, Meat inspection.

##### 9 CFR Part 381

Administrative practice and procedure, Animal diseases, Crime, Exports, Food grades and standards, Food labeling, Food packaging, Government employees, Grant programs—agriculture, Intergovernmental relations, Laboratories, Meat inspection, Nutrition, Polychlorinated biphenyls (PCB's), Poultry and poultry products inspection, Reporting and recordkeeping requirements.

##### 9 CFR Part 417

Meat inspection, Poultry and poultry products inspection, Reporting and recordkeeping requirements.

##### 9 CFR Part 424

Food additives, Food packaging, Meat inspection, Poultry and poultry products.

##### 9 CFR Part 431

Meat inspection, Poultry and poultry products inspection, Reporting and recordkeeping requirements.

##### 9 CFR Part 548

Fish, Food additives, Food grades and standards, Food packaging, Laboratories, Reporting and recordkeeping requirements, Signs and symbols.

For the reasons set forth in the preamble, FSIS is amending title 9, chapter III, of the Code of Federal Regulations as follows:

#### PART 301—TERMINOLOGY; ADULTERATION AND MISBRANDING STANDARDS

- 1. The authority citation for part 301 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.7, 2.18, 2.53.

##### § 301.2 [Amended]

- 2. Section 301.2 is amended in the definitions of “Process authority” and “Process schedule” by removing “subpart G of part 318” and adding in its place “part 431 of this chapter.”

#### PART 303—EXEMPTIONS

- 3. The authority citation for part 303 is revised to read as follows:

**Authority:** 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

##### § 303.1 [Amended]

- 4. Section 303.1 is amended as follows:
  - a. In paragraph (b)(1) by removing “318.10,” from the first and second sentences.
  - b. In paragraph (f) by removing the second sentence.

#### PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

- 5. The authority citation for part 318 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

##### § 318.10 [Removed and reserved]

- 6. Section 318.10 is removed and reserved.

##### Subpart G—[Removed and reserved]

- 7. Subpart G, consisting of §§ 318.300 through 318.311, is removed and reserved.

#### PART 319—DEFINITIONS AND STANDARDS OF IDENTITY AND COMPOSITION

- 8. The authority citation for part 319 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

##### § 319.106 [Amended]

- 9. In § 319.106, paragraph (b) is removed, paragraphs (c)(5) and (6) are removed and reserved, and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), respectively.

##### § 319.145 [Amended]

- 10. In § 319.145, paragraph (a)(2) is amended by removing the third sentence.

#### PART 320—RECORDS, REGISTRATION, AND REPORTS

- 11. The authority citation for part 320 is revised to read as follows:

**Authority:** 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

- 12. In § 320.1, paragraph (b)(6) is revised, paragraph (b)(7) is removed, and paragraphs (b)(8) through (11) are redesignated as paragraphs (b)(7) through (10), respectively, to read as follows:

##### § 320.1 Records required to be kept.

\* \* \* \* \*

(b) \* \* \*

(6) Records of canning as required by part 431 of this chapter.

\* \* \* \* \*

#### PART 325—TRANSPORTATION

- 13. The authority citation for part 325 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

##### § 325.7 [Amended]

- 14. In § 325.7, paragraph (a) is amended by removing the phrase “pork that has been refrigerated to destroy trichinae.”

#### PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

- 15. The authority citation for part 331 is revised to read as follows:

**Authority:** 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

**§ 331.5 [Amended]**

■ 16. In § 331.5, paragraph (a)(1)(ii) is amended by removing the phrase “; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments”.

**PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS**

■ 17. The authority citation for part 381 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 451–472; 7 CFR 2.18, 2.53.

■ 18. In § 381.175, paragraph (b)(3) is revised to read as follows:

**§ 381.175 Records required to be kept.**

\* \* \* \* \*

(b) \* \* \*

(3) Records of canning as required by part 431 of this chapter.

\* \* \* \* \*

**Subpart X—[Removed and reserved]**

■ 19. Subpart X, consisting of §§ 381.300 through 381.311, is removed and reserved.

**PART 417—HAZARD ANALYSIS AND CRITICAL CONTROL POINT (HACCP) SYSTEMS**

■ 20. The authority citation for part 417 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 451–472, 601–695; 7 CFR 2.18, 2.53.

■ 21. Section 417.2(b)(3) is revised to read as follows:

**§ 417.2 Hazard Analysis and HACCP plan.**

\* \* \* \* \*

(b) \* \* \*

(3) HACCP plans for thermally processed/commercially sterile products do not have to address the food safety hazards associated with microbiological contamination if the product is produced in accordance with the requirements of part 431 of this chapter.

\* \* \* \* \*

**PART 424—PREPARATION AND PROCESSING OPERATIONS**

■ 22. The authority citation for part 424 is revised to read as follows:

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 451–472, 601–695; 7 CFR 2.18, 2.53.

**§ 424.21 [Amended]**

■ 23. In § 424.21, paragraphs (a)(3)(ii) and (iii) are removed and paragraph (a)(3)(i) is redesignated as (a)(3).

■ 24. Part 431 is added to read as follows:

**PART 431—THERMALLY PROCESSED, COMMERCIALY STERILE PRODUCTS**

Sec.

431.1 Definitions.

431.2 Containers and closures.

431.3 Thermal processing.

431.4 Critical factors and the application of the process schedule.

431.5 Operations in the thermal processing area.

431.6 Equipment and procedures for heat processing systems.

431.7 Processing and production records.

431.8 Record review and maintenance.

431.9 Deviations in processing.

431.10 Finished product inspection.

431.11 Personnel and training.

431.12 Recall procedure.

**Authority:** 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 451–472, 601–695; 7 CFR 2.18, 2.53.

**§ 431.1 Definitions.**

**Abnormal container.** A container with any sign of swelling or product leakage or any evidence that the contents of the unopened container may be spoiled.

**Acidified low acid product.** A canned product which has been formulated or treated so that every component of the finished product has a pH of 4.6 or lower within 24 hours after the completion of the thermal process unless data are available from the establishment's processing authority demonstrating that a longer time period is safe.

**Bleeders.** Small orifices on a retort through which steam, other gasses, and condensate are emitted from the retort throughout the entire thermal process.

**Canned product.** A meat or poultry food product with a water activity above 0.85 which receives a thermal process either before or after being packed in a hermetically sealed container. Unless otherwise specified, the term “product” as used in this part means “canned product.”

**Closure technician.** The individual(s) identified by the establishment as being trained to perform specific container integrity examinations as required by this part and designated by the establishment to perform such examinations.

**Code lot.** All production of a particular product in a specific size container marked with a specific container code.

**Come-up time.** The elapsed time, including venting time (if applicable), between the introduction of the heating medium into a closed retort and the start of process timing.

**Critical factor.** Any characteristic, condition or aspect of a product, container, or procedure that affects the adequacy of the process schedule. Critical factors are established by processing authorities.

**Headspace.** That portion of a container not occupied by the product.

(1) **Gross headspace.** The vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the top edge of the container (*i.e.*, the flange of an unsealed can, the top of the double seam on a sealed can, or the top edge of an unsealed jar).

(2) **Net headspace.** The vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the inside surface of the lid.

**Hermetically sealed containers.** Air-tight containers which are designed and intended to protect the contents against the entry of microorganisms during and after thermal processing.

(1) **Rigid container.** A container, the shape or contour of which, when filled and sealed, is neither affected by the enclosed product nor deformed by external mechanical pressure of up to 10 pounds per square inch gauge (0.7 kg/cm<sup>2</sup>) (*i.e.*, normal firm finger pressure).

(2) **Semirigid container.** A container, the shape or contour of which, when filled and sealed, is not significantly affected by the enclosed product under normal atmospheric temperature and pressure, but can be deformed by external mechanical pressure of less than 10 pounds per square inch gauge (0.7 kg/cm<sup>2</sup>) (*i.e.*, normal firm finger pressure).

(3) **Flexible container.** A container, the shape or contour of which, when filled and sealed, is significantly affected by the enclosed product.

**Incubation tests.** Tests in which the thermally processed product is kept at a specific temperature for a specified period of time in order to determine if outgrowth of microorganisms occurs.

**Initial temperature.** The temperature, determined at the initiation of a thermal process cycle, of the contents of the coldest container to be processed.

**Low acid product.** A canned product in which any component has a pH value above 4.6.

**Process schedule.** The thermal process and any specified critical factors for a given canned product required to achieve shelf stability.

**Process temperature.** The minimum temperature(s) of the heating medium to be maintained as specified in the process schedule.

**Process time.** The intended time(s) a container is to be exposed to the heating medium while the heating medium is at or above the process temperature(s).

**Processing authority.** The person(s) or organization(s) having expert knowledge of thermal processing requirements for foods in hermetically sealed containers,

having access to facilities for making such determinations, and designated by the establishment to perform certain functions as indicated in this part.

*Program employee.* Any inspector or other individual employed by the Department or any cooperating agency who is authorized by the Secretary to do any work or perform any duty in connection with the Program.

*Retort.* A pressure vessel designed for thermal processing of product packed in hermetically sealed containers.

*Seals.* Those parts of a semirigid container and lid or of a flexible container that are fused together in order to hermetically close the container.

*Shelf stability.* The condition achieved by application of heat, sufficient, alone or in combination with other ingredients and/or treatments, to render the product free of microorganisms capable of growing in the product at nonrefrigerated conditions (over 50 °F or 10 °C) at which the product is intended to be held during distribution and storage. Shelf stability and shelf stable are synonymous with commercial sterility and commercially sterile, respectively.

*Thermal process.* The heat treatment necessary to achieve shelf stability as determined by the establishment's processing authority. It is quantified in terms of:

- (1) Time(s) and temperature(s); or
- (2) Minimum product temperature.

*Venting.* The removal of air from a retort before the start of process timing.

*Water activity.* The ratio of the water vapor pressure of the product to the vapor pressure of pure water at the same temperature.

#### § 431.2 Containers and closures.

(a) *Examination and handling of empty containers.* (1) Empty containers, closures, and flexible pouch roll stock must be evaluated by the establishment to ensure that they are free of structural defects and damage that may affect product or container integrity. Such an

examination should be based on a statistical sampling plan.

(2) All empty containers, closures, and flexible pouch roll stock must be stored, handled, and conveyed in such a manner that will prevent damage that could affect the hermetic condition of the sealed container.

(3) Just before filling, rigid containers must be cleaned to prevent incorporation of foreign matter into the finished product. Closures, semirigid containers, preformed flexible pouches, and flexible pouch roll stock contained in original wrappings do not need to be cleaned before use.

(b) *Closure examinations for rigid containers (cans)*—(1) *Visual examinations.* A closure technician must visually examine the double seams formed by each closing machine head. When seam defects (*e.g.*, cutovers, sharpness, knocked down flanges, false seams, droops) are observed, necessary corrective actions, such as adjusting or repairing the closing machine, must be taken. In addition to the double seams, the entire container must be examined for product leakage or obvious defects. A visual examination must be performed on at least one container from each closing machine head, and the observations, along with any corrective actions, must be recorded. Visual examinations must be conducted with sufficient frequency to ensure proper closure and should be conducted at least every 30 minutes of continuous closing machine operation. Additional visual examinations must be made by the closure technician at the beginning of production, immediately following every jam in the closing machine and after closing machine adjustment (including adjustment for changes in container size).

(2) *Teardown examinations.* Teardown examinations of double seams formed by each closing machine head must be performed by a closure technician at a frequency sufficient to ensure proper closure. These examinations should be made at intervals of not more than 4 hours of

continuous closing machine operation. At least one container from each closing head must be examined on the packer's end during each regular examination period. Examination results along with any necessary corrective actions, such as adjusting or repairing the closing machine, must be promptly recorded by the closure technician. The establishment must have container specification guidelines for double seam integrity on file and available for review by Program employees. A teardown examination of the can maker's end must be performed on at least one container selected from each closing machine during each examination period except when teardown examinations are made on incoming empty containers or when, in the case of self-manufactured containers, the containers are made in the vicinity of the establishment and the container plant records are made available to Program employees. Additional teardown examinations on the packer's end should be made at the beginning of production, immediately following every jam in a closing machine and after closing machine adjustment (including adjustment for a change in container size). The following procedures must be used in teardown examinations of double seams:

(i) *Dimensional measurement.* One of the following two methods must be employed for dimensional measurements of the double seam.

(A) *Micrometer measurement.* (1) For cylindrical containers, measure the following dimensions (Figure 1 to § 431.2) at three points approximately 120 degrees apart on the double seam excluding and at least one-half inch from the side seam juncture:

- (i) Double seam length—W;
- (ii) Double seam thickness—S;
- (iii) Body hook length—BH; and
- (iv) Cover hook length—CH.

(2) Maximum and minimum values for each dimensional measurement must be recorded by the closure technician.

BILLING CODE 3410-DM-P

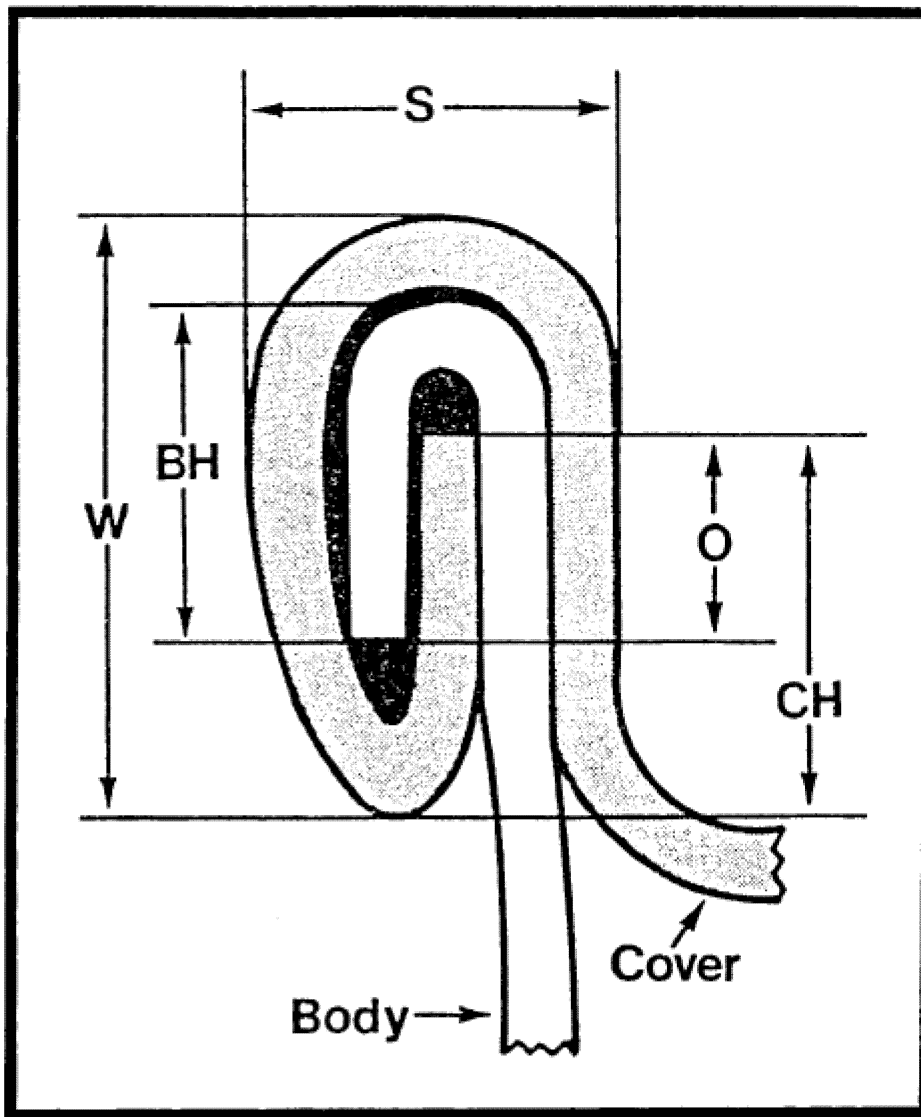


Figure 1 to § 431.2—Micrometer Measurement of Cylindrical Containers

**BILLING CODE 3410-DM-C**

(B) *Seamscope or seam projector.* Required measurements of the seam include thickness, body hook, and overlap.

(ii) *Seam thickness.* Seam thickness must be obtained by micrometer. For cylindrical containers, at least two locations, excluding the side seam juncture, must be used to obtain the required measurements.

(iii) *Seam tightness.* Regardless of the dimensional measurement method used to measure seam dimensions, at a minimum, the seam(s) examined must be stripped to assess the degree of wrinkling.

(iv) *Side seam juncture rating.* Regardless of the dimensional measurement method used to measure

seam dimensions, the cover hook must be stripped to examine the cover hook droop at the juncture for containers having side seams.

(v) *Examination of noncylindrical containers.* Examination of noncylindrical containers (e.g., square, rectangular, “D”-shaped, and irregularly-shaped) must be conducted as described in paragraphs (b)(2)(i), (ii), (iii), and (iv) of this section except that the required dimensional measurements must be made on the double seam at the points listed in the establishment’s container specification guidelines.

(c) *Closure examinations for glass containers—(1) Visual examinations.* A closure technician must visually assess the adequacy of the closures formed by each closing machine. When closure

defects, such as loose or cocked caps, fractured or cracked containers and low vacuum jars, are observed, necessary corrective actions, such as adjusting or repairing the closing machine must be taken and recorded. In addition to the closures, the entire container must be examined for defects. Visual examinations must be made with sufficient frequency to ensure proper closure and should be conducted at least every 30 minutes of continuous closing machine operation. Additional visual examinations must be made by the closure technician and the observations recorded at the beginning of production, immediately following every jam in the closing machine, and after closing machine adjustment

(including adjustment for a change in container size).

(2) *Closure examinations and tests.* Depending upon the container and closure, tests must be performed by a closure technician at a frequency sufficient to ensure proper closure. These examinations should be made either before or after thermal processing and at intervals of not more than 4 hours of continuous closing machine operation. At least one container from each closing machine must be examined during each regular examination period. Examination results along with any necessary corrective actions, such as adjusting or repairing the closing machine, must be promptly recorded by the closure technician. The establishment must have specification guidelines for closure integrity on file and available for review by Program employees. Additional closure examinations should be made at the beginning of production, immediately following every jam in the closing machine, and after closing machine adjustment (including adjustment for a change in container size).

(d) *Closure examinations for semi-rigid and flexible containers*—(1) *Heat seals*—(i) *Visual examinations.* A closure technician must visually examine the seals formed by each sealing machine. When sealing defects are observed, necessary corrective actions, such as adjusting or repairing the sealing machine, must be taken and recorded. In addition to examining the heat seals, the entire container must be examined for product leakage or obvious defects. Visual examinations must be performed before and after the thermal processing operation and with sufficient frequency to ensure proper closure. These examinations should be conducted at least in accordance with a statistical sampling plan. All defects noted and corrective actions taken must be promptly recorded.

(ii) *Physical tests.* Tests determined by the establishment as necessary to assess container integrity must be conducted by the closure technician at a frequency sufficient to ensure proper closure. These tests must be performed after the thermal processing operation and should be made at least every 2 hours of continuous production. The establishment's acceptance guidelines for each test procedure must be on file and available for review by Program employees. Test results along with any necessary corrective actions, such as adjusting or repairing the sealing machine, must be recorded.

(2) *Recording.* Double seams on semirigid or flexible containers must be examined and the results recorded as

provided in paragraph (b) of this section. Any additional measurements specified by the container manufacturer must also be made and recorded.

(e) *Container coding.* Each container must be marked with a permanent, legible, identifying code mark. The mark must, at a minimum, identify in code the product (unless the product name is lithographed or printed elsewhere on the container) and the day and year the product was packed.

(f) *Handling of containers after closure.* (1) Containers and closures must be protected from damage which may cause defects that are likely to affect the hermetic condition of the containers. The accumulation of stationary containers on moving conveyors should be minimized to avoid damage to the containers.

(2) The maximum time lapse between closure of containers and initiation of thermal processing must be 2 hours unless data are available from the establishment's processing authority demonstrating that an alternative time period is safe and will not result in product spoilage.

#### § 431.3 Thermal processing.

(a) *Process schedules.* Prior to the processing of canned product for distribution in commerce, an establishment must have a process schedule (as defined in § 431.1) for each canned meat or poultry product to be packed by the establishment.

(b) *Source of process schedules.* (1) Process schedules used by an establishment must be developed or determined by a processing authority.

(2) Any change in product formulation, ingredients, or treatments that are not already incorporated in a process schedule and that may adversely affect either the product heat penetration profile or sterilization value requirements must be evaluated by the establishment's processing authority. If it is determined that any such change adversely affects the adequacy of the process schedule, the processing authority must amend the process schedule accordingly.

(3) Complete records concerning all aspects of the development or determination of a process schedule, including any associated incubation tests, must be made available by the establishment to the Program employee upon request.

(c) *Submittal of process information.*

(1) Prior to the processing of canned product for distribution in commerce, the establishment must provide the inspector at the establishment with a list of the process schedules (including alternate schedules) along with any

additional applicable information, such as the retort come-up operating procedures and critical factors.

(2) Letters or other written communications from a processing authority recommending all process schedules must be maintained on file by the establishment. Upon request by Program employees, the establishment must make available such letters or written communications (or copies thereof). If critical factors are identified in the process schedule, the establishment must provide the inspector with a copy of the procedures for measuring, controlling, and recording these factors, along with the frequency of such measurements, to ensure that the critical factors remain within the limits used to establish the process schedule. Once submitted, the process schedules and associated critical factors and the procedures for measuring (including the frequency), controlling, and recording of critical factors must not be changed without the prior written submittal of the revised procedures (including supporting documentation) to the inspector at the establishment.

#### § 431.4 Critical factors and the application of the process schedule.

Critical factors specified in the process schedule must be measured, controlled, and recorded by the establishment to ensure that these factors remain within the limits used to establish the process schedule. Examples of factors that are often critical to process schedule adequacy may include:

- (a) *General.* (1) Maximum fill-in weight or drained weight;
- (2) Arrangement of pieces in the container;
- (3) Container orientation during thermal processing;
- (4) Product formulation;
- (5) Particle size;
- (6) Maximum thickness for flexible containers, and to some extent semirigid containers, during thermal processing;
- (7) Maximum pH;
- (8) Percent salt;
- (9) Ingoing (or formulated) nitrite level (ppm);
- (10) Maximum water activity; and
- (11) Product consistency or viscosity.

(b) *Continuous rotary and batch agitating retorts.* (1) Minimum headspace; and

(2) Retort reel speed.

(c) *Hydrostatic retorts.* (1) Chain or conveyor speed.

(2) [Reserved]

(d) *Steam/air retorts.* (1) Steam/air ratio; and

(2) Heating medium flow rate.

### § 431.5 Operations in the thermal processing area.

(a) *Posting of processes.* Process schedules (or operating process schedules) for daily production, including minimum initial temperatures and operating procedures for thermal processing equipment, must be posted in a conspicuous place near the thermal processing equipment. Alternatively, such information must be available to the thermal processing system operator and the inspector.

(b) *Process indicators and retort traffic control.* A system for product traffic control must be established to prevent product from bypassing the thermal processing operation. Each basket, crate, or similar vehicle containing unprocessed product, or at least one visible container in each vehicle, must be plainly and conspicuously marked with a heat sensitive indicator that will visually indicate whether such unit has been thermally processed. Exposed heat sensitive indicators attached to container vehicles must be removed before such vehicles are refilled with unprocessed product. Container loading systems for crateless retorts must be designed to prevent unprocessed product from bypassing the thermal processing operation.

(c) *Initial temperature.* The initial temperature of the contents of the coldest container to be processed must be determined and recorded by the establishment at the time the processing cycle begins to assure that the temperature of the contents of every container to be processed is not lower than the minimum initial temperature specified in the process schedule. Thermal processing systems which subject the filled and sealed containers to water at any time before process timing begins must be operated to assure that such water will not lower the temperature of the product below the minimum initial temperature specified in the process schedule.

(d) *Timing devices.* Devices used to time applicable thermal processing operation functions or events, such as process schedule time, come-up time, and retort venting, must be accurate to assure that all such functions or events are achieved. Pocket watches and wrist watches are not considered acceptable timing devices. Analog and digital clocks are considered acceptable. If such clocks do not display seconds, all required timed functions or events must have at least a 1-minute safety factor over the specified thermal processing operation times. Temperature/time recording devices must correspond within 15 minutes to the time of the day

recorded on written records required by § 431.7.

(e) *Measurement of pH.* Unless other methods are approved by the Administrator, potentiometric methods using electronic instruments (pH meters) must be used for making pH determinations when a maximum pH value is specified as a critical factor in a process schedule.

### § 431.6 Equipment and procedures for heat processing systems.

(a) *Instruments and controls common to different thermal processing systems—(1) Indicating temperature devices.* Each retort must be equipped with at least one indicating temperature device that measures the actual temperature within the retort. The indicating temperature device, not the temperature/time recording device, must be used as the reference instrument for indicating the process temperature.

(i) *Mercury-in-glass thermometers.* A mercury-in-glass thermometer must have divisions that are readable to 1 °F (or 0.5 °C) and whose scale contains not more than 17 °F/inch (or 4.0 °C/cm) of graduated scale. Each mercury-in-glass thermometer must be tested for accuracy against a known accurate standard upon installation and at least once a year to ensure its accuracy. Records that specify the date, standard used, test method, and the person or testing authority performing the test must be maintained on file by the establishment and made available to Program employees. A mercury-in-glass thermometer that has a divided mercury column or that cannot be adjusted to the standard must be repaired and tested for accuracy before further use, or replaced.

(ii) *Other devices.* Temperature-indicating devices, such as resistance temperature detectors, used in lieu of mercury-in-glass thermometers, must meet known, accurate standards for such devices when tested for accuracy. The records of such testing must be available to FSIS program employees.

(2) *Temperature/time recording devices.* Each thermal processing system must be equipped with at least one temperature/time recording device to provide a permanent record of temperatures within the thermal processing system. This recording device may be combined with the steam controller and may be a recording/controlling instrument. When compared to the known accurate indicating temperature device, the recording accuracy must be equal to or better than 1 °F (or 0.5 °C) at the process temperature. The temperature recording chart should be adjusted to agree with,

but must never be higher than, the known accurate indicating temperature device. A means of preventing unauthorized changes in the adjustment must be provided. For example, a lock or a notice from management posted at or near the recording device warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes. Air-operated temperature controllers must have adequate filter systems to ensure a supply of clean, dry air. The recorder timing mechanism must be accurate.

(i) *Chart-type devices.* Devices using charts must be used only with the correct chart. Each chart must have a working scale of not more than 55 °F/inch (or 12 °C/cm.) within a range of 20 °F (or 11 °C) of the process temperature. Chart graduations must not exceed 2 °F degrees (or 1 °C) within a range of 10 °F (or 5 °C) of the process temperature. Multipoint plotting chart-type devices must print temperature readings at intervals that will assure that the parameters of the process time and process temperature have been met. The frequency of recording should not exceed 1-minute intervals.

(ii) *Other devices.* Temperature/time recording devices or procedures used in lieu of chart-type devices must meet known accurate standards for such devices or procedures when tested for accuracy. Such a device must be accurate enough for ensuring that process time and temperature parameters have been met.

(3) *Steam controllers.* Each retort must be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording/controlling instrument when combined with a temperature/time recording device.

(4) *Air valves.* All air lines connected to retorts designed for pressure processing in steam must be equipped with a globe valve or other equivalent-type valve or piping arrangement that will prevent leakage of air into the retort during the process cycle.

(5) *Water valves.* All retort water lines that are intended to be closed during a process cycle must be equipped with a globe valve or other equivalent-type valve or piping arrangement that will prevent leakage of water into the retort during the process cycle.

(b) *Pressure processing in steam—(1) Common to batch still, batch agitating, continuous rotary retorts, and hydrostats—(i) Basic requirements.* The basic requirements and recommendations for indicating temperature devices and temperature/time recording devices are described in



paragraphs (a)(1) and (2) of this section. Additionally, bulb sheaths or probes of indicating temperature devices and probes of temperature/time recording devices must be installed either within the retort shell or in external wells attached to the retort. External wells must be connected to the retort through at least a  $\frac{3}{4}$  inch (1.9 cm) diameter opening and equipped with a  $\frac{1}{16}$  inch (1.6 mm) or larger bleeder opening so located as to provide a constant flow of steam past the length of the bulb or probe. The bleeder for the external wells must emit steam continuously during the entire thermal processing period.

(ii) *Steam inlet.* The steam inlet to each retort must be large enough to provide steam for proper operation of the retort, and must enter at a point(s) to facilitate air removal during venting.

(iii) *Bleeder and vent mufflers.* If mufflers are used on bleeders or vent systems, the establishment must have on file documentation that the mufflers do not impede the removal of air from the retort. Such documentation must consist of either heat distribution data or documentation from the muffler manufacturer or from a processing authority. This information must be made available to Program employees for review.

(iv) *Bleeders.* Bleeders, except those for external wells of temperature devices and hydrostatic retorts, must have a  $\frac{1}{8}$  inch (or 3 mm) or larger openings and must be wide open during the entire process, including the come-up time. All bleeders must be arranged so that the retort operator can observe that they are functioning properly. For horizontal retorts, batch agitating retorts, and continuous rotary retorts, bleeders must be located within approximately 1 foot (or 30 cm) of the outermost locations of containers at each end along the top of the retort. Additional bleeders must be located not more than 8 feet (2.4 m) apart along the top. This information must be maintained on file by the establishment and made available to Program employees for review. Vertical retorts must have at least one bleeder opening located in the portion of the retort opposite the steam inlet. Hydrostatic retorts must have bleeder openings  $\frac{1}{4}$  inch (or 6 mm) or larger which are to be located in the steam chamber(s) opposite the point of steam entry. Bleeders may be installed at positions other than those specified above, as long as the establishment has heat distribution data or other documentation from the manufacturer or from a processing authority demonstrating that the bleeders

accomplish removal of air and circulate the steam within the retort.

(2) *Batch still retorts*—(i) *Crate supports.* Vertical still retorts with bottom steam entry must employ bottom retort crate supports. Baffle plates must not be used in the bottom of retorts.

(ii) *Steam spreader.* Perforated steam spreaders, if used, must be maintained to ensure they are not blocked or otherwise inoperative. Horizontal still retorts must be equipped with perforated steam spreaders that extend the full length of the retort unless the adequacy of another arrangement is documented by heat distribution data or other documentation from a processing authority. Such information must be maintained on file by the establishment and made available to Program employees for review.

(iii) *Condensate removal.* In retorts having a steam inlet above the level of the lowest container, a bleeder must be installed in the bottom of the retort to remove condensate. The condensate bleeder must be so arranged that the retort operator can observe that it is functioning properly. The condensate bleeder must be checked with sufficient frequency to ensure adequate removal of condensate. Visual checks should be performed at intervals of not more than 15 minutes and the results recorded. Intermittent condensate removal systems must be equipped with an automatic alarm system that will serve as a continuous monitor of condensate bleeder functioning. The automatic alarm system must be tested at the beginning of each shift for proper functioning and the results recorded. If the alarm system is not functioning properly, it must be repaired before the retort is used.

(iv) *Stacking equipment*—(A) *Equipment for holding or stacking containers in retorts.* Crates, trays, gondolas, carts, and other vehicles for holding or stacking product containers in the retort must be so constructed to ensure steam circulation during the venting, come-up, and process times. The bottom of each vehicle must have perforations at least 1 inch (2.5 cm) in diameter on 2 inch (or 5 cm) centers or the equivalent unless the adequacy of another arrangement is documented by heat distribution data or other documentation from a processing authority and such information is maintained on file by the establishment and made available to Program employees for review.

(B) *Divider plates.* Whenever one or more divider plates are used between any two layers of containers or placed on the bottom of a retort vehicle, the establishment must have on file

documentation that the venting procedure allows the air to be removed from the retort before timing of the thermal process is started. Such documentation must be in the form of heat distribution data or documentation from a processing authority. This information must be made available to Program employees for review.

(v) *Vents.* (A) Vents must be located in that portion of the retort opposite the steam inlet and must be designed, installed, and operated in such a way that air is removed from the retort before timing of the thermal process is started. Vents must be controlled by a gate, plug cock, or other full-flow valve which must be fully opened to permit rapid removal of air from retorts during the venting period.

(B) Vents must not be connected to a closed drain system without an atmospheric break in the line. Where a retort manifold connects several pipes from a single retort, the manifold must be controlled by a gate, plug cock, or other full-flow valve and the manifold must be of a size such that the cross-sectional area of the manifold is larger than the total cross-sectional area of all connecting vents. The discharge must not be connected to a closed drain without an atmospheric break in the line. A manifold header connecting vents or manifolds from several still retorts must lead to the atmosphere. The manifold header must not be controlled by a valve and must be of a size such that the cross-sectional area is at least equal to the total cross-sectional area of all connecting retort manifold pipes from the maximum number of retorts to be vented simultaneously.

(C) Some typical installations and operating procedures are described below. Other retort installations, vent piping arrangements, operating procedures or auxiliary equipment such as divider plates may be used provided there is documentation that the air is removed from the retort before the process is started. Such documentation must be in the form of heat distribution data or other documentation from the equipment manufacturer or processing authority. This information must be maintained on file by the establishment and made available to Program employees for review.

(D) For crateless retort installations, the establishment must have heat distribution data or other documentation from the equipment manufacturer or from a processing authority that demonstrates that the venting procedure used accomplishes the removal of air and condensate. This information must be maintained on file

by the establishment and made available to Program employees for review.

(E) Examples of typical installations and operating procedures that comply

with the requirements of this section are as follows:

(1) *Venting horizontal retorts.* (i) Venting through multiple 1 inch (2.5

cm) vents discharging directly to the atmosphere.

BILLING CODE 3410-DM-P

**Figure 1 to § 431.6 - Equipment and Procedures for Heat Processing Systems**

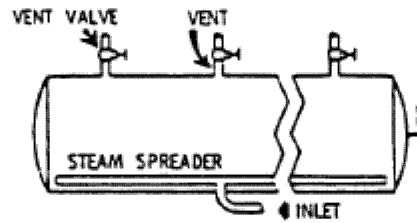


Figure 1.

*Specifications (Figure 1):* One, 1-inch (2.5 cm) vent for every 5 feet (1.5 m) of retort length, equipped with a gate, plug cock, or other full-flow valve and discharging to atmosphere. The end vents must not be more than 2 1/2 feet (or 75 cm) from ends of retort.

*Venting method (Figure 1):* Vent valves must be wide open for at least 5 minutes and to at least 225 °F (or 107 °C), or at least 7 minutes and to at least 220 °F (or 104.5 °C).

(ii) Venting through multiple 1 inch (2.5 cm) vents discharging through a manifold to the atmosphere.

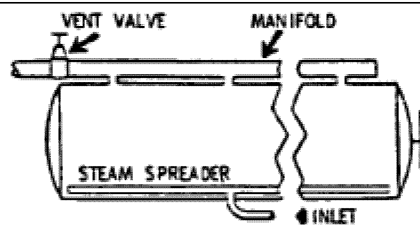
**Figure 2 to § 431.6 - Equipment and Procedures for Heat Processing Systems**

Figure 2.

*Specifications (Figure 2):* One, 1-inch (2.5 cm) vent for every 5 feet (1.5 m) of retort length; vents not over 2 1/2 feet (or 75 cm) from ends of retort; size of manifold for retorts less than 15 feet (4.6 m) in length, 2 1/2 inches (6.4 cm), and for retorts 15 feet (4.6 m) and over in length, 3 inches (7.6 cm).

*Venting method (Figure 2):* The manifold vent gate, plug cock, or other full-flow valve must be wide open for at least 6 minutes and to at least 225 °F (or 107 °C) or for at least 8 minutes and to at least 220 °F (or 104.5 °C).

(iii) Venting through water spreaders.

**Figure 3 to § 431.6 - Equipment and Procedures for Heat Processing Systems**

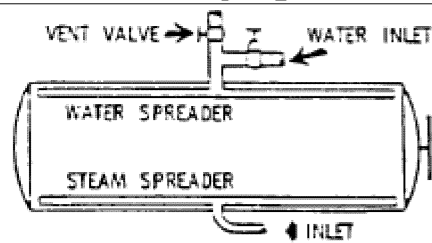


Figure 3.

*Specifications (Figure 3):* Size of vent and vent valve. For retorts less than 15 feet (4.6 m) in length, 2 inches (or 5 cm); for retorts 15 feet (4.6 m) and over in length, 2 1/2 inches (6.4 cm).

*Size of water spreader (Figure 3):* For retorts less than 15 feet (4.6 m) in length, 1 1/2 inches (3.8 cm); for retorts 15 feet (4.6 m) and over in length, 2 inches (or 5 cm). The number of holes must be such that their total cross-sectional area is equal to the cross-sectional area of the vent pipe inlet.

*Venting method (Figure 3):* The gate, plug cock, or other full-flow valve on the water spreader vent must be wide open for at least 5 minutes and to at least 225 °F (or 107 °C), or for at least 7 minutes and to at least 220 °F (or 104.5 °C).

(iv) Venting through a single 2½ inch (6.4 cm) top vent for retorts not exceeding 15 feet (4.6 m) in length.

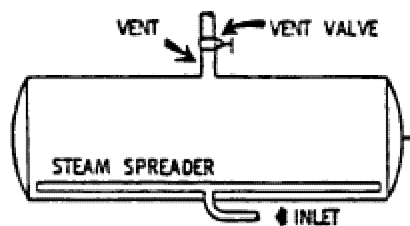
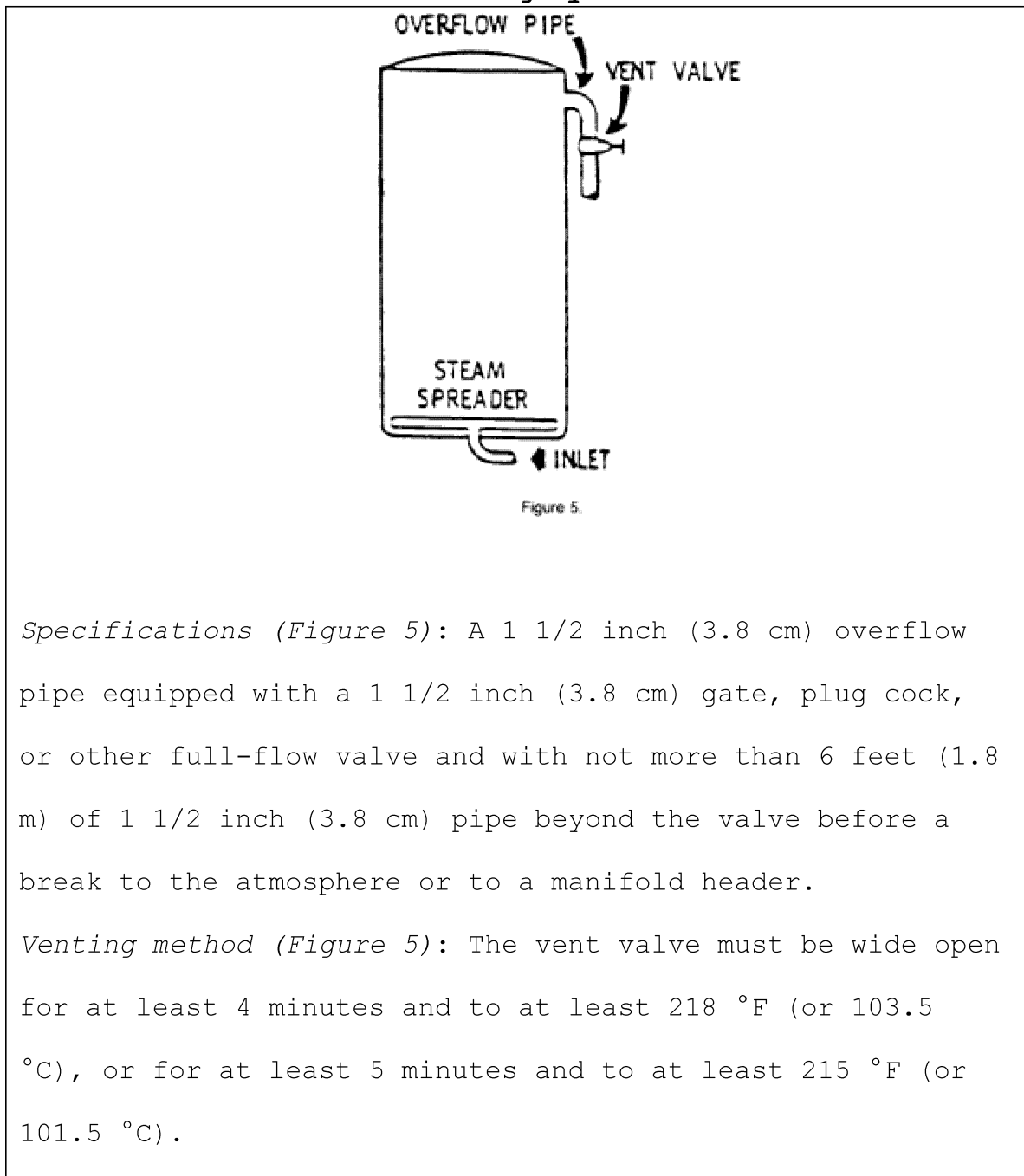
**Figure 4 to § 431.6 - Equipment and Procedures  
for Heat Processing Systems**

Figure 4.

*Specifications (Figure 4):* A 2 1/2 inch (6.4 cm) vent equipped with a 2 1/2 inch (6.4 cm) gate, plug cock, or other full-flow valve and located within 2 feet (61 cm) of the center of the retort.

*Venting method (Figure 4):* The vent valve must be wide open for at least 4 minutes and to at least 220 °F (or 104.5 °C).

(2) *Venting vertical retorts. (i)* Venting through a 1½ inch (3.8 cm) overflow.

**Figure 5 to § 431.6 - Equipment and Procedures for Heat Processing Systems**

*Specifications (Figure 5):* A 1 1/2 inch (3.8 cm) overflow pipe equipped with a 1 1/2 inch (3.8 cm) gate, plug cock, or other full-flow valve and with not more than 6 feet (1.8 m) of 1 1/2 inch (3.8 cm) pipe beyond the valve before a break to the atmosphere or to a manifold header.

*Venting method (Figure 5):* The vent valve must be wide open for at least 4 minutes and to at least 218 °F (or 103.5 °C), or for at least 5 minutes and to at least 215 °F (or 101.5 °C).

(ii) Venting through a single 1 inch (2.5 cm) side or top vent.

**Figures 6 and 7 to § 431.6 - Equipment and Procedures for Heat Processing Systems**

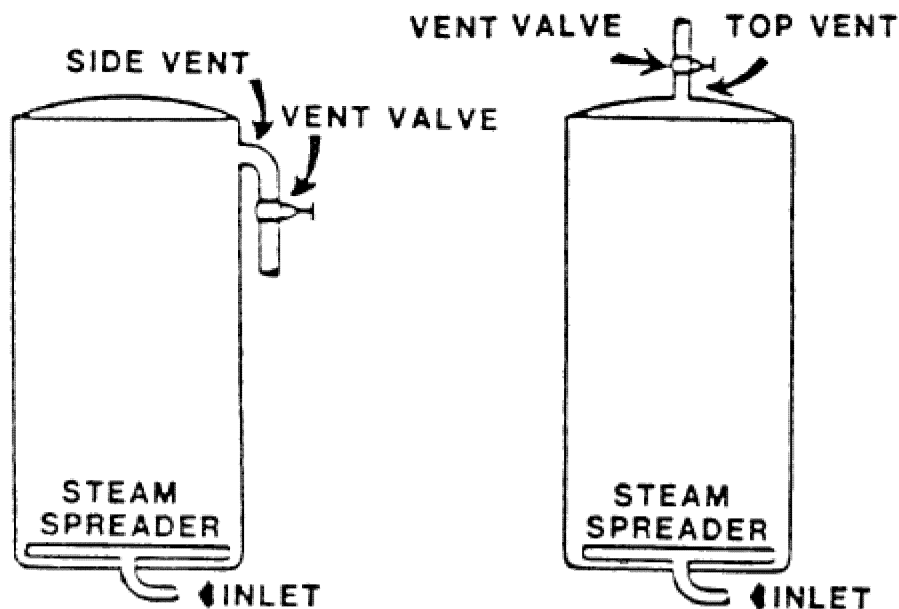


Figure 6

Figure 7

*Specifications (Figure 6 or 7):* A 1 inch (2.5 cm) vent in lid or top side, equipped with a gate, plug cock, or other full-flow valve and discharging directly into the atmosphere or to a manifold header.

*Venting method (Figure 6 or 7):* The vent valve must be wide open for at least 5 minutes and to at least 230 °F (110 °C), or for at least 7 minutes and to at least 220 °F (or 104.5 °C).

**BILLING CODE 3410-DM-C**

(3) *Batch agitating retorts*—(i) *Venting and condensate removal.* The air in the retort must be removed before processing is started. Heat distribution data or other documentation from the manufacturer or from the processing authority who developed the venting procedure must be kept on file by the establishment and made available to Program employees for review. At the time the steam is turned on, the drain

must be opened to remove steam condensate from the retort. A bleeder must be installed in the bottom of the retort to remove condensate during retort operation. The condensate bleeder must be so arranged that the retort operator can observe that it is functioning properly. The condensate bleeder must be checked with sufficient frequency to ensure adequate removal of condensate. Visual checks should be performed at intervals of not more than

15 minutes and the results recorded. Intermittent condensate removal systems must be equipped with an automatic alarm system that will serve as a continuous monitor of condensate bleeder functioning. The automatic alarm system must be tested at the beginning of each shift for proper functioning and the results recorded. If the alarm system is not functioning properly, it must be repaired before the retort is used.

(ii) *Retort or reel speed timing.* The retort or reel speed must be checked before process timing begins and, if needed, adjusted as specified in the process schedule. In addition, the rotational speed must be determined and recorded at least once during process timing of each retort load processed. Alternatively, a recording tachometer can be used to provide a continuous record of the speed. The accuracy of the recording tachometer must be determined and recorded at least once per shift by checking the retort or reel speed using an accurate stopwatch. A means of preventing unauthorized speed changes on retorts must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.

(4) *Continuous rotary retorts—(i) Venting and condensate removal.* The air in the retort must be removed before processing is started. Heat distribution data or other documentation from the manufacturer or from the processing authority who developed the venting procedure must be kept on file by the establishment and made available to Program employees for review. At the time the steam is turned on, the drain must be opened to remove steam condensate from the retort. A bleeder must be installed in the bottom of the shell to remove condensate during the retort operation. The condensate bleeder must be so arranged that the retort operator can observe that it is functioning properly. The condensate bleeder must be checked with sufficient frequency to ensure adequate removal of condensate. Visual checks should be performed at intervals of not more than 15 minutes and the results recorded. Intermittent condensate removal systems must be equipped with an automatic alarm system that will serve as a continuous monitor of condensate bleeder functioning. The automatic alarm system must be tested at the beginning of each shift for proper functioning and the results recorded. If the alarm system is not functioning properly, it must be repaired before the retort is used.

(ii) *Retort speed timing.* The rotational speed of the retort must be specified in the process schedule. The speed must be adjusted as specified, and recorded by the establishment when the retort is started, and checked and recorded at intervals not to exceed 4 hours to ensure that the correct retort speed is maintained. Alternatively, a recording tachometer may be used to provide a

continuous record of the speed. If a recording tachometer is used, the speed must be manually checked against an accurate stopwatch at least once per shift and the results recorded. A means of preventing unauthorized speed changes on retorts must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.

(5) *Hydrostatic retorts—(i) Basic requirements.* The basic requirements for indicating temperature devices and temperature/time recording devices are described in paragraphs (a)(1) and (2) of this section. Additionally, indicating temperature devices must be located in the steam dome near the steam/water interface. Where the process schedule specifies maintenance of particular water temperatures in the hydrostatic water legs, at least one indicating temperature device must be located in each hydrostatic water leg so that it can accurately measure water temperature and be easily read. The temperature/time recorder probe must be installed either within the steam dome or in a well attached to the dome. Each probe must have a  $\frac{1}{16}$  inch (1.6 mm) or larger bleeder opening which emits steam continuously during the processing period. Additional temperature/time recorder probes must be installed in the hydrostatic water legs if the process schedule specifies maintenance of particular temperatures in these water legs.

(ii) *Steam inlet.* The steam inlets must be large enough to provide steam for proper operation of the retort.

(iii) *Bleeders.* Bleeder openings  $\frac{1}{4}$  inch (or 6 mm) or larger must be located in the steam chamber(s) opposite the point of steam entry. Bleeders must be wide open and must emit steam continuously during the entire process, including the come-up time. All bleeders must be arranged in such a way that the operator can observe that they are functioning properly.

(iv) *Venting.* Before the start of processing operations, the retort steam chamber(s) must be vented to ensure removal of air. Heat distribution data or other documentation from the manufacturer or from a processing authority demonstrating that the air is removed from the retort prior to processing must be kept on file at the establishment and made available to Program employees for review.

(v) *Conveyor speed.* The conveyor speed must be calculated to obtain the required process time and recorded by

the establishment when the retort is started. The speed must be checked and recorded at intervals not to exceed 4 hours to ensure that the correct conveyor speed is maintained. A recording device may be used to provide a continuous record of the conveyor speed. When a recording device is used, the speed must be manually checked against an accurate stopwatch at least once per shift by the establishment. A means of preventing unauthorized speed changes of the conveyor must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.

(vi) *Bleeders and vent mufflers.* If mufflers are used on bleeders or vent systems, the establishment must have documentation that the mufflers do not impede the removal of air from the retort. Such documentation must consist of either heat distribution data or other documentation from the muffler manufacturer or from a processing authority. This information must be maintained on file by the establishment and made available to Program employees for review.

(c) *Pressure processing in water—(1) Common to batch still and agitating retorts—(i) Basic requirements.* The basic requirements for indicating temperature devices and temperature/time recording devices are described in paragraphs (a)(1) and (2) of this section.

(ii) *Pressure recording device.* Each retort must be equipped with a pressure recording device which may be combined with a pressure controller.

(iii) *Heat distribution.* Heat distribution data or other documentation from the equipment manufacturer or a processing authority demonstrating uniform heat distribution within the retort must be kept on file at the establishment and made available to Program employees for review.

(iv) *Drain valve.* A non-clogging, water-tight drain valve must be used. Screens must be installed over all drain openings.

(2) *Batch still retorts—(i) Temperature device bulbs and probes.* The indicating temperature device bulbs or probes must be located in such a position that they are beneath the surface of the water throughout the process. On horizontal retorts, the indicating temperature device bulb or probe must be inserted directly into the retort shell. In both vertical and horizontal retorts, the indicating temperature device bulb or probe must extend directly into the water a minimum of 2 inches (or 5 cm)



without a separable well or sleeve. In vertical retorts equipped with a recorder/controller, the controller probe must be located at the bottom of the retort below the lowest crate rest in such a position that the steam does not strike it directly. In horizontal retorts so equipped, the controller probe must be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for direct steam impingement on the controller probe. Air-operated temperature controllers must have filter systems to ensure a supply of clean, dry air.

(ii) *Crate supports.* A bottom crate support must be used in vertical retorts. Baffle plates must not be used in the bottom of the retort.

(iii) *Stacking equipment.* For filled flexible containers and, where applicable, semi-rigid containers, stacking equipment must be designed to ensure that the thickness of the filled containers does not exceed that specified in the process schedule and that the containers do not become displaced and overlap or rest on one another during the thermal process.

(iv) *Water level.* There must be a means of determining the water level in the retort during operation (*i.e.*, by using a gauge, electronic sensor, or sight glass indicator). For retorts requiring complete immersion of containers, water must cover the top layer of containers during the entire come-up time and thermal processing periods and should cover the top layer of containers during cooling. For retorts using cascading water or water sprays, the water level must be maintained within the range specified by the retort manufacturer or processing authority during the entire come-up, thermal processing, and cooling periods. A means to ensure that water circulation continues as specified throughout the come-up, thermal processing, and cooling periods must be provided. The retort operator must check and record the water level at intervals to ensure it meets the specified processing parameters.

(v) *Air supply and controls.* In both horizontal and vertical still retorts, a means must be provided for introducing compressed air or steam at the pressure required to maintain container integrity. Compressed air and steam entry must be controlled by an automatic pressure control unit. A non-return valve must be provided in the air supply line to prevent water from entering the system. Overriding air or steam pressure must be maintained continuously during the come-up, thermal processing, and cooling periods. If air is used to promote

circulation, it must be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort. The adequacy of the air circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the establishment and made available to Program employees for review.

(vi) *Water recirculation.* When a water recirculation system is used for heat distribution, the water must be drawn from the bottom of the retort through a suction manifold and discharged through a spreader that extends the length or circumference of the top of the retort. The holes in the water spreader must be uniformly distributed. The suction outlets must be protected with screens to keep debris from entering the recirculation system. The pump must be equipped with a pilot light or a similar device to warn the operator when it is not running, and with a bleeder to remove air when starting operations. Alternatively, a flow-meter alarm system can be used to ensure proper water circulation. The adequacy of water circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution or other documentation from a processing authority, and such data must be maintained on file by the establishment and made available to Program employees for review. Alternative methods for recirculation of water in the retort may be used, provided there is documentation in the form of heat distribution data or other documentation from a processing authority maintained on file by the establishment and made available to Program employees for review.

(vii) *Cooling water entry.* In retorts for processing product packed in glass jars, the incoming cooling water should not directly strike the jars, in order to minimize glass breakage by thermal shock.

(3) *Batch agitating retorts—(i) Temperature device bulbs and probes.* The indicating temperature device bulb or probe must extend directly into the water without a separable well or sleeve. The recorder/controller probe must be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for steam to directly strike the controller bulb or probe.

(ii) *Stacking equipment.* All devices used for holding product containers (*e.g.*, crates, trays, divider plates) must

be so constructed to allow the water to circulate around the containers during the come-up and thermal process periods.

(iii) *Water level.* There must be a means of determining the water level in the retort during operation (*i.e.*, by using a gauge, electronic sensor, or sight glass indicator). Water must completely cover all containers during the entire come-up, thermal processing, and cooling periods. A means to ensure that water circulation continues as specified throughout the come-up, thermal processing, and cooling periods must be provided. The retort operator must check and record the adequacy of the water level with sufficient frequency to ensure it meets the specified processing parameters.

(iv) *Air supply and controls.* Retorts must be provided with a means for introducing compressed air or steam at the pressure required to maintain container integrity. Compressed air and steam entry must be controlled by an automatic pressure control unit. A non-return valve must be provided in the air supply line to prevent water from entering the system. Overriding air or steam pressure must be maintained continuously during the come-up, thermal processing, and cooling periods. If air is used to promote circulation, it must be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort. The adequacy of the air circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the establishment and made available to Program employees for review.

(v) *Retort or reel speed timing.* The retort or reel speed timing must be checked before process timing begins and, if needed, adjusted as specified in the process schedule. In addition, the rotational speed must be determined and recorded at least once during process timing of each retort load processed. Alternatively, a recording tachometer can be used to provide a continuous record of the speed. The accuracy of the recording tachometer must be determined and recorded at least once per shift by the establishment by checking the retort or reel speed using an accurate stopwatch. A means of preventing unauthorized speed changes on retorts must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory

means of preventing unauthorized changes.

(vi) *Water recirculation.* If a water recirculation system is used for heat distribution, it must be installed in such a manner that water will be drawn from the bottom of the retort through a suction manifold and discharged through a spreader which extends the length of the top of the retort. The holes in the water spreader must be uniformly distributed. The suction outlets must be protected with screens to keep debris from entering the recirculation system. The pump must be equipped with a pilot light or a similar device to warn the operator when it is not running and with a bleeder to remove air when starting operations. Alternatively, a flow-meter alarm system can be used to ensure proper water circulation. The adequacy of water circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the establishment and made available to Program employees for review. Alternative methods for recirculation of water in the retort may be used provided there is documentation in the form of heat distribution data or other documentation from a processing authority maintained on file by the establishment and made available to Program employees for review.

(vii) *Cooling water entry.* In retorts for processing product packed in glass jars, the incoming cooling water should not directly strike the jars, in order to minimize glass breakage by thermal shock.

(d) *Pressure processing with steam/air mixtures in batch retorts—(1) Basic requirements.* The basic requirements for indicating temperature devices and temperature/time recording devices are described in paragraphs (a)(1) and (2) of this section. Additionally, bulb sheaths or probes for indicating temperature devices and temperature/time recording devices or controller probes must be inserted directly into the retort shell in such a position that steam does not strike them directly.

(2) *Recording pressure controller.* A recording pressure controller must be used to control the air inlet and the steam/air mixture outlet.

(3) *Circulation of steam/air mixtures.* A means must be provided for the circulation of the steam/air mixture to prevent formation of low-temperature pockets. The efficiency of the circulation system must be documented by heat distribution data or other documentation from a processing

authority, and such data must be maintained on file by the establishment and made available to Program employees for review. The circulation system must be checked to ensure its proper functioning and must be equipped with a pilot light or a similar device to warn the operator when it is not functioning. Because of the variety of existing designs, reference must be made to the equipment manufacturer for details of installation, operation, and control.

(e) *Atmospheric cookers—(1) Temperature/time recording device.* Each atmospheric cooker (e.g., hot water bath) must be equipped with at least one temperature/time recording device in accordance with the basic requirements described in paragraph (a)(2) of this section.

(2) *Heat distribution.* Each atmospheric cooker must be equipped and operated to ensure uniform heat distribution throughout the processing system during the thermal process. Heat distribution data or other documentation from the manufacturer or a processing authority demonstrating uniform heat distribution within the cooker must be kept on file by the establishment and made available to Program employees for review.

(f) *Other systems.* All other systems not specifically delineated in this section and used for the thermal processing of canned product must be adequate to produce shelf-stable products consistently and uniformly.

(g) *Equipment maintenance.* (1) Upon installation, all instrumentation and controls must be checked by the establishment for proper functioning and accuracy and, thereafter, at any time their functioning or accuracy is suspect.

(2) At least once a year each thermal processing system must be examined by an individual not directly involved in daily operations to ensure the proper functioning of the system as well as all auxiliary equipment and instrumentation. In addition, each thermal processing system should be examined before the resumption of operation following an extended shutdown.

(3) Air and water valves that are intended to be closed during thermal processing must be checked by the establishment for leaks. Defective valves must be repaired or replaced as needed.

(4) Vent and bleeder mufflers must be checked and maintained or replaced by the establishment to prevent any reduction in bleeder efficiency.

(5) When water spreaders are used for venting, a maintenance schedule must be developed and implemented to

assure that the holes are maintained at their original size.

(6) Records must be kept on all maintenance items that could affect the adequacy of the thermal process. Records must include the date and type of maintenance performed and the person conducting the maintenance.

(h) *Container cooling and cooling water.* (1) Potable water must be used for cooling except as provided for in paragraphs (h)(2) and (3) of this section.

(2) Cooling canal water must be chlorinated or treated with a chemical having a bactericidal effect equivalent to chlorination. There must be a measurable residual of the sanitizer in the water at the discharge point of the canal. Cooling canals must be cleaned and replenished with potable water to prevent the buildup of organic matter and other materials.

(3) Container cooling waters that are recycled or reused must be handled in systems that are so designed, operated, and maintained so there is no buildup of microorganisms, organic matter, and other materials in the systems and in the waters. System equipment, such as pipelines, holding tanks and cooling towers, must be constructed and installed so that they can be cleaned and inspected. In addition, the establishment must maintain, and make available to Program employees for review, information on at least the following:

(i) System design and construction;

(ii) System operation including the rates of renewal with fresh, potable water and the means for treating the water so that there is a measurable residual of an acceptable sanitizer, per paragraph (h)(2) of this section, in the water at the point where the water exits the container cooling vessel;

(iii) System maintenance including procedures for the periodic cleaning and sanitizing of the entire system; and

(iv) Water quality standards, such as microbiological, chemical and physical, monitoring procedures including the frequency and site(s) of sampling, and the corrective actions taken when water quality standards are not met.

(i) *Post-process handling of containers.* Containers must be handled in a manner that will prevent damage to the hermetic seal area. All worn and frayed belting, can retarders, cushions, and the like must be replaced with nonporous materials. To minimize container abrasions, particularly in the seal area, containers should not remain stationary on moving conveyors. All post-process container handling equipment should be kept clean so there is no buildup of microorganisms on surfaces in contact with the containers.

**§ 431.7 Processing and production records.**

At least the following processing and production information must be recorded by the establishment: Date of production; product name and style; container code; container size and type; and the process schedule, including the minimum initial temperature. Measurements made to satisfy the requirements of § 431.4 regarding the control of critical factors must be recorded. In addition, where applicable, the following information and data must also be recorded:

(a) *Processing in steam*—(1) *Batch still retorts*. For each retort batch, record the retort number or other designation, the approximate number of containers or the number of retort crates per retort load, product initial temperature, time steam on, the time and temperature vent closed, the start of process timing, time steam off, and the actual processing time. The indicating temperature device and the temperature recorder must be read at the same time at least once during process timing and the observed temperatures recorded.

(2) *Batch agitating retorts*. In addition to recording the information required for batch still steam retorts in paragraph (a)(1) of this section, record the functioning of the condensate bleeder(s) and the retort or reel speed.

(3) *Continuous rotary retorts*. Record the retort system number, the approximate total number of containers retorted, product initial temperature, time steam on, the time and temperature vent closed, time process temperature reached, the time the first can enters and the time the last can exits the retort. The retort or reel speed must be determined and recorded at intervals not to exceed 4 hours. Readings of the indicating temperature device(s) and temperature recorder(s) must be made and recorded at the time the first container enters the retort and thereafter with sufficient frequency to ensure compliance with the process schedule. These observations should be made and recorded at intervals not exceeding 30 minutes of continuous retort operation. Functioning of the condensate bleeder(s) must be observed and recorded at the time the first container enters the retort and thereafter as specified in § 431.305(b)(3)(v).

(4) *Hydrostatic retorts*. Record the retort system number, the approximate total number of containers retorted, product initial temperature, time steam on, the time and temperature vent(s) closed, time process temperature reached, time first containers enter the retort, time last containers exit the retort, and, if specified in the process

schedule, measurements of temperatures in the hydrostatic water legs. Readings of the temperature indicating device, which is located in the steam/water interface, and the temperature recording device must be observed and the temperatures recorded at the time the first containers enter the steam dome. Thereafter, these instruments must be read and the temperatures recorded with sufficient frequency to ensure compliance with the temperature specified in the process schedule and should be made at least every hour of continuous retort operation. Container conveyor speed, and for agitating hydrostatic retorts, the rotative chain speed, must be determined and recorded at intervals of sufficient frequency to ensure compliance with the process schedule and should be performed at least every 4 hours.

(b) *Processing in water*—(1) *Batch still retorts*. For each retort batch, record the retort number or other designation, the approximate number of containers or number of retort crates per retort load, product initial temperature, time steam on, the start of process timing, water level, water recirculation rate (if critical), overriding pressure maintained, time steam off, and actual processing time. The indicating temperature device and the temperature recorder must be read at the same time at least once during process timing and the observed temperatures recorded.

(2) *Batch agitating retorts*. In addition to recording the information required in paragraph (b)(1) of this section, record the retort or reel speed.

(c) *Processing in steam/air mixtures*. For each retort batch, record the retort number or other designation, the approximate number of containers or number of retort crates per retort load, product initial temperature, time steam on, venting procedure, if applicable, the start of process timing, maintenance of circulation of the steam/air mixture, air flow rate or forced recirculation flow rate (if critical), overriding pressure maintained, time steam off, and actual processing time. The indicating temperature device and the temperature recorder must be read at the same time at least once during process timing and the observed temperatures recorded.

(d) *Atmospheric cookers*—(1) *Batch-type systems*. For each cooker batch, record the cooker number or other designation and the approximate number of containers. In addition, record all critical factors of the process schedule such as cooker temperature, initial temperature, the time the thermal process cycle begins and ends, hold

time, and the final internal product temperature.

(2) *Continuous-type systems*. Record the cooker number or other designation, the time the first containers enter and the last containers exit a cooker, and the approximate total number of containers processed. In addition, record all critical factors of the process schedule such as the initial temperature, cooker speed, and final internal product temperature.

**§ 431.8 Record review and maintenance.**

(a) *Process records*. Charts from temperature/time recording devices must be identified by production date, container code, processing vessel number or other designation, and other data as necessary to enable correlation with the records required in § 431.7. Each entry on a record must be made at the time the specific event occurs, and the recording individual must sign or initial each record form. No later than 1 working day after the actual process, the establishment must review all processing and production records to ensure completeness and to determine if all product received the process schedule. All records, including the temperature/time recorder charts and critical factor control records, must be signed or initialed and dated by the person conducting the review. All processing and production records required in this subpart must be made available to Program employees for review.

(b) *Automated process monitoring and recordkeeping*. Automated process monitoring and recordkeeping systems must be designed and operated in a manner that will ensure compliance with the applicable requirements of § 431.7.

(c) *Container closure records*. Written records of all container closure examinations must specify the container code, the date and time of container closure examination, the measurement(s) obtained, and any corrective actions taken. Records must be signed or initialed by the container closure technician and must be reviewed and signed by the establishment within 1 working day after the actual production to ensure that the records are complete and that the closing operations have been properly controlled. All container closure examination records required in this subpart must be made available to Program employees for review.

(d) *Distribution of product*. Records must be maintained by the establishment identifying initial distribution of the finished product to facilitate, if necessary, the segregation of specific production lots that may have

been contaminated or are otherwise unsound for their intended use.

(e) *Retention of records.* Copies of all processing and production records required in § 431.7 must be retained for no less than 1 year at the establishment, and for an additional 2 years at the establishment or other location from which the records can be made available to Program employees within 3 working days.

#### § 431.9 Deviations in processing.

(a) Whenever the actual process is less than the process schedule or when any critical factor does not comply with the requirements for that factor as specified in the process schedule, it must be considered a deviation in processing.

(b) Deviations in processing (or process deviations) must be handled according to:

(1) A HACCP plan for canned product that addresses hazards associated with microbial contamination; or,

(2) Alternative documented procedures that will ensure that only safe and stable product is shipped in commerce; or

(3) Paragraph (c) of this section.

(c) Procedures for handling process deviations where the HACCP plan for thermally processed/commercially sterile product does not address food safety hazards associated with microbial contamination, where there is no approved total quality control system, or where the establishment has no alternative documented procedures for handling process deviations.

(1) *Deviations identified in-process.* If a deviation is noted at any time before the completion of the intended process schedule, the establishment must:

(i) Immediately reprocess the product using the full process schedule; or

(ii) Use an appropriate alternate process schedule provided such a process schedule has been established in accordance with § 431.3(a) and (b) and is filed with the inspector in accordance with § 431.3(c); or

(iii) Hold the product involved and have the deviation evaluated by a processing authority to assess the safety and stability of the product. Upon completion of the evaluation, the establishment must provide the inspector the following:

(A) A complete description of the deviation along with all necessary supporting documentation;

(B) A copy of the evaluation report; and

(C) A description of any product disposition actions, either taken or proposed.

(iv) Product handled in accordance with paragraph (c)(1)(iii) of this section

must not be shipped from the establishment until the Program has reviewed all of the information submitted and approved the product disposition actions.

(v) If an alternate process schedule is used that is not on file with the inspector or if an alternate process schedule is immediately calculated and used, the product must be set aside for further evaluation in accordance with paragraphs (c)(1)(iii) and (iv) of this section.

(vi) When a deviation occurs in a continuous rotary retort, the product must be handled in accordance with paragraphs (c)(1)(iii) and (iv) of this section or in accordance with the following procedures:

(A) *Emergency stops.* (1) When retort jams or breakdowns occur during the processing operations, all containers must be given an emergency still process (developed per § 431.3(b)) before the retort is cooled or the retort must be cooled promptly and all containers removed and either reprocessed, repacked and reprocessed, or destroyed. Regardless of the procedure used, containers in the retort intake valve and in transfer valves between retort shells at the time of a jam or breakdown must be removed and either reprocessed, repacked and reprocessed and or destroyed. Product to be destroyed must be handled as “U.S. Inspected and Condemned,” as defined in § 301.2 of this chapter, or as “U.S. Condemned,” as defined in § 381.1(b) of this chapter, and disposed of in accordance with part 314 of this chapter or with § 381.95 of this chapter, as applicable.

(2) The time the retort reel stopped and the time the retort is used for an emergency still retort process must be noted on the temperature/time recording device and entered on the other production records required in § 431.7.

(B) *Temperature drops.* When the retort temperature drops below the temperature specified in the process schedule, the reel must be stopped and the following actions must be taken:

(1) For temperature drops of less than 10 °F (or 5.5 °C) either:

(i) All containers in the retort must be given an emergency still process (developed per § 431.3(b)) before the reel is restarted;

(ii) Container entry to the retort must be prevented and an emergency agitating process (developed per § 431.3(b)) must be used before container entry to the retort is restarted; or

(iii) Container entry to the retort must be prevented and the reel restarted to

empty the retort. The discharged containers must be reprocessed, repacked and reprocessed, or destroyed. Product to be destroyed must be handled as “U.S. Inspected and Condemned,” as defined in § 301.2 of this chapter, or as “U.S. Condemned,” as defined in § 381.1(b) of this chapter, and disposed of in accordance with part 314 of this chapter or with § 381.95 of this chapter, as applicable.

(2) For temperature drops of 10 °F (or 5.5 °C) or more, all containers in the retort must be given an emergency still process (developed per § 431.3(b)). The time the reel was stopped and the time the retort was used for a still retort process must be marked on the temperature/time recording device by the establishment and entered on the other production records required in § 431.7. Alternatively, container entry to the retort must be prevented and the reel restarted to empty the retort. The discharged containers must be either reprocessed, repacked and reprocessed, or destroyed. Product to be destroyed must be handled as “U.S. Inspected and Condemned,” as defined in § 301.2 of this chapter, or as “U.S. Condemned,” as defined in § 381.1(b) of this chapter, and disposed of in accordance with part 314 of this chapter or with § 381.95 of this chapter, as applicable.

(2) *Deviations identified through record review.* Whenever a deviation is noted during review of the processing and production records required by § 431.8(a) and (b), the establishment must hold the product involved and the deviation must be handled in accordance with paragraphs (c)(1)(iii) and (iv) of this section.

(d) *Process deviation file.* The establishment must maintain full records regarding the handling of each deviation. Such records must include, at a minimum, the appropriate processing and production records, a full description of the corrective actions taken, the evaluation procedures and results, and the disposition of the affected product. Such records must be maintained in a separate file or in a log that contains the appropriate information. The file or log must be retained in accordance with § 431.8(e) and must be made available to Program employees upon request.

#### § 431.10 Finished product inspection.

(a) Finished product inspections must be handled according to:

(1) An HACCP plan for canned product that addresses hazards associated with microbiological contamination;

(2) An FSIS-approved total quality control system;

(3) Alternative documented procedures that will ensure that only safe and stable product is shipped in commerce; or

(4) Paragraph (b) of this section.

(b) Procedures for handling finished product inspections where the HACCP plan for thermally processed/commercially sterile product does not address food safety hazards associated with microbial contamination, where there is no approved total quality control system, or where the establishment has no alternative documented procedures for handling process deviations.

(1) *Incubation of shelf stable canned product*—(i) *Incubator*. The establishment must provide incubation facilities which include an accurate temperature/time recording device, an indicating temperature device, a means for the circulation of the air inside the incubator to prevent temperature variations, and a means to prevent unauthorized entry into the facility. The Program is responsible for the security of the incubator.

(ii) *Incubation temperature*. The incubation temperature must be maintained at 95±5 °F (35±2.8 °C). If the incubation temperature falls below 90 °F (or 32 °C) or exceeds 100 °F (or 38 °C) but does not reach 103 °F (or 39.5 °C), the incubation temperature must be adjusted within the required range and the incubation time extended for the time the sample containers were held at the deviant temperature. If the incubation temperature is at or above 103 °F (or 39.5 °C) for more than 2 hours, the incubation test(s) must be terminated, the temperature lowered to within the required range, and new sample containers incubated for the required time.

(iii) *Product requiring incubation*. Shelf stable product requiring incubation includes:

(A) Low acid products as defined in § 431.1; and

(B) Acidified low acid products as defined in § 431.1.

(iv) *Incubation samples*. (A) From each load of product processed in a batch-type thermal processing system (still or agitation), the establishment must select at least one container for incubation.

(B) For continuous rotary retorts, hydrostatic retorts, or other continuous-type thermal processing systems, the establishment must select at least one container per 1,000 for incubation.

(C) Only normal-appearing containers must be selected for incubation.

(v) *Incubation time*. Canned product requiring incubation must be incubated for not less than 10 days (240 hours) under the conditions specified in paragraph (b)(1)(ii) of this section.

(vi) *Incubation checks and record maintenance*. Designated establishment employees must visually check all containers under incubation each working day and the inspector must be notified when abnormal containers are detected. All abnormal containers should be allowed to cool before a final decision on their condition is made. For each incubation test the establishment must record at least the product name, container size, container code, number of containers incubated, in and out dates, and incubation results. The establishment must retain such records, along with copies of the temperature/time recording charts, in accordance with § 431.8(d).

(vii) *Abnormal containers*. The finding of abnormal containers (as defined in § 431.1) among incubation samples is cause to officially retain at least the code lot involved.

(viii) *Shipping*. No product must be shipped from the establishment before the end of the required incubation period. An establishment wishing to ship product prior to the completion of the required incubation period must submit a written proposal to the District Office. Such a proposal must include provisions that will assure that shipped product will not reach the retail level of distribution before sample incubation is completed and that product can be returned promptly to the establishment should such action be deemed necessary by the incubation test results. Upon receipt of written approval from the District Office, product may be routinely shipped provided the establishment continues to comply with all requirements of this subpart.

(2) [Reserved]

(c) *Container condition*—(1) *Normal containers*. Only normal-appearing

containers must be shipped from an establishment as determined by an appropriate sampling plan or other means acceptable to program employees.

(2) *Abnormal containers*. When abnormal containers are detected by any means other than incubation, the establishment must inform the inspector, and the affected code lot(s) must not be shipped until the Program has determined that the product is safe and stable. Such a determination will take into account the cause and level of abnormality in the affected lot(s) as well as any product disposition actions either taken or proposed by the establishment.

#### § 431.11 Personnel and training.

All operators of thermal processing systems specified in § 431.6 and container closure technicians must be under the direct supervision of a person who has successfully completed a school of instruction that is generally recognized as adequate for properly training supervisors of canning operations.

#### § 431.12 Recall procedure.

Establishments must prepare and maintain a current procedure for the recall of all canned product covered by this subpart. Upon request, the recall procedure must be made available to Program employees for review.

### PART 548—PREPARATION OF PRODUCTS

■ 25. The authority citation for part 548 is revised to read as follows:

**Authority:** 7 U.S.C. 1633; 21 U.S.C. 601–602, 606–695; 7 CFR 2.7, 2.18, 2.53.

#### § 548.6 [Amended]

■ 26. Section 548.6 is amended by removing “9 CFR part 318, subpart G (§§ 318.300–318.311)” and adding in its place “9 CFR part 431”.

Done in Washington, DC.

**Paul Kiecker,**

*Acting Administrator.*

[FR Doc. 2018–11300 Filed 5–30–18; 8:45 am]

**BILLING CODE 3410-DM-P**

# Reader Aids

## Federal Register

Vol. 83, No. 105

Thursday, May 31, 2018

### CUSTOMER SERVICE AND INFORMATION

<b>Federal Register/Code of Federal Regulations</b>	
General Information, indexes and other finding aids	<b>202-741-6000</b>
<b>Laws</b>	<b>741-6000</b>
<b>Presidential Documents</b>	
Executive orders and proclamations	<b>741-6000</b>
<b>The United States Government Manual</b>	<b>741-6000</b>
<b>Other Services</b>	
Electronic and on-line services (voice)	<b>741-6020</b>
Privacy Act Compilation	<b>741-6050</b>
Public Laws Update Service (numbers, dates, etc.)	<b>741-6043</b>

### ELECTRONIC RESEARCH

**World Wide Web**

Full text of the daily Federal Register, CFR and other publications is located at: [www.fdsys.gov](http://www.fdsys.gov).

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: [www.ofr.gov](http://www.ofr.gov).

#### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

### FEDERAL REGISTER PAGES AND DATE, MAY

18913-19156.....	1	22831-23206.....	17
19157-19426.....	2	23207-23348.....	18
19427-19602.....	3	23349-23574.....	21
19603-19904.....	4	23575-23774.....	22
19905-20706.....	7	23775-24000.....	23
20707-21164.....	8	24001-24218.....	24
21165-21706.....	9	24219-24396.....	25
21707-21840.....	10	24397-24650.....	29
21841-22176.....	11	24651-24904.....	30
22177-22346.....	14	24905-25326.....	31
22347-22586.....	15		
22587-22830.....	16		

### CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>1 CFR</b>		13833.....	23345	
426.....	19408, 19414	13834.....	23771	
		13835.....	24001	
<b>3 CFR</b>		<b>Administrative Orders:</b>		
<b>Proclamations:</b>		Memorandums:		
9615 (Superseded by		Memorandum of April		
Proclamation		26, 2018.....		19157
9753).....	24215	Space Policy Directive		
9704 (Amended by		2 of May 24,		
9739).....	20677	2018.....		24901
9705 (Amended by		Notices:		
9740).....	20683	Notice of May 9,		
9710 (Amended by		2018.....		21839
9739).....	20677	Notice of May 14,		
9711 (Amended by		2018.....		22585
9740).....	20683	Notice of May 18,		
9729.....	19155	2018.....		23573
9730.....	19425	Presidential		
9731.....	19599	Determinations:		
9732.....	19601	No. 2018-05 of April		
9733.....	19893	20, 2018.....		20707
9734.....	19895	No. 2018-06 of April		
9735.....	19897	30, 2018.....		20709
9736.....	19899	No. 2018-07 of April		
9737.....	19901	30, 2018.....		20711
9738.....	19903	Notice of May 10,		
9739.....	20677	2018.....		22175
9740.....	20683	<b>6 CFR</b>		
9741.....	20713	<b>Proposed Rules:</b>		
9742.....	22165	5.....		19020, 20738
9743.....	22167	<b>7 CFR</b>		
9744.....	22169	2.....		22177
9745.....	22171	250.....		18913
9746.....	22347	372.....		24003
9747.....	23201	625.....		23207
9748.....	23203	636.....		23207
9749.....	23205	900.....		22831
9750.....	24209	925.....		21165
9751.....	24211	984.....		21841
9752.....	24213	1006.....		21843
9753.....	24215	1409.....		22177
9754.....	24217	1415.....		23207
9755.....	24395	1465.....		23207
<b>Executive Orders:</b>		1466.....		23207
13198 (Amended by		1468.....		23207
EO 13831).....	20715	1470.....		23207
13280 (Amended by		1773.....		19905, 24011
EO 13831).....	20715	3419.....		21846
13342 (Amended by		<b>Proposed Rules:</b>		
EO 13831).....	20715	66.....		19860, 23827
13397 (Amended by		930.....		21941
EO 13831).....	20715	945.....		21188
13559 (Amended by		948.....		24045
EO 13831).....	20715	1255.....		22213
13199 (Revoked by		<b>8 CFR</b>		
EO 13831).....	20715	214.....		24905
13498 (Revoked by		<b>Proposed Rules:</b>		
EO 13831).....	20715	103.....		24415
13693 (Revoked by		212.....		24415
EO 13834).....	23771	274a.....		24415
13831.....	20715			
13832.....	22343			



21909, 22203, 22207, 22853, 23232, 23372, 24030, 24033, 24034, 24223, 24226, 24406, 24661, 24940	495.....20164	73.....21995	390.....22865, 24228
62.....19184, 24940	<b>44 CFR</b>	76.....19033	391.....24228
80.....22593	64.....23610	90.....20011	393.....22865
174.....24942	<b>45 CFR</b>	101.....19660	395.....22865, 24228
180.....19968, 19972, 22595, 22854, 23819, 24036	144.....19431	<b>48 CFR</b>	396.....22865, 24228
228.....24408	146.....19431	Ch. 1.....19144, 19150	397.....22865
260.....24664	147.....19431, 21925	16.....19145	398.....22865, 24228
261.....24664	153.....21925	19.....19146	650.....24672
300.....22859, 23374	154.....21925	22.....19148	1040.....19647
<b>Proposed Rules:</b>	155.....21925	49.....19149	1552.....23238
30.....24255	156.....21925	52.....19148	<b>Proposed Rules:</b>
49.....20775	157.....21925	201.....19641	571.....24962
51.....19026	158.....21925	202.....24895	580.....24962
52.....19191, 19194, 19476, 19479, 19483, 19495, 19497, 20002, 21226, 21233, 21235, 21238, 21977, 22227, 22436, 22908, 22913, 23244, 23402, 23407, 24256, 24258, 24259, 24264, 24267, 24446, 24952, 24954	<b>47 CFR</b>	204.....24886, 24887, 24894, 211.....24888	581.....24962
55.....21254	1.....19186, 19440, 21722, 21927	212.....19641, 24886, 24887	582.....24962
62.....19195, 24960	2.....19976	215.....19645, 24888	583.....24962
63.....19499, 22438, 22754	8.....21927	216.....24888	585.....24962
68.....24850	20.....21927, 23378	218.....24888	587.....24962
81.....21238, 21977, 22235, 24714	25.....22391	222.....24887, 24892	588.....24962
152.....20004	51.....22208, 23611	225.....24888, 24890	591.....24962
156.....20004	54.....18948, 18951, 23380, 23611	237.....24892	592.....24962
174.....20004	63.....21181	246.....19641	593.....24962
180.....20004, 20008, 22439, 22440, 23247	64.....18951, 21723	252.....19641, 24886, 24887, 24891, 24892, 24894, 24895	594.....24962
300.....22918, 23408, 23409	68.....23378	<b>Proposed Rules:</b>	595.....24962
<b>42 CFR</b>	73.....19186, 19459, 22209	Appx. I Ch. 2.....19677	
71.....24671	74.....23613	204.....24897	
414.....21912, 23584	76.....19461	219.....19677	
431.....19440	90.....19976	<b>49 CFR</b>	
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	350.....22865	
10.....20008	Ch. I.....21747	360.....22865	
411.....21018	0.....20011	365.....22865	
412.....20164, 20972, 21104	1.....19660, 22923	370.....24228	
413.....20164, 21018	2.....19660, 20011, 23412, 24064	371.....24228	
418.....20934	15.....19660	373.....22865, 24228	
424.....20164, 21018	25.....19660, 21746, 24064	375.....24228	
	30.....19660	376.....24228	
	32.....22923	378.....24228	
	51.....22923	379.....24228	
	54.....19196	380.....22865, 24228	
	61.....22923	382.....22865, 24228	
	64.....21983	383.....22865	
	69.....22923	384.....22865	
		385.....22865	
		387.....22865, 24228	



---

**LIST OF PUBLIC LAWS**

---

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at <http://www.archives.gov/federal-register/laws>.

The text of laws is not published in the **Federal**

**Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at <http://www.gpo.gov/fdsys>. Some laws may not yet be available.

**S. 35/P.L. 115-175**  
Black Hills National Cemetery Boundary Expansion Act (May 25, 2018; 132 Stat. 1369)  
**Last List May 25, 2018**

---

---

**Public Laws Electronic Notification Service (PENS)**

---

**PENS** is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.