FEDERAL REGISTER

Vol. 83 Wednesday,
No. 109 June 6, 2018

Pages 26203–26346

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.*

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*, 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.*

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.*

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*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 83, No. 109

Wednesday, June 6, 2018

Separate Parts In This Issue

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.

Rules and Regulations

Federal Register

Vol. 83, No. 109

Wednesday, June 6, 2018

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0221; Airspace Docket No. 17–AWP–7]

RIN 2120–AA66

Amendment of Class D and E Airspace; Van Nuys, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action removes the Notice to Airmen (NOTAM) part-time status from the legal description of the Class E airspace area designated as an extension at Van Nuys Airport, Van Nuys, CA, and adds NOTAM part-time status information to Class E surface area airspace. These actions bring the airspace descriptions in line with the airspace hours listed in the applicable Chart Supplement. Also, an editorial change is made to the Class D airspace legal description replacing Airport/Facility Directory with the term Chart Supplement.

DATES: Effective 0901 UTC, September 13, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Richard Farnsworth, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–2244.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends NOTAM part-time information for Class D and E airspace to ensure the efficient use of airspace at Van Nuys Airport.

History

The FAA Aeronautical Information Services branch found the Class E airspace designated as an extension at Van Nuys Airport, Van Nuys, CA, as published in FAA Order 7400.11B, Airspace Designations and Reporting Points, does not require part time status. In addition, NOTAM part-time status is required for Van Nuys Airport in Class E surface area airspace. Also, an editorial change is made to the Class D airspace legal description replacing Airport/Facility Directory with the term Chart Supplement.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, respectively, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends Title 14, Code of Federal Regulations (14 CFR) part 71 by eliminating the following language from the legal description of Class E airspace designated as an extension at Van Nuys Airport, Van Nuys, CA, ''This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory''.

This action also would add NOTAM part-time status information to the regulatory text in Class E surface area airspace for Van Nuys Airport. This brings the airspace descriptions published in the Order in line with the airspace hours listed in the Chart Supplement.

Lastly, this action replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the Class D airspace legal description.

This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3)

does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Van Nuys, CA [Amended]

Van Nuys, Van Nuys Airport, CA
(Lat. 34°12′35″ N, long. 118°29′24″ W)
Burbank, Bob Hope Airport, CA
(Lat. 34°12′03″ N, long. 118°21′31″ W)
Los Angeles, Whiteman Airport, CA
(Lat. 34°15′34″ N, long. 118°24′48″ W)

That airspace extending upward from the surface to but not including 3,000 feet within a 4.3-mile radius of Van Nuys Airport, excluding that airspace within the Bob Hope Airport, CA, Class C airspace area, and excluding that airspace within a 1.8-mile radius of Whiteman Airport, CA. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AWP CA E2 Van Nuys, CA [Amended]

Van Nuys, Van Nuys Airport, CA
(Lat. 34°12′35″ N, long. 118°29′24″ W)
Burbank, Bob Hope Airport, CA
(Lat. 34°12′03″ N, long. 118°21′31″ W)
Los Angeles, Whiteman Airport, CA
(Lat. 34°15′34″ N, long. 118°24′48″ W)

That airspace extending upward from the surface within a 4.3-mile radius of Van Nuys Airport, excluding that airspace within the Bob Hope Airport, CA, Class C airspace area, and excluding that airspace within a 1.8-mile radius of Whiteman Airport, CA. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in Chart Supplement.

Paragraph 6004 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP CA E4 Van Nuys, CA [Amended]

Van Nuys Airport, CA
(Lat. 34°12′35″ N, long. 118°29′24″ W)
Van Nuys VOR/DME
(Lat. 34°13′24″ N, long. 118°29′30″ W)

That airspace extending upward from the surface within 2.2 miles each side of the Van Nuys VOR/DME 350° radial, extending from the 4.3-mile radius of Van Nuys Airport to 8.3 miles north of the Van Nuys VOR, excluding that airspace within the Whiteman, CA, Class D airspace area.

Issued in Seattle, Washington, on May 29, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–12079 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 180214174–8174–02]

RIN 0694–AH54

Unverified List (UVL); Correction

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; correcting amendments.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) by correcting one (1) address for one (1) person listed on the Unverified List (UVL) and removing an extraneous name from one (1) other entry listed on the UVL. These omissions were inadvertent and failure to correct them would cause confusion and possibly compromise national security.

DATES: *Effective date:* This rule is effective: June 6, 2018.

FOR FURTHER INFORMATION CONTACT: Kevin Kurland, Director, Office of Enforcement Analysis, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–4255 or by email at *UVLRequest@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

On May 17, 2018, the Bureau of Industry and Security published a rule entitled ''Revisions to the Unverified List (UVL)'' in the **Federal Register** (83 FR 22842). The rule revised the Unverified List (UVL), found in Supplement No. 6 to part 744 of the Export Administration Regulations. This rule corrects the second truncated address for the person ''SIC Dipaul'' under the country of Russia (83 FR 22845) and removes the extraneous name ''Sergey Ivanov'' from the entry for ''Simms Marine Group OU'' under the country of Estonia (83 FR 22844).

Savings Clause

Shipments (1) removed from license exception eligibility or that are now subject to requirements in § 744.15 of the EAR as a result of this regulatory action; (2) eligible for export, reexport, or transfer (in-country) without a license before this regulatory action; and (3) on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on June 6, 2018, pursuant to actual orders, may proceed to that UVL listed person under the previous license exception eligibility or without a license so long as the items have been exported from the United States, reexported or transferred (in-country) before July 6, 2018. Any such items not actually exported, reexported or transferred (in-country) before midnight on July 6, 2018 are subject to the requirements in § 744.15 of the EAR in accordance with this regulation.

Export Administration Act

Since August 21, 2001, the Export Administration Act of 1979, as amended, has been in lapse. However, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8,

2013, 78 FR 16129 (March 13, 2013), and as extended by the Notice of August 15, 2017, 82 FR 39005 (August 16, 2017) has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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 rule has not been designated a ''significant regulatory action,'' pursuant to Executive Order 12866.

2. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable to this rule because this regulation involves a military or foreign affairs function of the United States under 5 U.S.C. 553(a)(1). BIS implements this rule to protect U.S. national security or foreign policy interests by requiring a license or, where no license is required, a UVL statement for items being exported, reexported, or transferred (in country) involving a party or parties to the transaction who are listed on the UVL. If this rule were delayed to allow for notice and comment and a delay in effective date, the entities whose addresses are being corrected by this action would potentially be able to receive items without additional oversight by BIS and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, publishing a proposed rule would give these parties notice of the U.S. Government's intention to amend their current entry on the UVL, and create an incentive for these persons to accelerate receiving items subject to the EAR in furtherance of activities contrary to the national security or foreign policy interests of the United States, and/or take steps to set up additional aliases, change addresses, and other measures to try to limit the impact of the listing once a final rule was published.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

3. Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under the following control numbers: 0694–0088, 0694–0122, 0694–0134, and 0694–0137.

4. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017); Notice of September 18, 2017, 82 FR 43825 (September 19, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017); Notice of January 17, 2018, 83 FR 2731 (January 18, 2018).

■ 2. Supplement No. 6 to part 744 is amended by revising the entry for ''Simms Marine Group OU'' under Estonia and the entry ''SIC Dipaul'' under Russia to read as follows:

Supplement No. 6 to Part 744—Unverified List

* * * * *

Country	Listed person and address	**Federal Register** citation and date of publication
*	* * * *	* *
ESTONIA	Simms Marine Group OU, Paavli Str. 5½, Tallinn, Estonia, 10412	83 FR 22844, 05/17/18. 83 FR [INSERT **Federal Register** PAGE NUMBER], 6/6/18.
*	* * * *	* *
RUSSIA	SIC Dipaul, Bolshaya Monetnaya Street 16, Saint Petersburg 197101, Russia *and* 5B, Rentgena ul., Saint Petersburg 197101, Russia	83 FR 22845, 05/17/18. 83 FR [INSERT **Federal Register** PAGE NUMBER], 6/6/18.
*	* * * *	* *

Dated: May 31, 2018.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

[FR Doc. 2018–12120 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–33–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1220

[Docket No. CPSC–2010–0075]

Safety Standard for Non-Full-Size Baby Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In accordance with section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), also known as the Danny Keysar Child Product Safety Notification Act, the U.S. Consumer Product Safety Commission (CPSC), in December 2010, published a consumer product safety standard for non-full-size baby cribs (NFS cribs). The standard incorporated by reference the applicable ASTM voluntary standard, with several modifications. The CPSIA sets forth a process for updating standards that the Commission has issued under the authority of section 104(b) of the CPSIA. In accordance with that process, we are publishing this direct final rule, revising the CPSC's standard for NFS cribs to incorporate by reference a more recent version of the applicable ASTM standard.

DATES: The rule is effective on September 10, 2018, unless we receive significant adverse comment by July 6, 2018. If we receive timely significant adverse comments, we will publish notification in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of September 10, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2010–0075, by any of the following methods:

Submit electronic comments in the following way:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (email), except through *www.regulations.gov.*

Submit written submissions as follows:

Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

FOR FURTHER INFORMATION CONTACT: Justin Jirgl, Compliance Officer, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408; telephone: 301–504–7814; email: *jjirgl@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The Danny Keysar Child Product Safety Notification Act

Section 104(b)(1)(B) of the CPSIA, also known as the Danny Keysar Child Product Safety Notification Act, requires the Commission to promulgate consumer product safety standards for durable infant or toddler products. The law requires that these standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product.

The CPSIA also sets forth a process for updating CPSC's durable infant or toddler standards when the voluntary standard upon which the CPSC standard was based is changed. Section 104(b)(4)(B) of the CPSIA provides that if an organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under this subsection, it shall notify the Commission. In addition, the revised voluntary standard shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or such later date specified by the Commission in the **Federal Register**) unless, within 90 days after receiving that notice, the Commission notifies the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard and that the Commission is retaining the existing consumer product safety standard.

The CPSC's NFS Crib Standard

Section 104(c) of the CPSIA treated cribs differently than other products covered by section 104. Section 104(c) of the CPSIA stated that the standards for full-size and NFS cribs would apply to persons (such as those owning or operating child care facilities and places of public accommodation) in addition to persons usually subject to consumer product safety rules.[1] Pursuant to section 104(b)(1) and section 104(c) of the CPSIA, on December 28, 2010, the Commission published a mandatory consumer product safety standard that incorporated by reference ASTM F406–10a, *Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards,* along with several modifications. (75 FR 81766). These modifications:

- Excluded a requirement to retighten screws and bolts between the crib side latch test and the mattress support vertical impact test (Section 6.1 of ASTM F406–10a; 16 CFR 1220.2(b)(3) of the CPSC standard);
- Clarified how to conduct the spindle/slat static force test with a crib that has folding or movable sides (Section 8.10.1 of ASTM F406–10a; 16 CFR 1220.2(b)(5) of the CPSC standard);
- Revised a warning to replace the words ''play yard'' with the word ''product'' (Section 9.4.2.6 of ASTM F406–10a; 16 CFR 1220(b)(12) of the CPSC standard); and
- Removed the provisions that relate only to play yards (1220.2(b)(1), (2), (4), and (6) through (11) of the CPSC standard).

On August 12, 2011, in Public Law No. 112–28, Congress amended section 104 and specifically addressed the revision of the crib standards, stating that any revision of the crib standards

[1] Under section 104(c) of the CPSIA, the initial crib standards applied to any person that—

(A) manufactures, distributes in commerce, or contracts to sell cribs;

(B) based on the person's occupation, holds itself out as having knowledge of skill peculiar to cribs, including child care facilities and family child care homes;

(C) is in the business of contracting to sell or resell, lease, sublet, or otherwise place cribs in the stream of commerce; or

(D) owns or operates a place of accommodation affecting commerce (as defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) applied without regard to the phrase ''not owned by the Federal Government'').

after their initial promulgation ''shall apply only to a person that manufactures or imports cribs,'' unless the Commission determines that application to any others covered by the initial crib standards is ''necessary to protect against an unreasonable risk to health or safety.'' If the Commission does apply the revised crib standard to additional persons, it must provide at least 12 months for those persons to come into compliance. The Commission is not expanding the applicability of the revised NFS crib standard in this rule. Thus, the revised NFS crib standard will apply to the same entities and in the same manner as other rules the Commission issues under section 104 of the CPSIA.

Although ASTM F406 covers both NFS cribs and play yards, because section 104 has provisions that are specific to cribs, the CPSC created separate standards for NFS cribs and play yards. The safety standard for NFS cribs is set forth in 16 CFR part 1220. The safety standard for play yards is set forth in 16 CFR part 1221. Full-size cribs are addressed in a separate standard that references ASTM F1169–10 (16 CFR part 1219). The CPSC standard for NFS cribs does not apply to play yards, which are mesh or fabric-sided products, and the play yard-specific requirements are expressly excluded from the NFS crib standard.[2]

Notification of Recent Revision

On March 14, 2018, ASTM officially notified the CPSC that ASTM has published a revised 2017 version of ASTM F406 in a standard approved on December 1, 2017, ASTM F406–17, *Standard Consumer Safety Performance Specification for Non-Full Size Baby Cribs/Play Yards.* ASTM specifically notified the Commission only on the revisions related to the sections covering NFS cribs, but not on the sections related to the requirements for play yards. As discussed below, the Commission has reviewed the differences between the CPSC standard, 16 CFR part 1220, and ASTM F406–17.

B. Revisions to the ASTM Standard

ASTM has published nine revisions to ASTM F406 since publication of ASTM F406–10a. Three of the nine revisions of ASTM F406 affected the requirements for play yards but did not affect the voluntary standard for NFS cribs.[3] Four revisions of ASTM F406 affected both NFS cribs and play yards.[4] Two revisions affected only NFS cribs.[5] The revisions that impact play yards are not addressed in this rule; only the revisions that relate to NFS cribs are addressed in this rule. There are several differences between 16 CFR part 1220 (which incorporated by reference ASTM F406–10a) and the revised version of the standard, ASTM F406–17. Below, we summarize the differences and the CPSC's assessment of the revisions that are applicable to NFS cribs.

F406–10b Revision

ASTM F406–10b, approved and published in December 2010, revised ASTM F406–10a. ASTM F406–10b made two significant revisions:

- Section 8.10.1—changed provisions on spindles and slats to require that each foldable and moveable side be tested separately. This change harmonized ASTM F406 with 16 CFR 1220.2(b)(5).
- Section 9.4.2.6, changed the language in the required warning from ''play yard'' to ''product,'' which harmonized ASTM F406 with 16 CFR 1220.2(b)(12).

Previously, when it published the CPSC standard for NFS cribs in 2010, the Commission concluded that these changes would be more stringent than the voluntary standard and would further reduce the risk of injury associated with the product. Accordingly, the Commission finds that these revisions, which remain unchanged in the ASTM F406–17, would improve the safety of NFS cribs.

F406–11a Revision

ASTM F406–11a, approved on July 1, 2011, and published in September 2011, contained two changes to definitions that affected NFS cribs, but did not affect the safety of these products.

- The definition of ''non-full-size crib'' was modified to clarify that the two dimensions referred to a length and width, rather than two lengths.
- The word ''dropside'' was removed from ''dropside/drop gate,'' and the definition was modified to define ''drop gates'' as telescoping or pivoting, rather than sliding or pivoting.

Because both changes are clarifications, the Commission considers them to be neutral changes regarding safety.

F406–12 Revision

ASTM F406–12, approved on January 15, 2012, and published in February 2012, contained one change applicable to NFS cribs.

- The definition of ''dropgate'' was modified to remove the word ''telescope,'' because drop gates are products that pivot, while a telescoping side would be covered under the definition of ''movable side''.

This clarification is a neutral change regarding safety.

F406–13 Revision

ASTM F406–13, approved on May 1, 2013, and published in May 2013, contained the following changes affecting NFS cribs:

- Section 5.8.3.3—clarified that removing the mattress is considered one of the two required actions for the release of a ''double-action locking or latching device'' located under the mattress. The Commission agrees that removing the mattress is an appropriate action and finds this is a neutral change regarding safety.
- Section 5.9.2—provided an exemption for any ''openings in the surface of a mattress support made of a rigid material'' that are designed to prevent the entrapment of fingers, toes, hands, or feet if the occupant can readily move, lift, or fold the mattress to expose the opening. Specifically, rigid products, *i.e.,* NFS cribs that have a total mattress thickness greater than 2.5 inches are exempted from this requirement. The Commission agrees that a 2.5-inch thick mattress will render any potential openings inaccessible and finds this is a neutral change regarding safety.
- Section 5.15—*Entrapment in accessories* clarified the example description; in addition, removed the requirement in section 5.15.2 that all attachment points must remain attached, but retained the requirement that all openings exposed by the test ''shall not allow the complete passage of the small head probe.'' This change allows for designs where an accessory rests on the top rails of a NFS crib along the full length of the accessory's edge. In these cases, there are no ''attachment points.'' This change outlines more clearly the method of performing the test, while applying the test to accessories with and without true attachment points. The Commission concludes this change improves the safety of NFS cribs.
- Section 5.19—the section on key structural elements, was moved to section 6.18. This a neutral change regarding safety.
- Section 8.26.3—*Detachment Test* was changed to clarify that the test refers to the ''portion of the accessory,'' instead of the ''attachment portion.'' This clarification was necessary due to the changes in section 5.15, and the Commission considers this change improves the safety of the standard.

[2] See 16 CFR 1220.2(b)(1), (2), (4), and (6) through (11).

[3] F406–11, F406–11b, and F406–12a.

[4] F406–11a, F406–12, F406–13, and F406–15.

[5] F406–12b and F406–17.

• Section 6.18—now contains the provision for NFS cribs previously in section 5.19. This is a neutral change regarding safety.

F406–15 Revision

ASTM F406–15, approved on November 1, 2015, and published in December 2015, contained the following changes affecting NFS cribs:

• Section 5.15—*Entrapment in Accessories* was changed to include specifically cantilevered accessories as a type of accessory that must be tested for entrapment. The Commission finds this change improves the safety of NFS cribs by ensuring this type of accessory is addressed by the standard.

• Section 8.17.4—Minor clarifications were made in the product stability test regarding placement of the stability test device. This is a neutral change regarding safety.

• Section 8.26—*Entrapment Test* made two changes to address cantilevered accessories.

○ First, a new method was added to determine the opening for cantilevered accessories (sections 8.26.1.1 and 8.26.1.2) that should be tested for entrapment. The text in section 8.26.1 specifies that the test methods are ''performed when accessories are secured to the non-full size crib/play yard''; therefore, the test method for cantilevered accessories is applied to NFS cribs. (Although the test method in 8.26.1.1 identifies the ''play yard top rail'' in the test reference, instead of both NFS cribs and play yards, this editorial error will be addressed by ASTM).

○ Second, requirements were added to evaluate the small and large head probes used in identified openings (section 8.2.5.2.1).

The Commission considers these changes a safety improvement for NFS cribs because all openings in cantilevered accessories are tested for entrapment.

• Section 9.4.2.11—added flexibility to the instructions to allow cribs intended for use in child care facilities to substitute the warning, ''Child in crib must be under supervision at all times,'' in lieu of ''Always provide the supervision necessary for the continued safety of your child. When used for playing, never leave child unattended.'' Although CPSC believes that the original warning language is adequate, the substitute language may be appropriate in a child care facility where continued supervision is necessary and expected. The Commission considers this is a neutral change regarding safety.

F406–17 Revision

The current version of ASTM F406, ASTM F406–17, was approved in December 2017, and published in January 2018. On March 14, 2018, ASTM notified the Commission that ASTM F406 had been revised with a 2017 version for NFS cribs, ASTM F406–17. ASTM F406–17 incorporates all the changes discussed above, with one additional change.

• Section 6.10, which allowed for retightening of screws and bolts during testing, was removed. The removal of section 6.10 harmonized ASTM F406 with 16 CFR 1220.2(b)(3).

Because the Commission previously concluded in 2010, when it published the CPSC standard for NFS cribs, that this change would be more stringent than the voluntary standard and would further reduce the risk of injury associated with the product, the Commission considers this change an improvement to the safety of NFS cribs.

As discussed above, the NFS crib standard shares a voluntary standard with play yards. Accordingly, when the CPSC standard was issued in 2010, 16 CFR 1220.2(b) excluded the provisions of ASTM F406–10a that applied only to play yards. Specifically, the CPSC standard excluded:

• Sections 5.6.2 through 5.6.2.4 (top rail testing for scissoring, shearing, pinching);

• Section 5.16.2 (mattress filling materials for play yards);

• Section 7 (performance requirements for mesh/fabric products);

• Sections 8.11 through 8.11.2.4 (test method for mesh/fabric products);

• Sections 8.12 through 8.12.2.2 (floor strength test for mesh/fabric products);

• Sections 8.14 through 8.14.2 (mesh opening test);

• Sections 8.15 through 8.15.3.3 (test for strength of mesh and integrity of attachments);

• Sections 8.16 through 8.16.3 (mesh/fabric attachment strength test method); and

• Sections 9.3.2 through 9.3.2.4 (mesh drop top rails warning requirements). These sections have been retained in the ASTM F406–17 standard.

Since 2010, seven of the nine revisions to ASTM F406 added or modified play yard-specific requirements and associated test methods. Accordingly, the Commission is excluding all of the provisions that are play yard-specific in ASTM 406–17 from the updated CPSC standard. In addition, several new sections apply only to play yards. The revised CPSC standard that incorporates ASTM F406–17 excludes these provisions regarding play yard test methods:

• Section 5.19 (bassinet/cradle accessories);

• Sections 8.28 through 8.28.4 (mattress vertical displacement test);

• Sections 8.29 through 8.29.3 (top rail configuration test);

• Sections 8.30 through 8.30.5 (top rail to corner post attachment test); and

• Sections 8.31 through 8.31.9 (bassinet and cradle accessory).

In accordance with section 104(b)(4) of the CPSIA, the revised ASTM standard for NFS cribs becomes the new CPSC standard 180 days after the date the CPSC received notification of the revision from ASTM. This rule revises the incorporation by reference in 16 CFR part 1220, to reference ASTM F406–17, for NFS cribs, except for the provisions of ASTM F406–17 that apply to play yards.

C. Incorporation by Reference

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to the final rule, ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, section B of this preamble summarizes the major provisions of ASTM F406–17 standard that the Commission incorporates by reference into 16 CFR part 1220. The standard is reasonably available to interested parties, and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *http://www.astm.org/*. A copy of the standard can also be inspected at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814, telephone 301–504–7923.

D. Certification

Section 14(a) of the CPSA requires that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, be certified as complying with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or, for children's products, on tests on a sufficient number of samples by a third party conformity assessment

body accredited by the Commission to test according to the applicable requirements. As noted in the preceding discussion, standards issued under section 104(b)(1)(B) of the CPSIA are ''consumer product safety standards.'' Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because NFS cribs are children's products, samples of these products must be tested by a third party conformity assessment body whose accreditation has been accepted by the Commission. These products also must comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA, the phthalates prohibitions in section 108 of the CPSIA, the tracking label requirement in section 14(a)(5) of the CPSA, and the consumer registration form requirements in the Danny Keysar Child Product Safety Notification Act.

E. Notice of Requirements

In accordance with section 14(a)(3)(B)(iv) of the CPSA, the Commission has previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies for testing NFS cribs (73 FR 62965 (Oct. 22, 2008)). The NOR provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing NFS cribs to 16 CFR part 1220 (which incorporated ASTM F406–10a with several modifications). The NOR is listed in the Commission's rule, ''Requirements Pertaining to Third Party Conformity Assessment Bodies.'' 16 CFR part 1112.

Most of the revisions clarify the existing standard and will use existing test methods with minor adjustments, with only one new test for cantilevered accessories. This test uses previously established test methods with existing probes, but adds a plumb line between the accessory and the product top rail to identify areas to be tested for entrapment. Accordingly, there is no significant change in the way that third party conformity assessment bodies test these products for compliance with the NFS crib standard. Laboratories would begin testing to the new standard when ASTM F406–17 goes into effect, and the existing accreditations that the Commission has accepted for testing to this standard previously would also cover testing to the revised standard. Therefore, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories' accreditation to reflect the revised standard in the normal course of renewing their accreditation.

F. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA) generally requires notice and comment rulemaking, section 553 of the APA provides an exception when the agency, for good cause, finds that notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). The Commission concludes that when the Commission updates a reference to an ASTM standard that the Commission has incorporated by reference under section 104(b) of the CPSIA, notice and comment is not necessary.

Under the process set out in section 104(b)(4)(B) of the CPSIA, when ASTM revises a standard that the Commission has previously incorporated by reference as a Commission standard for a durable infant or toddler product under section 104(b)(1)(b) of the CPSIA, that revision will become the new CPSC standard, unless the Commission determines that ASTM's revision does not improve the safety of the product. Thus, unless the Commission makes such a determination, the ASTM revision becomes CPSC's standard by operation of law. The Commission is allowing ASTM F406–17 to become CPSC's new standard. The purpose of this direct final rule is merely to update the reference in the Code of Federal Regulations so that it accurately reflects the version of the standard that takes effect by statute. Public comment will not impact the substantive changes to the standard or the effect of the revised standard as a consumer product safety standard under section 104(b) of the CPSIA. Under these circumstances, notice and comment is not necessary. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS recommended that agencies use the direct final rule process when they act under the ''unnecessary'' prong of the good cause exemption in 5 U.S.C. 553(b)(B). Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not expect any significant adverse comments.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on September 10, 2018. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, including an assertion challenging the rule's underlying premise or approach, or a claim that the rule would be ineffective or unacceptable without change.

Should the Commission receive a significant adverse comment, the Commission would withdraw this direct final rule. Depending on the comments and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As explained above, the Commission has determined that notice and comment is not necessary for this direct final rule. Thus, the RFA does not apply. We also note the limited nature of this document, which updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

H. Paperwork Reduction Act

The NFS crib standard contains information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The revision made no changes to that section of the standard. Thus, the revision will not have any effect on the information collection requirements related to the standard.

I. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

J. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a ''consumer product safety standard under [the Consumer Product Safety Act (CPSA)]'' is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury, unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances.

The Danny Keysar Child Product Safety Notification Act (at section 104(b)(1)(B) of the CPSIA) refers to the rules to be issued under that section as ''consumer product safety standards,'' thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

K. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standard organization revises a standard upon which a consumer product safety standard issued under the Danny Keysar Child Product Safety Notification Act was based, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. The Commission has not set a different effective date. Thus, in accordance with this provision, this rule takes effect 180 days after we received notification from ASTM of revisions to these standards. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on September 10, 2018.

List of Subjects in 16 CFR Part 1220

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety, Toys.

For the reasons stated above, the Commission amends title 16 CFR chapter II as follows:

PART 1220—SAFETY STANDARD FOR NON-FULL-SIZE BABY CRIBS

■ 1. The authority citation for part 1220 is revised to read as follows:

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Sec. 3, Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 2. Revise § 1220.2 to read as follows:

§ 1220.2 Requirements for non-full-size baby cribs.

(a) Except as provided in paragraph (b) of this section, each non-full-size baby crib shall comply with all applicable provisions of ASTM F406–17, *Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards,* approved December 1, 2017. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *http://www.astm.org/.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) Comply with the ASTM F406–17 standard with the following exclusions:

(1) Do not comply with sections 5.6.2 through 5.6.2.4 of ASTM F406–17.

(2) Do not comply with section 5.16.2 of ASTM F406–17.

(3) Do not comply with sections 5.19 through 5.19.2.2 of ASTM F406–17.

(4) Do not comply with section 7, *Performance Requirements for Mesh/Fabric Products* of ASTM F406–17.

(5) Do not comply with sections 8.11 through 8.11.2.4 of ASTM F406–17.

(6) Do not comply with sections 8.12 through 8.12.2.2. of ASTM F406–17.

(7) Do not comply with sections 8.14 through 8.14.2 of ASTM F406–17.

(8) Do not comply with sections 8.15 through 8.15.3.3. of ASTM F406–17.

(9) Do not comply with section 8.16 through 8.16.3 of ASTM F406–17.

(10) Do not comply with sections 8.28 through 8.28.4 of ASTM F406–17.

(11) Do not comply with sections 8.29 through 8.29.3 of ASTM F406–17.

(12) Do not comply with sections 8.30 through 8.30.5 of ASTM F406–17.

(13) Do not comply with section 8.31 through 8.31.9 of ASTM F406–17.

(14) Do not comply with section 9.3.2 through 9.3.2.4 of ASTM F406–17.

Alberta E Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2018–12021 Filed 6–5–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that USS CHARLESTON (LCS 18) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective June 6, 2018 and is applicable beginning May 24, 2018.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kyle Fralick, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS CHARLESTON (LCS 18) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I paragraph 2 (a)(i), pertaining to the height of the forward masthead light above the hull; Annex I, paragraph 2(f)(i), pertaining to the

placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead light; Rule 27(b)(i) and Annex I, paragraph 9(b)(i), pertaining to the visibility of the middle task light. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table One, adding, in alpha numerical order, by vessel number, an entry for USS CHARLESTON (LCS 18);

■ b. In Table Four:

■ i. Under paragraph 15, adding, in alpha numerical order, by vessel number, an entry for USS CHARLESTON (LCS 18);

■ ii. Under paragraph 16, adding, in alpha numerical order, by vessel number, an entry for USS CHARLESTON (LCS 18); and

■ iii. Under paragraph 27, adding, in alpha numerical order, by vessel number, an entry for USS CHARLESTON (LCS 18); and

■ c. In Table Five, adding, in alpha numerical order, by vessel number, an entry for USS CHARLESTON (LCS 18).

The additions read as follows:

§ 706.2 Certifications of the Secretary of the Navy Under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE ONE

Vessel	Number	Distance in meters of forward masthead light below minimum required height § 2(a)(i) Annex I
* * *	* * *	*
USS CHARLESTON	LCS 18	4.2
* * *	* * *	*

* * * * *

TABLE FOUR

* * * * * 15. * * *

Vessel	Number	Horizontal distances from the fore and aft centerline of the vessel in the athwartship direction
* * *	* * *	*
USS CHARLESTON	LCS 18	Upper–0.20 meters. Middle–1.3 meters. Lower–1.3 meters.

* * * * * 16. * * *

Vessel	Number	Obstruction angle relative ship's headings

Vessel	Number	Obstruction angle relative ship's headings
* * *	* * *	*
USS CHARLESTON	LCS 18	72° thru 74°. 286° thru 288°.
* * *	* * *	*

* * * * * 27. * * *

Vessel	Number	Obstruction angle relative ship heading
* * *	* * *	*
USS CHARLESTON	LCS 18	47° thru 59°. 301° thru 313°.

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After mast-head light less than ½ ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
* * *	*	*	*	*	*
USS CHARLESTON	LCS 18		X	X	15.2
* * *	*	*	*	*	*

Approved: May 24, 2018.

Christopher J. Spain,

Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Acting.

Dated: May 31, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–12136 Filed 6–5–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 155

[Docket No. USCG–2011–0576]

RIN 1625–AB75

Higher Volume Port Area–State of Washington

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is redefining the boundaries of the existing higher volume port area in the Strait of Juan de Fuca and Puget Sound, in Washington. This rulemaking is required to make the Code of Federal Regulations consistent with statute, and is related to the Coast Guard's maritime stewardship (environmental protection) mission.

DATES: This final rule is effective July 6, 2018.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0576, which is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Christopher Friese, CG–MER–1, Coast Guard; telephone 202–372–1227, email *Christopher.R.Friese@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations

BLS Bureau of Labor Statistics
CGAA 2010 Coast Guard Authorization Act of 2010 (Pub. L. 111–281, 124 Stat. 2905, Oct. 15, 2010)
CGAA 2015 Coast Guard Authorization Act of 2015 (Pub. L. 114–120, 130 Stat. 27, Feb. 8, 2016)
CFR Code of Federal Regulations
COMDTINST Commandant Instruction
CRF Capital recovery factor
FR Federal Register
GSA General Services Administration
HVPA Higher volume port area
MISLE Marine Information for Safety and Law Enforcement
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
NSFCC National Strike Force Coordination Center
OMB Office of Management and Budget

OSRO Oil spill removal organization
Pub. L. Public Law
SBA Small Business Administration
Stat. Statute
U.S.C. United States Code
VRP Vessel response plan

II. Basis and Purpose

The purpose of this rule is to align the list of higher volume port areas (HVPAs) in 33 CFR 155.1020 with statutory changes made to the State of Washington's higher volume port area, the Washington HVPA. Section 316 of the Coast Guard Authorization Act of 2015 (CGAA 2015) expanded the Washington HVPA.[1] The Washington HVPA had included the Strait of Juan de Fuca seaward of Port Angeles, but section 316 expanded it immediately to an area seaward of Cape Flattery, which is where the Strait of Juan de Fuca joins the Pacific Ocean. Regulations in 33 CFR 155.1020 still reflect the prior, Port Angeles location. Therefore, this rulemaking updates the Code of Federal Regulations (CFR) to match the statutory requirement already in force.

This rule is issued in accordance with section 316 of the CGAA 2015. The legal basis to update the CFR is Title 33 of the United States Code (U.S.C.) section 1231 and 1321(j), which require the Secretary of the department in which the Coast Guard is operating to issue regulations necessary for implementing the Ports and Waterways Safety Act, and require the President to issue regulations mandating response plans and other measures to protect against oil and hazardous substance spills. The President's authority under 33 U.S.C. 1321(j) is delegated to the Secretary by Executive Order 12777, and the Secretary's authority is delegated to the Coast Guard by DHS Delegation No. 0170.1(II)(70), (73), and (80).

III. Regulatory History

On October 15, 2010, the Coast Guard Authorization Act of 2010 (CGAA 2010) directed the Coast Guard to initiate a rulemaking to modify the definition of ''higher volume port area'' in 33 CFR 155.1020, to expand the Washington HVPA past Cape Flattery.[2] On December 7, 2011, the Coast Guard published a notification[3] announcing our intent to comply with the mandate in section 710 of the CGAA 2010. On May 22, 2015, the Coast Guard published a notice of proposed rulemaking (NPRM)[4] to revise the boundaries of the existing HVPA in the Strait of Juan de Fuca and Puget Sound. The NPRM had a 90-day comment period that closed on August 20, 2015. No public meeting was requested, and none was held.

After the close of the NPRM comment period, the CGAA 2015 expanded the HVPA immediately without requiring rulemaking before the change took effect. The Coast Guard applies the requirements of the expanded HVPA of the CGAA 2015 and has done so since the effective date of the Act. Although rulemaking is not required to implement the statute, a conforming change to the CFR is still necessary to ensure the regulations align with the statute. In this final rule, the Coast Guard is making conforming changes and responding to public comments received on the proposed rule. In Section V of this preamble, we discuss the comments that we received and how we addressed them.

IV. Background

Oil or hazardous material pollution prevention regulations for U.S. and foreign vessels operating in U.S. waters, appear in Coast Guard regulations at 33 CFR part 155. Those regulations require a vessel response plan (VRP) describing measures that the vessel owner or operator has taken or will take to mitigate or respond to an oil spill from the vessel. The VRP must demonstrate the vessel's ability, following a spill, to secure response resources within given time periods. These measures typically include the services of nearby response resources under a contract between the vessel's owner or operator and an oil spill removal organization (OSRO) that owns the response resources. The regulations provide for three different timeframes within which a combination of required response resources must arrive on the scene, which are described as Tiers 1, 2, and 3.

In 33 CFR part 155, subparts D (petroleum oil as cargo), F (animal fat or vegetable oil as cargo), G (non-petroleum oil as cargo), and J (petroleum oil as fuel or secondary cargo) all share the same definition of ''higher volume port area.'' Required response times are significantly reduced in HVPAs. For example, Tier 1 response times for an oil tanker within an HVPA are half of that required for the same vessel operating in open ocean. As defined in 33 CFR 155.1020, the Strait of Juan de Fuca and Puget Sound, WA, constitute one of the 14 HVPAs designated around the country.

Since 1996, 33 CFR 155.1020 has defined the seaward boundary of the Washington HVPA as an arc 50 nautical miles seaward of the entrance to Port Angeles, WA. Port Angeles is approximately 62 nautical miles inland from the Pacific Ocean entrance to the Strait of Juan de Fuca, at Cape Flattery, WA, and therefore the Washington HVPA, as defined in 33 CFR 155.1020, did not include any Pacific Ocean waters. Section 710 of the CGAA 2010 required the Coast Guard to initiate a rulemaking to relocate the HVPA's arc so that it extended seaward from Cape Flattery, not Port Angeles. This added 50 nautical miles of Pacific Ocean water and an additional 12 nautical miles in the western portion of the Strait of Juan de Fuca.[5]

V. Discussion of Comments on the Notice of Proposed Rulemaking

We received comments on our NPRM from five sources: An environmental group, two state environmental agencies, an Indian tribal council, and an individual resident of the region. These public comments could not anticipate the 2015 legislation that was enacted after the close of the comment period in August 2015, and which overwrote the 2010 legislation that prompted the Coast Guard to issue the NPRM. However, the Coast Guard addresses all the public comments here in order to improve clarity and foster better relationships with stakeholders.

Legislative intent. The tribal council explained its role in developing the 2010 legislation mandating this rulemaking, and said the purpose of the legislation was to ''enhance oil spill response capacity in the Strait of Juan de Fuca, commensurate with the history of oil spills in this region, the sensitivity of the area's natural resources and the risk for future spills from increasing tank and non-tank vessel traffic.'' The council asserted that the NPRM did not reflect this intent in the proposed regulatory text.

Response: We acknowledge the council's role in developing the 2010 legislation. However, the text of section 710 is unambiguously limited to the expansion of the HVPA. Section 316 of CGAA 2015 expanded the Washington HVPA without the need for the Coast Guard to conduct a rulemaking. Neither Act gave the Coast Guard discretion to choose a different size or location for the Washington HVPA, or provided other direction regarding this HVPA.

Adequacy of response resources. The environmental group, one of the state environmental agencies, the tribal council, and the local resident all expressed concern that expansion of the

[1] Public Law 114–120, 130 Stat. 27 (2016).

[2] Public Law 111–281, section 710, 124 Stat. 2986 (2010).

[3] 76 FR 76299.

[4] 80 FR 29582.

[5] Waters discussed in this preamble are shown on National Oceanic and Atmospheric Administration chart 18460 (Cape Flattery, WA) and chart 18465 (Port Angeles, WA).

HVPA would reduce the ability of OSROs to respond adequately to oil or other hazardous substance spills throughout the HVPA. The local resident and the state environmental agency said we did not provide sufficient details on how we will implement the expanded HVPA. The same group asked us to coordinate with governmental agencies and regional and tribal groups to collectively determine how best to balance response assets in the HVPA. The environmental group and the resident expressed concern over the potential impact of anticipated increases in the number of vessels carrying those substances in the HVPA.

Response: Title 33 CFR part 155 does not allow the Coast Guard to direct OSROs where equipment must be staged, or require OSROs to purchase any additional equipment. The Coast Guard requires that OSROs demonstrate their ability to respond adequately to a spill within an HVPA's response timelines. Thus, there is no provision to coordinate with governmental agencies and regional and tribal groups to collectively determine how best to balance response assets in the HVPA.

The Coast Guard National Strike Force Coordination Center (NSFCC) verifies OSRO capability through Preparedness Assessment Visits and response time calculations. The same method is used in classifying all OSROs. Two OSROs are currently classified for coverage in the HVPA. Vessel owners or operators need only reference the classified OSRO in their VRP. If an owner or operator chooses to use a non-classified OSRO, then they must list all the equipment and describe how they meet the requirements in appendix B to 33 CFR part 155. All VRPs receive the same detailed review for response adequacy to ensure the vessel's readiness for response in the geographic area it is operating.

We acknowledge the concerns of commenters with regard to reduced response capabilities throughout the HVPA. This rulemaking in no way reduces or changes any response requirements that currently exist. Implementation of the revised HVPA does not change the requirement of vessel owners and operators to identify classified OSROs or identify their own equipment sufficient to meet part 155 appendix B requirements. This is required in order for the vessel to receive an approved VRP necessary for operating in the HVPA.

We also acknowledge concerns about increased vessel transits and, it is implied, a higher likelihood of spills. VRPs are for response planning purposes. Consistent with the National Planning Criteria, they are evaluated using the worst-case discharge from a single vessel.

Pre-NPRM tribal consultation. The tribal council ''strongly disagree[s]'' with our analysis of Executive Order 13175 (Indian Tribal Governments) requirements, which concluded that, for this rulemaking, tribal consultation is not required by the Executive Order. The council says we should have consulted with it because of our shared trust responsibility for the commenter's treaty protected area.

Response: The Coast Guard enjoys a close working relationship with many tribal governments, including the council represented by the commenter. The Coast Guard welcomes ongoing communications and informal consultation, as well as suggestions for improving communications with tribes. The consultation described in section 5(b) of Executive Order 13175 is triggered by a regulation that has tribal implications and imposes substantial direct compliance costs on Indian tribal governments. Section 5(b) Executive Order 13175 also only requires consultation when the regulation being developed ''is not required by statute.'' In this case, section 710 of CGAA 2010 required that the Coast Guard promulgate a regulation to expand the Washington HVPA. As discussed above, however, after the close of the NPRM comment period, section 316 of CGAA 2015 expanded the Washington HVPA by statutory mandate. Therefore, the Coast Guard maintains that the consultation described in Executive Order 13175 does not apply. As noted, however, we do not believe that the absence of Executive Order 13175 consultation prevents the Coast Guard from receiving and incorporating input from tribal governments. In the 5 years between the 2010 legislation and the 2015 publication of the NPRM, the Coast Guard met or spoke with tribal representatives about the Washington HVPA expansion. We appreciated the input and look forward to continued collaboration with the tribal representatives.

Future tribal consultation. The tribal council asked us to enter into government-to-government consultation after the rule is adopted, and to develop a protocol for consultation and coordination going forward. The council also suggested that we consult with the State of Washington to ''establish a harmonized view about how industry and OSROs will be expected to comply with the HVPA shift.''

Response: The Coast Guard invites communication and dialogue with tribal councils in order to maintain a positive working relationship. The Coast Guard's Thirteenth District, in particular, values its longstanding and ongoing relationship with the Makah Tribal Council. The Thirteenth District meets with tribes, and will continue to meet with tribes, to discuss a variety of issues. The involvement of local units like the Thirteenth District is essential for ensuring the Coast Guard's proper understanding of stakeholder input, and the Thirteenth District is best positioned to work with the council, through their longstanding and ongoing relationship as memorialized in their 2013 Memorandum of Agreement, on any implementation arrangements that are appropriate for discussion with the public. Although the process described in Executive Order 13175 is not the appropriate mechanism for consultation and coordination after the rule becomes final, the Coast Guard is committed to addressing concerns raised by our regulations and their implementation.

As described above, this rule makes no changes to the requirements for planholders or for classifying OSROs, so we do not anticipate a shift in implementation process. Through existing practices, the NSFCC confirms that classified OSROs meet their regulatory responsibilities. Owners or operators using non-classified OSROs must describe in their VRP how they meet appendix B requirements. Although we do not see a specific need for formal consultation with the State of Washington, the Thirteenth Coast Guard District maintains open lines of communication with the State. The Coast Guard will continue to work with its Federal, State, local, and tribal partners to ensure response readiness following publication of this final rule.

Additional resources and Neah Bay restaging. One of the state environmental agencies said that the expanded HVPA ''should result in the acquisition and staging of additional equipment that is capable of open water recovery and storage in Neah Bay.'' The State agency also said that, in approving VRPs and evaluating OSROs identified by those VRPs, we should consider whether they reflect the restaging of response assets in Neah Bay. The tribal council said our rule should ensure that ''additional equipment is purchased and staged in a geographic location to promptly respond to a spill in the western reaches of the expanded HVPA, without adversely impacting responses'' elsewhere in the HVPA, and said Neah Bay is the ''logical and appropriate'' staging area for additional response equipment, which should be rated for an open-ocean environment.

Response: While Neah Bay may be a logical and appropriate location for the staging of response equipment, other locations may also be logical and appropriate. The Coast Guard does not direct OSROs to where equipment must be staged, or require OSROs to purchase any additional equipment. The Coast Guard requires that OSROs demonstrate their ability to respond adequately to a spill within an HVPA's response timelines.

Benefits. One of the state environmental agencies and the tribal council asked what basis we had for stating in the NPRM[6] that of 283 spills of oil or other hazardous substances in the affected area between 1995 and 2013, we could identify no spill response that would have benefitted from the HVPA's expansion. The council cited three oil spills that adversely affected the tribe including the *General Meigs,* the *Nestucca,* and the *Tenyo Maru.* The agency and the council both noted that we did not ask them for information that might have changed that conclusion. The council expressed concern over ''the limited historical oil spill data'' used in our analysis, and ''formally request[ed]'' that we conduct ''a more rigorous analysis of historical oil spills'' and give the commenter the ''opportunity to review the Coast Guard's methodology regarding'' what effect HVPA expansion might have had on the response to previous spills.

Response: Although Congress expanded the HVPA after these comments were submitted, making our spill analysis redundant, it may be helpful to explain the context for our regulatory analyses. The statement referred to by these commenters appeared in the ''regulatory analyses'' for the NPRM.[7] As explained in the NPRM, based on information from Coast Guard personnel who have experience in casualty case investigations and analysis, we found none of the 283 cases or spills that would have benefited from the HVPA expansion. As for the three spills cited by the council, we cannot conclude that the expanded HVPA would have mitigated the damage caused by those incidents. The 33 CFR part 155 regulations do not apply to a warship or naval auxiliary vessel such as the troopship *General Meigs.*[8] The *Nestucca* and *Tenyo Maru* incidents did not occur within the existing or expanded bounds of the HVPA. We were therefore unable to use these incidents in our benefit analysis for this rulemaking.

VI. Discussion of the Rule

This rule is substantively unchanged from what we proposed in the NPRM. It expands the boundaries of the Washington HVPA in the CFR to make those boundaries consistent with section 316 of the CGAA 2015. The old definition of ''higher volume port area'' in 33 CFR 155.1020 includes any water area within 50 nautical miles seaward of the entrance to the Strait of Juan De Fuca at Port Angeles, WA to and including Cape Flattery, WA. In order to align the regulations with section 316 of the CGAA 2015, we are amending that definition by striking ''Port Angeles, WA'' and inserting ''Cape Flattery, WA'' in its place.

Port Angeles lies about 62 nautical miles east of the entrance to the Strait of Juan de Fuca. By moving the arc so that it centers on Cape Flattery, which lies at the entrance to the Strait, the redefined Washington HVPA will cover an additional 50 nautical miles of Pacific Ocean water, while continuing to cover all the waters now included within the current HVPA. The larger Washington HVPA may affect the time and resources needed to respond to an oil spill from a vessel because it is harder and more time-consuming to transit rough Pacific Ocean waters than it is to transit the sheltered waters of the Strait and the Sound. We discuss these possibilities in more detail in the Regulatory Analyses section that follows.

This rule also makes two editorial changes in 33 CFR 155.1020. First, we correct the spelling of ''Strait of Juan De Fuca'' to ''Strait of Juan de Fuca.'' Second, we add a note to paragraph (13) of the definition of ''higher volume port area'' to highlight that the western boundary of the Washington HVPA in 33 CFR part 155 differs from that in 33 CFR part 154 for facilities transferring oil or hazardous materials in bulk. The difference stems from section 316 of the CGAA 2015 (Pub. L. 114–120) and the statutory language that specifically addresses the definition in 33 CFR part 155. The statutory expansion in the CGAA 2015 is not written to address 33 CFR part 154, and therefore 33 CFR subchapter O will contain two differing definitions of ''higher volume port area'' for the Straits of Juan de Fuca.

VII. Regulatory Analyses

We developed this final rule after considering numerous statutes and Executive orders related to this rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs''' (April 5, 2017). A regulatory analysis follows.

We received no public comments on the estimated costs of the proposed rule, nor did we receive any additional information or data that alters our assessment of the proposed rule. However, we received two public comments on the benefit analysis presented in the proposed rule regarding the same topic. We presented our full response to these two public comments in section V of this preamble. Because no casualty case mentioned in one of the comments would have benefited from the expanded HVPA, we also determined that our assessment of the benefits of the proposed rule remains unchanged. Therefore, we adopt the preliminary regulatory analysis for the proposed rule as final. A summary of that analysis follows.

This final rule is needed to conform Coast Guard regulations to the statutory changes made by section 316 of CGAA 2015. Currently, the CFR says the Washington HVPA boundary is

[6] NPRM, 80 FR 29582 at 29586, col. 3 (May 22, 2015).

[7] NPRM, 80 FR 29582 at 29586–29587 (May 22, 2015).

[8] 33 CFR 155.100(b)(1).

measured from Port Angeles in a 50 nautical mile seaward arc westward to the Pacific Ocean. This final rule will amend the definition of the term ''higher volume port area'' to match the relocated point at which the seaward arc is measured from Port Angeles to Cape Flattery, WA, an approximately 62 nautical mile westward shift. As a result, the Washington HVPA will cover an additional 50 nautical miles of open ocean and an additional 12 nautical miles in the western portion of the Strait of Juan de Fuca. A VRP must list the OSRO provider that the vessel owner or operator has contracted with and stipulate the vessel's ability to secure response resources within specific regulatory timeframes (Tiers 1, 2, and 3) in the event of an oil spill. This final rule will codify the changes delineated in the CGAA 2015 and it will not require changes to VRPs.

Affected Population

Part 155 of 33 CFR directly applies to and regulates vessel owners and operators. The final rule has the potential to impact vessel response planholders covering vessels that transit the Washington HVPA and OSROs that provide response resources in the event of an oil spill. Based on the Coast Guard's review of VRPs, two OSROs may be impacted by the final rule. One OSRO has about 500 response resource contracts and the other OSRO has about 650 contracts with planholders that own vessels that call on the expanded Washington HVPA. For the OSRO that has 500 contracts, about 3 percent or 15 of those contracts are with U.S. planholders; for the OSRO that has 650 contracts, about 2 percent or 13 of those contracts are with U.S. planholders.

Costs

Vessel owners and operators will not need to revise or modify a current VRP to take into account the expansion of the HVPA. Current VRPs already specify one or both of the OSROs that provide response resources to vessel owners and operators in the affected waters. Vessel owners and operators must only list the NSFCC-classified OSRO by name and include the contact information for each OSRO in the VRP; no other information or details regarding the geographic location of response equipment are required in the VRP.

In addition to identifying the OSRO in the VRP, vessel owners and operators must ensure the availability of response resources from the OSRO through a contract or other approved means. Depending on how the contract language is formulated, a contract may need to be modified to reflect the change in the HVPA geographical definition. For example, one OSRO provided information which stated that contracts will need to be modified slightly to incorporate the geographic change of the expanded HVPA, while the other OSRO provided information which stated that no changes or modifications to existing contracts are necessary on the part of either OSRO or the planholders. For the purpose of this analysis, we estimate costs to modify a contract for the planholders of the OSRO that stated that changes are necessary. This OSRO has about 500 planholders with written contractual agreements to secure response resource services in the event of an oil spill; of this amount, only about 3 percent or 15, are with U.S. planholders. Based on information we obtained from industry in formulating the Nontank Vessel Response Plan final rule (78 FR 60100), it will take a general and operations manager approximately 2 hours of planholder time to amend the contract and send the contract to the OSRO for approval. If a plan preparer amends the contract on behalf of the planholder, we estimate it will take the same amount of time. We found that 36 percent of planholders perform this work internally and 64 percent hire a plan preparer to perform this work on their behalf. The amendment of a contract is a one-time cost; we estimate little or no submission cost for planholders because nearly 100 percent of contracts are submitted by email to the responsible OSRO.

Accounting for planholders who perform the work internally and using the Bureau of Labor Statistics (BLS) May 2016 National Industry-Specific Occupational Employment and Wage Estimates for General and Operations Manager (Occupation Code 11–1021), we obtain a mean hourly wage rate of $73.98. We then use BLS' 2016 Employer Cost for Employee Compensation databases to calculate and apply a load factor of 1.52 to obtain a loaded hourly labor rate of about $112.45 for this occupation.[9] For plan preparers, we obtained publicly available fully loaded billing rates for senior regulatory consultants and program managers from three environmental service companies using the General Services Administration's (GSA) Federal Acquisition eLibrary for service contracts.[10] We took the average of these three rates to obtain a fully loaded hourly wage rate of $145.11[we used three labor categories: Senior Regulatory Consultant with a wage rate of $184.22 for contract number GS–10F–0263U (page number 16), Program Manager with a wage rate of $115.86 for contract number GS–10F–0074T (page number 4), and Senior Project Manager with a wage rate of $135.25 for contract number GS–10F–0335R (page number 32)]. Of about 500 planholders who have contracts with this OSRO, only about 15 are U.S. planholders. Of the 15 U.S. planholders, about 36 percent will amend the contract internally. We estimate the one-time cost to these planholders is about $1,214 ($112.45 × 2 hours × 500 planholders × 0.03 × 0.36, rounded). For the remaining 64 percent of U.S. planholders who have plan preparers amend the contracts on their behalf, we estimate the one-time cost is about $2,786 ($145.11 × 2 hours × 500 planholders × 0.03 × 0.64, rounded); the total combined estimated one-time cost to U.S. planholders to amend the contracts is about $4,001, rounded and undiscounted. We estimate the average one-time or initial cost for each U.S. planholder to amend a contract is about $267 ($4,001/15 U.S. planholders). We estimate the 10-year discounted cost is about $3,739 using a 7 percent discount rate and the annualized cost is about $532.

The remaining 485 planholders are foreign. For 36 percent of them who will amend the contracts internally, we

[9] Information can be viewed at *https://www.bls.gov/oes/2016/may/naics3_483000.htm.* Once on this page, scroll down to review the wage rate for 11–1021, General and Operations Manager with a mean hourly wage of $73.98. A loaded labor rate is what a company pays per hour to employ a person, not the hourly wage. The loaded labor rate includes the cost of benefits (health insurance, vacation, etc.). The load factor for wages is calculated by dividing total compensation by wages and salaries. For this analysis, we used BLS' Employer Cost for Employee Compensation/Transportation and Materials Moving Occupations, Private Industry report (Series IDs, CMU2010000520000D and CMU2020000520000D for all workers using the multi-screen data search). Using 2016 Q4 (Quarter 4) data, we divide the total compensation amount of $28.15 by the wage and salary amount of $18.53 to get the load factor of 1.52. See the following website, *http://www.bls.gov/ncs/ect/data.htm.* Once on this page, scroll down to ''Pay and Benefits'' and click the multi-screen data search button to access the database, ''Employer Cost for Employee Compensation.'' We used the mean hourly wage rate of $73.98 and multiplied by 1.52 to obtain a loaded hourly wage rate of about $112.45.

[10] GSA Contract GS–10F–0263U accessed 05/24/2017, *https://www.gsaadvantage.gov/ref_text/GS10F0263U/0ME78D.2QP6TJ_GS-10F-0263U_GSAADVANTAGEYR6.PDF*; GSA Contract GS–10F–0074T accessed 05/24/2017, *https://www.gsaelibrary.gsa.gov/ElibMain/contractorInfo.do?contractNumber=GS-10F-0074T&contractorName=ENVIRONMENTAL+MANAGEMENT+SERVICES+INC&executeQuery=YES* (once at the GSA *e*Library web page, the reader must use the hyperlink labeled ''Contractor T&Cs/Pricelist'' to obtain the wage rate used in this analysis), and *https://www.gsaadvantage.gov/ref_text/GS10F0335R/0OMBPD.3723M6_GS-10F-0335R_ENVCOSTMGMTTANDC071315.PDF*; accessed 05/24/2017.

estimate the one-time cost is about $39,268 ($112.45 × 2 hours × 485 planholders × 0.36, rounded). For the remaining 64 percent of foreign planholders who have a plan preparer amend the contracts on their behalf, we estimate the one-time cost is about $90,084 ($145.11 × 2 hours × 485 planholders × 0.64, rounded); combined the total estimated one-time cost to foreign planholders to amend the contracts is about $129,352, rounded, or about $267 per planholder ($129,352/485 foreign planholders).

The final category of potential costs relates to the OSROs' abilities to meet the specified response times in the new geographic area of the HVPA. Based on information provided to the Coast Guard, one OSRO stated that additional response equipment will not be required and capital expenditures will not be necessary as a result of the expanded HVPA under current Coast Guard OSRO classification guidelines. Based on data from the other OSRO, we estimate that total initial capital costs could be as high as $5.5 million for temporary storage equipment and warehousing with annual capital recurring costs of approximately $250,000 for equipment maintenance, and up to $1 million for barge recertification (included in the $5.5 million estimate), warehousing, and other necessary resource equipment. However, we lack independent methods to verify these estimates. Moreover, the actual costs the OSRO may incur depend considerably on how they choose to comply with our regulations, which give OSROs substantial flexibility with respect to pre-positioning response resources.

To the extent one OSRO will incur additional costs due to this final rule (such as increased capitalization costs), we expect that these costs are generally passed onto their VRP planholders equally, although the OSRO that provided this information conceded that this was speculative at this point due to the uncertainty of expenditures that may be needed as described below. Using the highest value of capital costs provided to us of $5.5 million, we use the capital recovery cost factor to determine the amount needed annually to recover this payout since we assume the OSRO will finance the expenditures and attempt to recapture them equally over the life of the equipment. The capital recovery factor (CRF), or ratio as it is often referred to, is the ratio of a constant annuity to the present value of the annuity over a given period of time using an acceptable discount rate, as in this case, 7 percent. The ratio also includes the general life expectancy of the investment and can be simply described as the ''share of the net cost that must be recovered each year to 'repay the cost of the fixed input at the end of its useful life.' '' [11] If we use a standard life expectancy of 20 years, we calculate the net amount that must be recovered by the OSRO annually is about $519,161, undiscounted (The capital recovery factor is written as:

$$CRF = \frac{i(1+i)^n}{(1+i)^n - 1};$$

where i is the discount rate and n is the number of years or the life expectancy of the investment).[12] If we assume this cost is distributed equally over the 650 planholders (U.S. and foreign planholders who own vessels that transit the HVPA) under contract with this OSRO, the amount needed to be recovered by the OSRO to recapture this initial investment is estimated is about $800 (rounded from $798.71) from each planholder annually, most likely in the form of higher retainer fees. However, only about 2 percent, or 13 of the 650 planholders are U.S. planholders. Therefore, for the 13 U.S. planholders, we estimate the total capital cost of this final rule is about $10,400 (650 planholders × 0.02 × $800) annually, undiscounted, in addition to annual maintenance costs of about $385 per planholder ($250,000/650 planholders), undiscounted, in years 2 through 10 of the analysis period. We estimate the total 10-year discounted cost to the 13 U.S. planholders is about $75,390 using a 7 percent discount rate (the 10-year discounted cost is estimated is about $91,624 using a 3 percent discount rate) and the annualized cost is about $10,741.

For all 28 U.S. planholders, we estimate the total initial-year cost is about $14,401 ($4,001 + $10,400), undiscounted. We estimate the total annual recurring cost is about $10,785 ($10,400 + $385), undiscounted (see Table 1 for further details).

It follows that the remaining 637 planholders are foreign. Again, if we assume this OSRO passes along its capital cost in the form of higher retainer fees to foreign planholders, we estimate the total capital cost of this final rule to foreign planholders is about $509,600 (637 × $800) annually, undiscounted, in addition to annual maintenance costs of about $245,000 (637 × $385), undiscounted, in years 2 through 10 of the analysis period. We estimate the total 10-year discounted cost to foreign planholders is about $3.6 million using a 7 percent discount rate (the 10-year discounted cost is estimated is about $4.3 million using a 3 percent discount rate). As stated earlier, we neither have knowledge of the OSROs billing structure nor how costs are distributed among planholders, although in our discussion with one OSRO, we learned that the composition of a planholder's vessel fleet affects the amount of the retainer fee because vessels such as nontank ships require different response resources as opposed to towing vessels, for example.

Table 1 summarizes the total estimated cost of the final rule to 28 U.S. planholders over a 10-year period of analysis.

TABLE 1—SUMMARY OF ESTIMATED COSTS OF THE FINAL RULE TO U.S. PLANHOLDERS

[7 Percent discount rate, 10-year period of analysis, 2017 dollars]

Year	Update contracts for 15 U.S. planholders		OSRO equipment and other capital costs for 13 U.S. planholders		Total costs	
	Undiscounted	Discounted	Undiscounted	Discounted	Undiscounted	Discounted
1	$4,001	$3,739	$10,400	$9,720	$14,401	$13,459
2	0	0	10,785	9,420	10,785	9,420
3	0	0	10,785	8,804	10,785	8,804
4	0	0	10,785	8,228	10,785	8,228

[11] See *https://web.stanford.edu/group/FRI/indonesia/courses/manuals/pam/pam-book/Output/chap9.html.*

[12] We calculate the value of the numerator to be about 0.27 and the value of the denominator to be about 2.87, rounded. The CRF is then calculated to be about 0.0944. Multiplying by the initial investment of $5.5 million, we obtain an annualized recovery amount of about $519,161 rounded, or the annualized amount the OSRO must recover to repay for its initial investment.

TABLE 1—SUMMARY OF ESTIMATED COSTS OF THE FINAL RULE TO U.S. PLANHOLDERS—Continued

[7 Percent discount rate, 10-year period of analysis, 2017 dollars]

Year	Update contracts for 15 U.S. planholders		OSRO equipment and other capital costs for 13 U.S. planholders		Total costs	
	Undiscounted	Discounted	Undiscounted	Discounted	Undiscounted	Discounted
5	0	0	10,785	7,690	10,785	7,690
6	0	0	10,785	7,187	10,785	7,187
7	0	0	10,785	6,716	10,785	6,716
8	0	0	10,785	6,277	10,785	6,277
9	0	0	10,785	5,866	10,785	5,866
10	0	0	10,785	5,483	10,785	5,483
Total		3,739		75,390		79,129
Annualized		532		10,734		11,266

Totals may not sum due to independent rounding.

As Table 1 shows, for 15 U.S. planholders who may need to revise their contracts, we estimate the 10-year discounted cost of the final rule is about $3,739 at a 7 percent discount rate (using a 3 percent discount rate, we estimate the 10-year discounted cost is about $3,884). We estimate the annualized cost is about $532 for these 15 planholders.

For the OSRO that may incur capital costs as a result of this final rule and pass these costs along to its 13 U.S. planholders, we estimate the 10-year discounted cost is about $75,390 at a 7 percent discount rate (using a 3 percent discount rate, we estimate the 10-year discounted cost is about $91,624). We estimate the annualized cost is about $10,734 at a 7 percent discount rate for these 13 planholders.

We estimate the total present discounted cost of the final rule to all 28 U.S. planholders about $79,129 at a 7 percent discount rate (using a 3 percent discount rate, is we estimate the total 10-year discounted cost is about $95,509). We estimate the annualized cost is about $11,266 at a 7 percent discount rate.

We do not anticipate that this final rule will impose new costs on the Coast Guard or require the Coast Guard to expend additional resources because we do not expect any changes are required to the VRPs of vessels in the HVPA.

Alternatives

Due to the specific nature of section 710(a) of the CGAA 2010 and section 316 of the CGAA 2015, we are limited in the alternative approaches we can use to comply with Congress' intent. We considered three alternatives (including the preferred alternative) in the development of the final rule: (1) Revise 33 CFR 155.1020 by striking ''Port Angeles, WA'' in the definition of ''higher volume port area'' of that section and inserting ''Cape Flattery, WA''; (2) revise 33 CFR 155.1020 by striking ''50 nautical miles'' in the definition of ''higher volume port area'' and inserting ''110 nautical miles''; and (3) take no action. The Regulatory Analyses section further discusses the analysis of the preferred alternative (*i.e.,* express adoption of the wording from section 710(a)) in comparison with other regulatory approaches considered.

Analysis of Alternatives

We considered three alternatives (including the preferred alternative) in the development of this final rule. The key factors that we evaluated in considering each alternative included: (1) The degree to which the alternative comported with the congressional mandate in section 710 of the CGAA 2010; (2) what benefits, if any, are derived, such as enhancement of personal and environmental safety and security; and (3) cost effectiveness. The alternatives considered are as follows:

Alternative 1: Revise 33 CFR 155.1020 by striking ''Port Angeles, WA'' in the definition of ''higher volume port area'' of that section and inserting ''Cape Flattery, WA.'' Since 1996, 33 CFR 155.1020 has defined the seaward boundary of the Washington HVPA as an arc 50 nautical miles seaward of the entrance to Port Angeles, WA. The change will relocate the arc's center to Cape Flattery, covering approximately 50 additional nautical miles of open ocean.

Alternative 2: Revise 33 CFR 155.1020 by striking ''50 nautical miles'' in the definition of ''higher volume port area'' and inserting ''110 nautical miles.'' This change would affect the other 13 HVPAs throughout the United States because the level of response resources required would cause significantly reduced response times resulting from a 110-mile outward shift of the existing HVPAs from their entrances. A shift of this distance would require the purchasing and positioning of heavier and more expensive equipment such as oceangoing tugs and barges. In addition, OSROs would incur considerable costs of potentially retrofitting existing HVPAs with shoreside docks. Since this would include all HVPAs, the economic impact on the response resource industry, as a whole, would be greater as opposed to a single HVPA. Furthermore, this option would be inconsistent with the existing boundaries of the expanded HVPA in section 710(a) of CGAA 2010 (Pub. L. 111–281, 124 Stat. 2905) as amended by section 316 of the CGAA 2015.

Alternative 3: Take no action. This option was not selected as it would not implement the intent of section 316 of the CGAA 2015, which specifically requires the Coast Guard to implement the modified definition of the term ''higher volume port area'' by striking ''Port Angeles, WA'' and inserting ''Cape Flattery, WA.'' It also precludes the protection intended by Congress for the waters at the entrance to and in the Strait of Juan de Fuca.

We chose Alternative 1, which codifies the regulation directly and specifically implements section 316 of the CGAA 2015 as described earlier. We rejected Alternative 2, because it would result in different HVPA boundaries in regulation and statute and adds burden, both in the Puget Sound region and in the other HVPAs throughout the United States. We rejected Alternative 3, the ''no action'' alternative, because it would not implement section 316.

Benefits

We did not identify any historic cases that could support the development of quantifiable benefits associated with this final rule. Using the Coast Guard's Marine Information for Safety and Law

Enforcement (MISLE) database with casualty cases transferred from MISLE's predecessor, the Marine Safety Management System database, we examined 283 spill cases from 1995 to 2013, beginning with the first spills that appeared in our database for this geographic region. We also examined 378 additional cases from 2014 through 2016. Based on information from Coast Guard personnel who have experience in casualty case investigations and analysis, we found no cases or spills that would have definitively benefitted from the expanded HVPA.

Qualitatively, oil spills are likely to result in a negative impact to the ecosystem and the economy of the surrounding area. These social welfare effects are not accounted for solely by the amount of oil spilled into the water. In many cases, the scope of the impact is contingent on the vulnerability and resiliency of the affected area. Due to the sensitivity or vulnerability of a location, a barrel of spilled oil may not have the same impact in one area as it would in another. Depending on the ecosystem, VRPs could mitigate impacts to habitats that house multiple species. An area with an ecosystem that is damaged as a result of previous environmental incidents or damaged due to the cumulative effects of environmental injuries over time can be expected to have higher benefits from oil spill mitigation.

The primary benefit of this final rule is to ensure that in the event of a spill, adequate response resources are available and can be mobilized within the expanded HVPA. This will ensure a timely response by vessel owners and operators and the OSROs in an effort to reduce the likelihood, and mitigate the impact of an oil spill on the marine environment that might occur in the expanded HVPA.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this final rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Regarding vessel owners and operators, as previously discussed, this final rule will codify the requirements in the CGAA 2015 of an expanded HVPA, and it will not require vessel owners and operators to make changes to VRPs. Therefore, owners and operators of vessels that transit the HVPA will not incur additional VRP modification costs as a result of this final rule. However, as assumed earlier for the purpose of this analysis, if contracts would need to be modified, as stated by one OSRO on the part of the planholders, U.S. planholders will bear some costs of this final rule as shown earlier in the ''Costs'' portion of section VII. A. of this preamble. We estimate that each of the 15 U.S. planholders will incur an average one-time cost of about $267 to amend its contract with the OSRO.

Also, regarding capital costs, it is unclear whether or how these costs impact vessel owners and operators without knowledge of the OSROs' billing structures. Additionally, proprietary information is not available that would allow us to determine the distribution of costs among many vessel owners and operators contracting with each OSRO. Nevertheless, in our earlier analysis, if we assume capital costs are incurred by one of the OSROs and we assume this cost would be passed along equally to U.S. planholders in the form of higher retainer fees, we estimate each of the 13 U.S. planholders will incur an annual cost of about $800 from one particular OSRO in addition to $385 in maintenance costs in years 2 through 10 of the analysis period for a total planholder cost of about $1,185 in years 2 through 10 of the analysis period.

We assume for the purpose of this analysis that the two OSROs that provide response resource capabilities to the HVPA in Puget Sound may incur costs from this final rule and may likely pass along these costs to planholders in the form of higher retainer fees or planholders may incur one-time costs to amend their contracts with one of the OSROs. Using the North American Industry Classification System (NAICS) codes for businesses and the Small Business Administration's (SBA) size standards for small businesses, we determined the size of each OSRO. One OSRO has a primary NAICS code of 541618 with an SBA size standard of $15 million, which is under the subsector group 541 of the NAICS code with the description of ''Professional, Scientific, and Technical Services.'' The other OSRO has a primary NAICS code of 562998 with an SBA size standard of $7.5 million, which is under the subsector group 562 of the NAICS code with the description of ''Waste Management and Remediation Services.'' Based on the information discussed earlier in this section and annual revenue data from publicly available and proprietary sources, Manta and ReferenceUSA, neither OSRO is considered to be small.

There are about 1,400 U.S. planholders that have either a tank, nontank, or combined VRP. Based on the affected population of this final rule relative to the size of the industry as a whole, in this case U.S. VRP owners (planholders), this final rule will potentially affect 28 or about 2 percent of the total population of U.S. planholders in the United States. As described earlier and dependent upon the OSRO considered, we estimate a U.S. planholder may incur an annual cost between $385 and $1,185 in years 2 through 10 of the analysis period (and between $267 and $800 in the initial year because we assume maintenance costs are not incurred in the initial year of the analysis period) as a result of this final rule. Therefore, 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.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996,[13] we want to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Christopher Friese (see **FOR FURTHER INFORMATION CONTACT**). 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.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This final rule will call for no new collection of information under the Paperwork Reduction Act of 1995.[14]

[13] Public Law 104–121.

[14] 44 U.S.C. 3501–3520.

E. Federalism

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

As noted earlier in the preamble, this rule implements section 710 of the CGAA 2010, as amended by section 316 of the CGAA 2015, which specifically directs the Coast Guard to amend 33 CFR 155.1020 by removing ''Port Angeles, WA'' and replacing it with ''Cape Flattery, WA.'' This rule carries out the Congressional mandate by amending the regulations to reflect this required change. Furthermore, this rule does not appear to have a substantial direct effect upon the laws or regulations of the State of Washington. Additionally, nothing in this rule preempts or prohibits state removal activities related to the discharge of oil or hazardous substances under the Federal Water Pollution Control Act.[15] Therefore, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 [16] 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. Although this final rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This final rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

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

I. Protection of Children

We have analyzed this final rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it 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. We discuss Executive Order 13175 in more detail in section V of this preamble.

K. Energy Effects

We have analyzed this final rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act [17] directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards will be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This final rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this final rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD (COMDTINST M16475.1D), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969,[18] and have made a determination that this is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. This rule is categorically excluded under section 6(b) of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy.'' [19] This rule involves Congressionally-mandated regulations designed to protect the environment, specifically, regulations implementing the requirements of the Act (redefining and enlarging the boundaries of the existing Washington HVPA in the Strait of Juan de Fuca and Puget Sound).

List of Subjects in 33 CFR Part 155

Alaska, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 155 as follows:

Title 33—Navigation and Navigable Waters

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

■ 1. The authority citation for part 155 is revised to read as follows:

Authority: 3 U.S.C. 301 through 303; 33 U.S.C. 1225, 1231, 1321(j), 1903(b), 2735; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 155.1020 also issued under section 316 of Pub. L. 114–120. Section 155.480 also issued under section 4110(b) of Pub. L. 101–380.

■ 2. In § 155.1020, paragraph (13) of the definition of ''Higher volume port area'':

■ a. Remove the words ''Strait of Juan De Fuca at Port Angeles'' and add in their place the words ''Strait of Juan de Fuca at Cape Flattery''.

■ b. Add a note to read as follows:

§ 155.1020 Definitions.

* * * * *

[15] Section 311, codified at 33 U.S.C. 1321(o).

[16] 2 U.S.C. 1531–1538.

[17] 15 U.S.C. 272 note.

[18] 42 U.S.C. 4321–4370f.

[19] 67 FR 48244 (July 23, 2002).

Higher volume port area * * *
(13) * * *

Note 1 to paragraph (13) of this definition: The western boundary of the Strait of Juan de Fuca higher volume port area in this part differs from that in § 154.1020 of this chapter. The difference stems from section 316(b) of the Coast Guard Authorization Act of 2015 (Pub. L. 114–120), which expands only the definition in this part.

* * * * *

Dated: May 31, 2018.

Dana S. Tulis,

Director of Incident Management and Preparedness Policy.

[FR Doc. 2018–12081 Filed 6–5–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0739; FRL–9978–98–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; PA; Emissions Statement Requirement for the 2008 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This SIP revision fulfills Pennsylvania's emissions statement requirement for the 2008 ozone national ambient air quality standard (NAAQS). EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on July 6, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2017–0739. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (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 *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, or by email at *pino.maria@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2018 (83 FR 10650), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. In the NPR, EPA proposed approval of Pennsylvania's certification that Pennsylvania's SIP-approved emissions statement regulation meets the emissions statement requirement of section 182(a)(3)(B) of the CAA for the 2008 ozone NAAQS. The formal SIP revision was submitted by Pennsylvania, through the Pennsylvania Department of the Environmental Protection (PADEP), on November 3, 2017.

II. Summary of SIP Revision and EPA Analysis

In Pennsylvania's November 3, 2017 SIP revision submittal, Pennsylvania states that the existing, SIP-approved rule found at 25 Pa. Code 135.21, ''Emissions Statements,'' satisfies CAA section 182(a)(3)(B) for the 2008 ozone NAAQS. Under CAA section 182(a)(3)(B), states are required to have an emission statements rule for ozone nonattainment areas. In addition, states in the ozone transport region are required to have an emission statement rule statewide, including for attainment areas. *See* CAA sections 182(a)(3)(B), 182(f), and 184(b)(2). EPA previously approved Pennsylvania's emissions statement rule for the 1979 1-hour ozone standard, 25 Pa. Code 135.21, into the Pennsylvania SIP. *See* 60 FR 2881 (January 12, 1995). EPA has determined that 25 Pa. Code 135.21, which is currently in the Pennsylvania SIP, is appropriate to address the emissions statement requirement for the 2008 ozone NAAQS. Therefore, EPA is approving this SIP revision that certifies that 25 Pa. Code 135.21 is adequate to satisfy the emissions statement requirement for the 2008 ozone NAAQS. Other specific requirements of the Pennsylvania's emissions statement rule and the rationale for EPA's proposed action are explained in the NPR and will not be restated here.

III. Public Comments

EPA received twenty-three public comments on our March 12, 2018 NPR proposing to approve Pennsylvania's November 3, 2017 submittal. All comments received were not specific to this action, and thus are not addressed here.

IV. Final Action

EPA is approving the Commonwealth of Pennsylvania's November 3, 2017 SIP revision submittal, which addresses the 2008 8-hour ozone NAAQS emissions statement requirement, as a revision to the Pennsylvania SIP.

V. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as

appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 August 6, 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 Pennsylvania's certification that its SIP-approved emissions statement regulation meets the emissions statement requirement of section 182(a)(3)(B) of the CAA for the 2008 ozone NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: May 18, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding the entry ''Emission statement requirement certification for the 2008 ozone national ambient air quality standards (NAAQS)'' at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) EPA-APPROVED NONREGULATORY AND QUASI-REGULATORY MATERIAL

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Emission statement requirement certification for the 2008 ozone national ambient air quality standards (NAAQS).	Statewide	November 3, 2017	6/6/2018, [insert **Federal Register** citation].	Certification that Pennsylvania's previously approved regulation at 25 Pa. Code 135.21, ''Emissions Statements,'' meets the emission statement requirements for the 2008 ozone NAAQS.

* * * * *

[FR Doc. 2018–12070 Filed 6–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2018–0120; FRL–9978–18–Region 9]

Approval of California Air Plan Revisions; Butte County Air Quality Management District; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Butte County Air Quality Management District (BCAQMD) portion of the California State Implementation Plan (SIP). This revision concerns the District's New Source Review (NSR) permitting program for new and modified sources of air pollution. We are approving a local rule under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on July 6, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2018–0120. All documents in the docket are listed on the *http://www.regulations.gov* web site. 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 *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: T. Khoi Nguyen, EPA Region IX, (415) 947–4120, *nguyen.thien@epa.gov*.

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

Table of Contents

I. Proposed Action

On March 23, 2018, the EPA proposed an approval of Rule 432—Federal New Source Review (FNSR), as noted in Table 1, submitted by the California Air

Resources Board (CARB) for incorporation into the BCAQMD portion of the California SIP. 83 FR 12694. Table 1 also lists the dates the rule was adopted by the BCAQMD and submitted by CARB, which is the governor's designee for California SIP submittals.

TABLE 1—SUBMITTED NSR RULE

Local agency	Rule No.	Rule title	Amended	Submitted
BCAQMD	432	Federal New Source Review (FNSR)	3/23/17	6/12/17

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. The rule was amended to correct a previously identified deficiency from the limited disapproval of the rule on December 22, 2016. 81 FR 93820. The deficiency identified in the limited disapproval was that ammonia was not regulated as a $PM_{2.5}$ precursor in the rule. We are now approving Rule 432 as amended by the District because it satisfies all of the statutory and regulatory requirements for a nonattainment NSR permit program as set forth in the applicable provisions of part D of title I of the Act (sections 172, 173 and 182(a)) and in 40 CFR 51.165 and 40 CFR 51.307 and now satisfies 40 CFR 51.165(a)(13)'s requirements for regulation of $PM_{2.5}$ precursors as it pertains to ammonia. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received six comments. However, none of the comments were relevant to the proposed action. The comments have been added to the docket for this action and are accessible at *www.regulations.gov*.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

Under the CAA, the EPA Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 6, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 8, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(457)(i)(C)(*6*) and (c)(504) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(457) * * *

(i) * * *

(C) * * *

(*6*) Previously approved on December 22, 2016, in paragraph (c)(457)(i)(C)(*4*) of this section and now deleted with replacement in paragraph (c)(504)(i)(A)(*1*) of this section, Rule 432, ''Federal New Source Review'' amended on April 24, 2014.

* * * * *

(504) The following amended regulations were submitted on June 12, 2017, by the Governor's designee.

(i) Incorporation by reference.

(A) Butte County Air Quality Management District.

(*1*) Rule 432, ''Federal New Source Review,'' amended on March 23, 2017.

[FR Doc. 2018–11575 Filed 6–5–18; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 83, No. 109
Wednesday, June 6, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2017–1128; Notice No. 29–045–SC]

Special Conditions: Bell Helicopter Textron, Inc. (BHTI), Model 525 Helicopters; Control Margin Awareness

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the BHTI Model 525 helicopter. This helicopter will have a novel or unusual design feature associated with the fly-by-wire flight control system (FBW FCS) in the area of pilot awareness of the control margins remaining while maneuvering the helicopter. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before July 23, 2018.

ADDRESSES: Send comments identified by docket number [FAA–2017–1128] using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 8 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George Harrum, Aerospace Engineer, FAA, Rotorcraft Standards Branch, Policy and Innovation Division, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–4087; email *George.Harrum@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On December 15, 2011, BHTI applied for a type certificate for a new transport category helicopter designated as the Model 525. The Model 525 is a medium twin-engine rotorcraft. The design maximum takeoff weight is 20,500 pounds, with a maximum capacity of 19 passengers and a crew of 2.

The BHTI Model 525 helicopter will be equipped with a four-axis full authority digital FBW FCS that provides for aircraft control through pilot input and coupled flight director modes. The current 14 CFR part 29 regulations do not contain adequate standards for FBW FCS with respect to control margin awareness. The airworthiness standards for controllability and maneuverability of the rotorcraft are contained in § 29.143. These controllability requirements are compatible with most FBW systems, while most of the maneuverability requirements are not affected by FBW systems, except for the control margins. One of the purposes of the rule is to ensure that control margins (at the rotor and the anti-torque system level) are sufficient in the defined flight envelope to avoid loss of control (that is, the rotorcraft has adequate control power for the pilot to exit potentially hazardous flight conditions). Implicit in this purpose is that the pilot is provided with sufficient awareness of proximity to control limits. Because § 29.143 was written to address hydro-mechanical flight control systems, through which pilot awareness of control margins is provided by cyclic and pedal position relative to cockpit control stops, the rule is inadequate for certification of a FBW FCS, where there is no mechanical link between the inceptor and the receptor. Without a constant correlation between cockpit control and main or tail rotor actuator positions, the FCS may not provide tactile control margin feedback to the pilot through cockpit control position relative to the control position physical stop or limit, for all flight conditions. The proposed special conditions will require the minimum safety standard to ensure awareness of proximity to control limits at the main rotor and tail rotor is provided to pilots of the Bell Model 525 helicopter.

Type Certification Basis

Under the provisions of 14 CFR 21.17, BHTI must show that the Model 525 helicopter meets the applicable provisions of part 29, as amended by Amendment 29–1 through 29–55 thereto. The BHTI Model 525 certification basis date is December 31,

2013, the effective date of application to the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 29) do not contain adequate or appropriate safety standards for the BHTI Model 525 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the BHTI Model 525 helicopter must comply with the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The BHTI Model 525 helicopter will incorporate the following novel or unusual design features: A four-axis full authority digital FBW FCS. Pilot control inputs, through the mechanically linked cockpit controls (cyclic, collective, directional pedals), are transmitted electrically to each of the three Flight Control Computers (FCCs). The pilot control input signals are then processed and transmitted to the hydraulic flight control actuators which affect control of the main and tail rotors.

Discussion

The proposed special condition will require the minimum safety standard to ensure awareness of proximity to control limits at the main rotor and tail rotor is provided to pilots of the Bell Model 525 helicopter. The system design must provide the pilot with sufficient awareness of proximity to control limits, traditionally achieved through conventional flight controls by the pilot's inherent awareness of cyclic stick and pedal position relative to control stops.

Applicability

As discussed above, these special conditions are applicable to the BHTI Model 525 helicopter. Should BHTI apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of rotorcraft. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Bell Helicopter Textron, Inc., Model 525 helicopters:

Control Margin Awareness

In addition to the existing § 29.143 requirements, the following special condition applies: The system design must ensure that the flight crew is made suitably aware whenever the means of primary flight control approaches the limits of control authority. For the context of this special condition, the term ''suitable'' indicates an appropriate balance between nuisance and necessary operation.

Issued in Ft. Worth, Texas, on May 24, 2018.

Jorge Castillo,

Acting Manager, Rotorcraft Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–12076 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No.FAA–2017–1127; Notice No. 29–044–SC]

Special Conditions: Bell Helicopter Textron, Inc. (BHTI), Model 525 Helicopters; Flight Envelope Protection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the BHTI Model 525 helicopter. This helicopter will have a novel or unusual design feature associated with fly-by-wire flight control system (FBW FCS) flight envelope protection. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before July 23, 2018.

ADDRESSES: Send comments identified by docket number [FAA–2017–1127] using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 8 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George Harrum, Aerospace Engineer,

FAA, Rotorcraft Standards Branch, Policy and Innovation Division, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–4087; email *George.Harrum@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On December 15, 2011, BHTI applied for a type certificate for a new transport category helicopter designated as the Model 525. The Model 525 is a medium twin-engine rotorcraft. The design maximum takeoff weight is 20,500 pounds, with a maximum capacity of 19 passengers and a crew of 2.

The BHTI Model 525 helicopter will be equipped with a four axis full authority digital FBW FCS that provides for aircraft control through pilot input and coupled flight director modes. The FBW FCS will contain an advanced flight control system that will alter the nominal flight control laws to ensure that the aircraft remains in a predetermined flight envelope. These Flight Envelope Protection (FEP) features prevent the pilot or autopilot functions from making control commands that would force the aircraft to exceed its structural, aerodynamic, or operating limits. The design and construction standards, specifically 14 CFR 29.779(a), require that movement of the flight controls results in a corresponding sense of aircraft motion in the same axis. The airworthiness standards for an automatic pilot system in § 29.1329 covers design requirements for basic operation of the system but does not address dynamic flight envelope limitations imposed by the automatic pilot system. Currently there are no specific airworthiness requirements that address FBW FCS FEP in rotorcraft. The proposed special conditions will require the minimum safety standard for the FEP features.

Type Certification Basis

Under the provisions of 14 CFR 21.17, BHTI must show that the Model 525 helicopter meets the applicable provisions of part 29, as amended by Amendment 29–1 through 29–55 thereto. The BHTI Model 525 certification basis date is December 31, 2013, the effective date of application to the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 29) do not contain adequate or appropriate safety standards for the BHTI Model 525 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the BHTI Model 525 helicopter must comply with the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The BHTI Model 525 helicopter will incorporate the following novel or unusual design features: FBW FCS incorporating FEP features. FEP is used to prevent the pilot or an autopilot from making control commands that would force the rotorcraft to exceed its structural, aerodynamic, or operating limits. To accomplish this envelope limiting, the FCS control laws change as the limit is approached or exceeded.

Discussion

The proposed special conditions will require the minimum safety standard for the flight envelope protection features. The FEP features must meet requirements for handling qualities, compatibility of flight parameter limit values, response to dynamic maneuvering, and failure modes.

Applicability

As discussed above, these special conditions are applicable to the BHTI Model 525 helicopter. Should BHTI apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of rotorcraft. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Bell Helicopter Textron, Inc., Model 525 helicopters:

Flight Envelope Protection

The Flight Envelope Protection (FEP) features of the FCS must meet the following requirements:

a. Onset characteristics of each envelope protection feature must be smooth, appropriate to the phase of flight and type of maneuver, and not in conflict with the ability of the pilot to satisfactorily change rotorcraft flight path, speed, or attitude within the approved flight envelope.

b. Limit values of protected flight parameters (and if applicable, associated warning thresholds) must be compatible with:

1. Rotorcraft structural limits;

2. Safe and controllable maneuvering of the rotorcraft;

3. Margins to critical conditions. Dynamic maneuvering, airframe and system tolerances (both manufacturing and in-service), and non-steady atmospheric conditions—in any appropriate combination and phase of flight—must not result in a limited flight parameter beyond the nominal design limit value that would cause unsafe flight characteristics;

4. Rotor rotational speed limits;

5. Blade stall limits; and

6. Engine and transmission torque limits.

c. The aircraft must be responsive to pilot-commanded dynamic maneuvering within a suitable range of the parameter limits that define the approved flight envelope.

d. The FEP system must not create unusual or adverse flight characteristics when atmospheric conditions or unintentional pilot action causes the

approved flight envelope to be exceeded.

e. When simultaneous envelope limiting is active, adverse coupling or adverse priority must not result.

f. Following a single FEP failure shown to not be extremely improbable, the rotorcraft must:

1. Be capable of continued safe flight and landing;

2. Be capable of initial counteraction of malfunctions without requiring exceptional pilot skill or strength;

3. Be controllable and maneuverable when operated with a degraded FCS, within a practical flight envelope identified in the Rotorcraft Flight Manual;

4. Be capable of prolonged instrument flight without requiring exceptional pilot skill;

5. Meet the controllability and maneuverability requirements of 14 CFR part 29 Subpart B throughout a practical flight envelope; and

6. Be safely controllable following any additional failure or malfunction shown to not be extremely improbable occurring within the approved flight envelope.

Issued in Fort Worth, Texas, on May 24, 2018.

Jorge Castillo,

Acting Manager, Rotorcraft Standards Branch, Policy and Innovation Division, Aircraft Certification Services.

[FR Doc. 2018–12077 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

[Docket No. CPSC–2018–0014]

Resubmission of Petition To Mandate a Uniform Labeling Method for Traction of Floor Coverings, Floor Coverings With Coatings, and Treated Floor Coverings; Request for Comments

AGENCY: Consumer Product Safety Commission.

ACTION: Notification of petition for rulemaking.

SUMMARY: The U.S. Consumer Product Safety Commission (CPSC) received a resubmitted petition from the National Floor Safety Institute (petitioner or NFSI), requesting that the agency require manufacturers of floor coverings and coatings to label their products and provide point of purchase information regarding slip-resistance, using the American National Standards Institute (ANSI) B101.5–2014 *Standard Guide for Uniform Labeling Method for Identifying the Dynamic Coefficient of Friction (Traction) of Floor Coverings, Floor Coverings with Coatings, and Treated Floor Coverings* (ANSI B101.5). The Commission invites written comments concerning this petition.

DATES: Submit comments by August 6, 2018.

ADDRESSES: Submit comments, identified by Docket No. CPSC–2018–0014, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written comments by mail/hand delivery/courier to: Office of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change to *http://www.regulations.gov,* including any personal identifiers, contact information, or other personal information provided. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted by mail/hand delivery/courier.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* insert docket number CPSC–2018–0014 into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Rocky Hammond, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: 301–504–6833; email: *RHammond@cpsc.gov*.

SUPPLEMENTARY INFORMATION: On April 19, 2018, NFSI submitted a petition, docketed as CP 18–2, requesting that the Commission require manufacturers of floor coverings and coatings to label their products, and provide point-of-purchase information regarding slip-resistance, using the ANSI B101.5 voluntary standard. NFSI's petition request is a resubmission of a prior petition (CP 16–1), which the Commission voted to deny.[1] The resubmitted petition contains certain modifications and additional information.

As with the previous petition, NFSI states that it seeks to reduce injuries and fatalities related to consumer slips and falls, particularly involving the elderly, by requesting CPSC to mandate that floor coverings for sale to consumers be labeled to provide information about the traction of each product. NFSI states that different types of floor coverings have wide ranging differences in slip-resistance, which can make certain types of flooring inappropropriate for a specific use. NFSI contends that currently, consumers have no uniform information to compare differences in traction with various floor covering options. NFSI states that the labeling it urges is easy to understand and will benefit consumers, particularly the elderly, by informing consumers of the traction or safety of the products at the point of sale.

Responding to commenters' and the Commission's concerns regarding the previous petition (CP 16–1), NFSI made modifications to the current petition request and provided additional information to support its petition for rulemaking. By this notice, the Commission seeks comments concerning this renewed petition, including whether the modifications and additional information provided by NFSI address the concerns set forth in the Commission's January 19, 2017 letter to NFSI denying petition CP 16–1.[2] In particular, the Commission seeks comment on the petitioner's proposed method for determining wet dynamic coefficient of friction, and whether such method is accurate and repeatable on all hard surfaces that would be subject to the proposed labeling.

The petition is available at: *http://www.regulations.gov,* under Docket No. CPSC–2018–0014, Supporting and Related Materials. Alternatively, interested parties may obtain a copy of the petition by writing or calling the

[1] December 13, 2016 Record of Commission Action, available at: *https://www.cpsc.gov/s3fs-public/RCA%20-%20Petition%20CP%2016-1%20Labeling%20Requirements%20Regarding%20Slip-Resistance%20of%20Floor%20Coverings%20121316.pdf.*

[2] January 18, 2017 Record of Commission Action and January 19, 2017 Letter to Russell J. Kendzior, President and Chairman of the Board, National Floor Safety Institute, available at: *https://www.cpsc.gov/s3fs-public/RCA%20-%20Draft%20Letter%20to%20Petitioner%20Regarding%20Denial%20of%20Petition%20CP%2016-1%20Floor%20Coverings%20011817.pdf.*

Office of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–6833.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–12074 Filed 6–5–18; 8:45 am]

BILLING CODE 6355–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2005–6]

Statutory Cable, Satellite, and DART License Reporting Practices

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The United States Copyright Office is extending the deadlines for the submission of written comments in response to its December 1, 2017 notice of proposed rulemaking concerning the royalty reporting practices of cable operators under section 111 and proposed revisions to the Statement of Account forms, and on proposed amendments to the Statement of Account filing requirements.

DATES: The comment period for the notice of proposed rulemaking published on December 1, 2017 (82 FR 56926), which was extended on December 27, 2017 (82 FR 61200) and further extended on March 8, 2018 (83 FR 9824), is again extended. Initial written comments must be received no later than 11:59 p.m. Eastern time on October 4, 2018. Written reply comments must be received no later than 11:59 p.m. Eastern time on October 25, 2018.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office website at *https://copyright.gov/rulemaking/section111.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at *resm@loc.gov,* or Anna Chauvet, Assistant General Counsel, by email at *achau@loc.gov,* or either of them by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: On December 1, 2017, the Office issued a notice of proposed rulemaking (''NPRM'') on proposed rules governing the royalty reporting practices of cable operators under section 111 and proposed revisions to the Statement of Account forms, and on proposed amendments to the Statement of Account filing requirements.[1]

On December 13, 2017, NCTA—The Internet & Television Association submitted a motion seeking to extend the initial comment period until March 16, 2018, with written reply comments due by April 2, 2018.[2]

On May 29, 2018, Program Suppliers submitted a motion seeking to extend the initial comment period until October 4, 2018, with written reply comments due by October 25, 2018 (''2018 Extension Request'').[3] The 2018 Extension Request notes that NCTA—The Internet & Television Association supports the requested extension and that Joint Sports Claimants will not oppose it.[4] In addition, the 2018 Extension Request states that the ''parties have been developing their positions as to what and how reporting practices might be improved in light of intervening statutory and regulatory changes,'' and ''whether a consensus can be reached on some or all the issues raised'' in the NPRM.[5]

To ensure that current remitters and other stakeholders have sufficient time to try and reach consensus on some or all of the issues raised in the NPRM, the Office is extending the deadline for the submission of initial written comments to 11:59 p.m. Eastern time on October 4, 2018. Written reply comments must be received no later than 11:59 p.m. Eastern time on October 25, 2018.

Dated: May 30, 2018.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2018–12080 Filed 6–5–18; 8:45 am]

BILLING CODE 1410–30–P

[1] 82 FR 56926 (Dec. 1, 2017).

[2] COLC–2017–0013–0003.

[3] COLC–2017–0013–0007.

[4] *Id.*

[5] *Id.*

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MB Docket No. 18–119; FCC 18–60]

FM Translator Interference

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission discusses several proposals designed to streamline the rules relating to interference caused by FM translators and expedite the translator complaint resolution process, based in part upon the petitions for rulemaking filed by the National Association of Broadcasters and Aztec Capital Partners, Inc.

DATES: Comments may be filed on or before July 6, 2018 and reply comments may be filed on or before August 6, 2018. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before August 6, 2018.

ADDRESSES: You may submit comments, identified by MB Docket No. 18–119, by any of the following methods:

- *Federal Communications Commission's Website: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Albert Shuldiner, Chief, Media Bureau, Audio Division, (202) 418–2721; Christine Goepp, Media Bureau, Audio Division, (202) 418–7834. Direct press inquiries to Janice Wise at (202) 418–8165. For additional information concerning the Paperwork Reduction Act (PRA) information collection

requirements contained in this document, contact Cathy Williams at 202–418–2918, or via the internet at *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, MB Docket No. 18–119, FCC 18–60, adopted and released May 10, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *http://fjallfoss.fcc.gov/edocs_public/* or via the FCC's Electronic Comment Filing System (ECFS) website at *http://fjallfoss.fcc.gov/ecfs2/*. (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Initial Paperwork Reduction Act of 1995 Analysis

The Notice of Proposed Rulemaking (NPRM) contains proposed information collection requirements subject to the PRA, Public Law 104–13. OMB, the general public, and other Federal agencies are invited to comment on the proposed new and modified information collection requirements contained in this NPRM.

Comments on the proposed information collection requirements should address: (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 burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

In addition to filing comments with the Secretary, a copy of any Paperwork Reduction Act comments on the information collection requirements contained herein should be submitted to Cathy Williams, via the internet to *Cathy.Williams@fcc.gov,* and to Nicholas A. Fraser, Office of Management and Budget (OMB), via the internet to *Nicholas_A._Fraser@omb.eop.gov*.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

The proposed information collections are as follows:

OMB Control Number: 3060–xxxx.

Title: Sections 74.1203(a)(3), Interference, and 74.1204(f), Protection of FM broadcast, FM Translator and LP100 stations.

Type of Review: New collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 270 respondents; 270 responses.

Estimated Time per Response: 3–5 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Total Annual Burden: 1,080 hours.

Total Annual Cost: $924,100.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 1, 4(i), 4(j), 301, 303, 307, 308, 309, 316, and 319 of the Communications Act, 47 U.S.C. 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On May 10, 2018, the Commission adopted a Notice of Proposed Rulemaking, Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference, FCC 18–60, MB Docket No. 18–119, proposing to streamline the rules relating to interference caused by FM translators and expedite the translator interference complaint resolution process. The proposals, if implemented, could limit or avoid protracted and contentious interference resolution disputes, provide translator licensees both additional flexibility to remediate interference and additional investment certainty, and allow expedited resolution of interference claims by affected stations.

The rule changes proposed in the NPRM would, if adopted, potentially increase the number of listener complaints that must be included with an interference claim to a minimum of six, and increase the amount of information to be included with each listener complaint to include signed listener statements regarding listening regularity and non-affiliation with the complaining station. In the NPRM, the Commission is seeking comment on its proposal to specify and clarify the information that must be contained in each listener interference complaint, thus potentially reducing lengthy and resource-intensive disputes over a listener's bona fides. To discourage the filing of poorly substantiated claims, the Commission is proposing to require that a minimum number of listener complaints be submitted with each translator interference claim and that listener complaints beyond a certain contour would not be actionable. Finally, the Commission is seeking comment on streamlining the interference resolution process by applying technical data, rather than relying on listener involvement, to demonstrate resolution of properly documented, bona fide listener complaints. Under this new information collection, the following information collection requirements require OMB approval.

The Commission proposes to amend §§ 74.1203(a)(3) (actual interference) and 74.1204(f) (predicted interference) of the rules to state that interference will be considered to occur whenever reception of a regularly used signal by six or more listeners, at separate locations using separate receivers, is impaired or is predicted to be impaired,

by the signals radiated by the FM translator station.

The Commission also proposes to codify the § 74.1203(a)(3) and 74.1204(f) listener complaint requirements in § 74.1201(k). All listener complaints, whether submitted under § 74.1203(a)(3) or § 74.1204(f), must be signed by the listener and contain the following: (1) Full name and contact information; (2) a clear, concise, and accurate description of the location where the interference is alleged to occur; (3) to demonstrate that the complainant is a regular listener, a statement that the complainant listens to the desired station at least twice a month; and (4) to demonstrate that the complainant is disinterested, a statement that the complainant has no legal, financial, or familial affiliation with the desired station. In addition, stations submitting a translator interference claim pursuant to either § 74.1203(a)(3) or § 74.1204(f) must include a map plotting specific listener addresses in relation to the relevant station contours. Section 74.1204(f) complaints must also provide technical evidence of interference to the reception of the desired station at the listener locations specified, such as through U/D signal strength data.

Finally, in order to simplify and expedite the interference resolution process, the NPRM proposes to require that the FM translator operator, once interference has been initially established through bona fide listener complaints under either § 74.1203(a)(3) or § 74.1204(f), submit a technical showing that all interference has been eliminated. The NPRM proposes to require that this technical showing be based on the same U/D ratio methodology applicable to § 74.1204(f) complaints described above, in addition to on/off tests, if appropriate, and as directed by Commission staff.

OMB Control Number: 3060–0405.

Title: Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, FCC Form 349.

Form Number: FCC Form 349.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government; Not-for-profit institutions.

Number of Respondents and Responses: 1,350 respondents; 2,700 responses.

Estimated Time per Response: 1–1.5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 5,050 hours.

Total Annual Cost: $5,291,550.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: FCC Form 349 is used to apply for authority to construct a new FM translator or FM booster broadcast station, or to make changes in the existing facilities of such stations.

Form 349 also contains a third-party disclosure requirement, pursuant to 47 CFR 73.3580. This rule requires stations applying for a new broadcast station, or to make major changes to an existing station, to give local public notice of this filing in a newspaper of general circulation in the community in which the station is located. This local public notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. In addition, a copy of this notice must be placed in the station's public inspection file along with the application, pursuant to 47 CFR 73.3527. This recordkeeping information collection requirement is contained in OMB Control No. 3060–0214, which covers § 73.3527.

On May 10, 2018, the Commission adopted a Notice of Proposed Rulemaking, Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference, FCC 18–60, MB Docket No. 18–119, proposing to streamline the rules relating to interference caused by FM translators, and expedite the translator interference complaint resolution process. The proposals, if implemented, could limit or avoid protracted and contentious interference resolution disputes, provide translator licensees both additional flexibility to remediate interference and additional investment certainty, and allow earlier and expedited resolution of interference complaints by affected stations.

In the NPRM, the Commission seeks comment on its proposal to offer additional flexibility to translator licensees, by allowing them to resolve interference issues using the effective and low-cost method of submitting a minor modification application to change frequency to any available FM channel. This method could potentially reduce the need for pleadings to be filed at a later stage to prosecute or defend an interference claim.

Specifically, the NPRM pertains to this Information Collection as it proposes to modify § 74.1233(a)(1) of the rules to define an FM translator station's change to any available FM channel as a minor change, filed using FCC Form 349, upon a showing of actual interference to or from any other broadcast station. Currently, if an existing FM translator causes actual interference as prohibited by § 74.1203(a), it is limited to remedial channel changes, filing FCC Form 349 as a minor change application, to first, second, or third adjacent, or IF channels. A change to any other channel is considered a major change on FCC Form 349, which currently may only be submitted during a filing window. The NPRM, if adopted, will enable more translator stations to cure interference by simply changing channels by filing Form 349 as a minor change application, rather than other costlier and less efficient remedies.

With this submission, the Commission is currently seeking to obtain OMB approval for the proposed revision to § 74.1233(a)(1) of the rules. This revision will modify the number of respondents, number of responses, annual burden hours, and annual costs for this collection.

Synopsis of Notice of Proposed Rule Making

Introduction

1. In this Notice of Proposed Rulemaking (NPRM), the Commission proposes to streamline the rules relating to interference caused by FM translators and expedite the translator complaint resolution process, based in part upon the petitions for rulemaking filed by the National Association of Broadcasters (NAB) (NAB Petition) and Aztec Capital Partners, Inc. (Aztec) (Aztec Petition). Specifically, the Commission seeks comment on: (1) Allowing FM translators to resolve interference issues by changing channels to any available frequency using a minor modification application; (2) requiring a minimum number of listener complaints to be submitted with any FM translator interference claim; (3) standardizing the information that must be included within such a listener complaint; (4) streamlining and expediting interference complaint resolution procedures; (5) establishing an outer contour limit for the affected station beyond which listener complaints would not be considered actionable; and (6) modifying the scope of interference complaints permitted to be filed by affected stations at the application stage. The Commission's proposals also apply

to booster stations, although we note that, as booster stations are limited in operation to the same channel as their primary station, the proposal to allow non-adjacent frequency changes by minor change application will not be available to booster stations. These proposals could, if implemented, limit or avoid protracted and contentious interference resolution disputes, provide translator licensees both additional flexibility to remediate interference and additional investment certainty, and allow earlier and expedited resolution of interference complaints by affected stations.

2. Recent substantial growth in the translator service, as well as the economic importance of translators for AM station viability, has led to increased industry interest in clarifying and streamlining the translator interference rules to create greater investment certainty and avoid protracted and expensive interference resolution disputes. As a secondary service, FM translators must not cause either predicted or actual interference to any authorized broadcast station. If interference is demonstrated, the translator must resolve the issue or cease operation. The Commission distinguishes between predicted interference, which is determined at the time a construction permit application is processed, and actual interference, which is determined after a translator station has begun operation. Under 47 CFR 74.1203(a), a translator is prohibited from causing actual interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station at any time after the translator commences operation. Although listeners are permitted to submit interference complaints directly to the Commission, it is much more common for the affected station to submit a claim of actual interference to the Commission based on complaints obtained from its listeners. Under 47 CFR 74.1204(f), an application will not be granted if an objector provides convincing evidence that the predicted 60 dBμ contour of the translator would overlap a populated area already receiving a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station and grant of the authorization will result in interference to the reception of such signal.

3. *Channel changes.* If the Commission receives a valid interference complaint, the translator licensee must either eliminate the interference using ''suitable techniques'' or suspend operations. Changing channels is often the preferred solution, because it allows translators to quickly resolve interference at minimal cost and with little or any reduction in service area. However, this option is currently limited by 47 CFR 74.1233(a)(1), which restricts translator modifications that can be carried out using a minor change application to: (1) Channel changes to first, second, or third adjacent channels, or intermediate frequency channels; and (2) changes in antenna location where the translator station would continue to provide 60 dBμ service to some portion of its previously authorized 60 dBμ service area. Changes that do not qualify as minor may only be submitted during a filing window. In the NPRM, the Commission proposes to define an FM translator's change to any same-band available FM channel as a minor change upon a showing of interference to or from any other broadcast station. It anticipates that this measure would facilitate interference resolution, avoid time- and resource-consuming conflicts, and, in some cases, prevent translator stations from being forced to suspend operations. The Commission seeks comment on this proposal, and on whether to impose any minimum technical requirements on such showings, *e.g.,* an engineering statement.

4. The Commission also seeks comment on limiting this flexibility to modification applications seeking channels within the same FM band (*i.e.,* the reserved or non-reserved FM bands). Specifically, it proposes to modify § 74.1233(a)(1) to define any channel change for a translator from a non-reserved band frequency to a reserved band frequency, or vice versa, as a major change. Currently, this prohibition is limited to unbuilt stations. With the increased channel change activity that it anticipates will be generated by this proposal, as well as the overall growth of the FM translator service, the Commission believes that this measure is necessary to preserve the integrity of the filing window system.

5. *Minimum number of listener complaints.* The existing interference resolution process consists of Commission staff mediating interference disputes based upon as little as one listener complaint of interference. In the NPRM, the Commission proposes to require a minimum number of listener complaints to be submitted in support of any claim of translator interference. NAB suggests six listener complaints as a ''reasonable starting point,'' based on consultation with various industry stakeholders. This measure, NAB claims, would help avoid disputes over whether a claim supported by only one or two listeners has been adequately substantiated. A number of commenters suggested a higher required minimum number of listener complaints, such as ten, or a variable system based on the size of the market or population affected. The Commission seeks comment on whether six complaints is a reasonable threshold of listener complaints, noting that six listener complaints are required in the context of a digital FM signal causing interference to an analog station. Should the Commission vary this figure based on the population of the area affected, the total population served by the complaining station, or any other potential denominator, or would a single number work in most situations? Would it be administratively feasible to vary the figure in this way? Should the Commission apply this minimum complaint requirement in both predicted and actual interference contexts? If so, should the same minimum number apply to each rule section? The Commission proposes to apply this requirement to both translators and boosters and seeks comment on this proposal. Are there reasons to distinguish between translator and booster stations in this context? Is there a need to establish a maximum time period within which the required number of complaints must be obtained by the affected station and/or received by the Commission? Although most interference claims are submitted by the affected station, the Commission also seeks comment on appropriate procedures for handling complaints received directly from listeners. Should the Commission forward such complaints to the affected station licensee?

6. The Commission tentatively concludes that six represents a reasonable minimum of listener complaints that will address the concern that interference complaints may be inadequately substantiated without imposing too heavy an evidentiary burden on the complaining station. Therefore, the Commission proposes to amend §§ 74.1204(f) and 74.1203(a)(3) to state that interference will be considered to occur whenever reception of a regularly used signal by six or more listeners, at separate locations using separate receivers, is impaired or is predicted to be impaired by the signals radiated by the FM translator station. The Commission seeks comment on this proposal. Although the Commission proposes a minimum number of listener complaints, it tentatively concludes that it will not adopt NAB's proposal that

the Commission require a showing of interference at a sufficient number of locations within the affected area to demonstrate ''a real and consistent interference problem.'' This proposal would have the Commission overlook or undervalue multiple listener complaints from the same approximate location, such as an apartment building, and is thus in tension with the Commission's focus on ''reception by the public'' in § 74.1203(a)(3) and prevention of interference to ''populated areas'' in § 74.1204(f). The Commission seeks comment on this conclusion.

7. *Complaint requirements and remediation procedures.* In the NPRM, the Commission observes that the interference resolution process is often delayed or sidetracked by disputes over the validity of the claimed interference, the objectivity of complaining listeners, or procrastination by one of the parties. Addressing these matters can be time-consuming for Commission staff and detrimental to one or both parties. Moreover, seemingly similar cases can vary in the time, effort, and expense needed to resolve them, leading to a perception of an *ad hoc* process with inconsistent outcomes. Although the Commission requires that listener complainants regularly listen to the affected station and be disinterested in the affected station, it currently does not require upfront listener certifications to this effect. Rather, listener *bona fides* are contested after the interference claim is submitted to the Commission.

8. The Commission seeks comment on mandating that all listener complaints, whether submitted under 47 CFR 74.1203(a)(3) or 74.1204(f), must be signed by the listener and contain the following: (1) Full name and contact information; (2) a clear, concise, and accurate description of the location where the interference is alleged to occur; (3) to demonstrate that the complainant is a regular listener, a statement that the complainant listens to the desired station at least twice a month; and (4) to demonstrate that the complainant is disinterested, a statement that the complainant has no legal, financial, or familial affiliation with the desired station. In addition, stations submitting a translator interference claim pursuant to either 47 CFR 74.1203(a)(3) or 74.1204(f) must include a map plotting specific listener addresses in relation to the relevant station contours. This proposal would not affect the existing 47 CFR 74.1204(f) requirement to provide technical evidence of interference to the reception of the desired station at the listener locations specified, such as through U/D signal strength data.

9. The Commission seeks comment on whether these strengthened upfront listener complaint requirements would significantly reduce challenges to a listener's *bona fides* and hence simplify and streamline translator interference proceedings. The Commission also proposes to clarify that listener complaints solicited by the station and/or presented in a standardized format, such as a list or form letter, will not be taken as evidence that a listener is impermissibly affiliated with the complaining station. Similarly, it proposes to clarify that social media connections, such as friending or following a station or its personnel on Facebook, Twitter, or other social media platforms, between listeners and the complaining station or its personnel will not be taken as evidence that a listener is impermissibly affiliated with the complaining station, because such a connection does not amount to a legal, economic, or familial interest in the station. The Commission seeks comment on these proposals.

10. The Commission also proposes that a listener complaint that meets the above content requirements will presumptively establish interference at the relevant location, which must then be promptly eliminated by the translator operator using any suitable technique—including, as appropriate, a modification application to change channels as proposed herein—or, if necessary, suspending operations. The Commission anticipates that the more formal and detailed complaint format proposed herein will reduce the need for staff involvement in disputes over the validity of complaints. Moreover, the Commission believes that the U/D signal ratio test procedure outlined below will minimize the need for staff involvement in the interference resolution process beyond: (1) Confirming the sufficiency of listener complaints submitted formally to the Commission; (2) notifying the relevant translator of such complaints and any applicable deadline for resolution; and (3) reviewing any technical showings purporting to establish that all interference has been resolved. The Commission also proposes to clarify that a listener whose complaint is sent to a station and then submitted as part of an interference claim or other request for relief filed by an affected station licensee is not entitled to protection under the *ex parte* rules because the listener has not submitted a filing with the Commission. Therefore, listener complainants are not parties to any proceeding that may be initiated by a complaint or other request for relief filed by a station licensee and are not entitled to protection under the *ex parte* rules. However, as before, a station licensee filing an interference claim or other request for relief is considered a party to the proceeding and entitled to protection under the *ex parte* rules. The Commission seeks comment on these proposals.

11. The Commission proposes to eliminate the current requirement that the complaining listener cooperate with remediation efforts. For example, a listener would not be required to accept equipment or equipment modifications (*e.g.,* a new receiver) as a way of addressing interference. Instead, the Commission seeks comment on removing the listener from the complaint resolution process by requiring the translator operator, once interference has been initially established through listener complaints, to submit a technical showing that all interference has been eliminated. The Commission proposes to require this technical showing to be based on the same U/D ratio methodology applicable to 47 CFR 74.1204(f) complaints, using the standard contour prediction methodology specified in 47 CFR 73.313, in addition to on/off tests if appropriate and directed by Commission staff. A translator licensee could use these U/D showings to demonstrate the parameters with which it could operate on its current frequency and not cause interference. The Commission seeks comment on this proposal to simplify and expedite interference resolution. Will the U/D showings, in conjunction with the standard contour prediction methodology, be sufficient to make these determinations accurately in the majority of interference scenarios? The Commission notes that a number of commenters questioned the reliability of listeners' assessment of interference. Should the Commission rely exclusively on technical U/D showings as proposed, or continue to involve the listener if the listener alleges that he or she subjectively continues to experience interference despite U/D showings to the contrary? If on/off tests are included as part of the remediation process, what technical standards or procedures, if any, should be required regarding location, timing, receivers, etc.? Should the Commission require the use of specific receivers, or types of receivers, to promote consistent on/off test results? Would this proposal reduce or eliminate unproductive or unpleasant interactions between translator operators and complaining listeners? Finally, the Commission seeks comment on

establishing an appropriate deadline for translators to resolve all properly substantiated interference complaints and submit an acceptable technical showing or be subject to suspension of operation. In addition to imposing a deadline on translators to resolve interference, are there other measures the Commission could take to expedite the interference resolution process? The Commission seeks comment on NAB's suggestion that it establish Commission deadlines for acting on interference complaints. Is this necessary should the Commission adopt deadlines on translators to resolve complaints? How should the Commission balance this work against its other competing priorities affecting radio broadcasters?

12. *Limit on actual interference complaints.* The Commission seeks comment on identifying a signal strength beyond which an FM station may not claim interference to its listeners from an FM translator. This proposal addresses a concern raised by Aztec and other commenters that the current rules encourage competitor licensees to file minimally substantiated claims against distant translators.

13. The Commission expresses reservations about two aspects of Aztec's proposal. First, the Commission believes that Aztec's proposal to prohibit translator interference only within the 60 dBμ contour of other stations would be inconsistent with translators' role as a secondary service, fundamentally changing the existing balance of equities between translators and other broadcast stations and affect the listening options for listeners outside the other broadcast station's protected contour. Second, the Commission tentatively concludes that it would not be advisable or administratively feasible to distinguish between fill-in and other area translators in this context, because it is a relatively simple matter for a translator licensee to change primary stations and hence change the fill-in status and protection obligations of the translator station. The Commission declines to assume that a fill-in translator presumptively provides ''local'' service or, conversely, that a complaining station is ''distant'' based merely on the distance between its transmitter site and certain of its listeners, particularly commuters. These terms may refer as much to programming content as to the proximity of the transmitter site. While the Commission's translator policy is intended to promote overall program diversity, it does not otherwise assess the value of content—again, taking into consideration the ease with which programming can be changed. For these reasons, the Commission does not seek comment on Aztec's suggestion to differentiate between fill-in and other area translators for interference protection purposes. However, the Commission seeks comment on possible alternative ways to address Aztec's underlying concerns.

14. The Commission proposes to identify a predicted signal contour within which most of a station's listeners are located and to not require the elimination of interference beyond that contour. The Commission believes that it can thus restrict stations from making specious interference allegations while preserving translators' status as a secondary service. This approach is similar to that used in the LPFM service and is based on the common language of §§ 74.1203(a)(3) and 74.1204(f), which prohibit interference to a ''regularly used'' broadcast signal, and § 74.1203(a)(3), which prohibits interference with another station's ''reception by the public.'' These provisions assume the existence of a signal capable of being regularly received by the public and therefore should not permit complaints regarding a signal that is not so received. Thus, the Commission concludes that this proposal is consistent with the secondary nature of translators. In this respect, it notes that the 60 dBμ contour standard is by no means an outer limit of listenability. Rather, this contour has been principally used as an allocations tool, which reflects a balance between providing adequate service areas and permitting a sufficient number of FM assignments.

15. For these reasons, the Commission proposes to modify 47 CFR 74.1203(a)(3) to state that no complaint of actual interference will be considered actionable if the alleged interference occurs outside the desired station's 54 dBμ contour. Would this contour limit achieve the goal of safeguarding the technical integrity of the FM band? Should there be different outer limits for interference complaints for FM stations in different Zones? The Commission tentatively concludes that the greater contour protections afforded to Class B and Class B1 in the non-reserved band are based on allocations concerns regarding populous service areas and thus do not affect this analysis or warrant separate treatment for Class B and Class B1 stations in this respect. The Commission seeks comment on this conclusion.

16. Observing that the actual interference provisions of 47 CFR 74.1203(a)(3) and 74.1203(b) have given rise to some of the most lengthy and contentious proceedings—as well as to allegations of negative interactions between translator operators and complaining listeners—the Commission proposes to reduce reliance on actual interference complaints by harmonizing the scope of complaints that can be preemptively brought under 47 CFR 74.1204(f) with those that are based on allegations of actual interference. Specifically, it seeks comment on amending 47 CFR 74.1204(f) to allow an objector to submit evidence of bona fide listeners that are within the complaining station's predicted 54 dBμ contour rather than, as currently, the relevant translator's ''predicted 1 mV/v (60 dBμ) contour.'' By modifying the scope of predicted interference claims to more closely reflect post-grant actual interference requirements, the Commission anticipates that more potential conflicts can be resolved before applicants are fully invested in the proposed facility and may have greater flexibility in pursuing remedial steps. The Commission seeks comment on whether this proposal would encourage translator applicants and their engineers to propose facilities that are more viable in the long term. It tentatively concludes that the proposal is consistent with section 5(3) of the Local Community Radio Act of 2010 (LCRA), which states that the Commission must, when licensing new FM translator stations, ensure that they remain secondary to existing and modified full service FM stations. The proposal to modify the existing limitation in § 74.1204(f) will expand the geographic scope of potential interference complaints against translators by full service stations in most cases. In addition, as discussed above, this proposal is consistent with the secondary nature of translators. The Commission seeks comment on this conclusion.

Initial Regulatory Flexibility Analysis

17. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) concerning the possible significant economic impact on small entities of the policies and rules proposed in the Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or

summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rule Changes

18. In this NPRM, the Commission seeks comment on whether to modify certain standards and procedures relating to FM translator interference complaints. Specifically, the Commission seeks comment on the following proposals: (1) Allowing translators to resolve interference issues by changing channels to any available FM frequency using a minor modification application; (2) requiring a minimum number of listener complaints to be submitted with any FM translator interference claim; (3) clarifying the information that must be included within a listener complaint; (4) establishing an outer contour limit for the affected station beyond which listener complaints would not be actionable; (5) modifying the scope of interference complaints permitted to be filed by affected stations at the application stage; and (6) streamlining and expediting interference complaint resolution procedure. These proposals could, if implemented, avoid protracted and contentious interference resolution disputes, provide translator licensees additional flexibility to remediate interference, provide translator licensees with additional investment certainty, and allow earlier and expedited resolution of interference complaints by affected stations.

Legal Basis

19. The proposed action is authorized pursuant to sections 1, 4(i), 4(j), 301, 303, 307, 308, 309, 316, and 319 of the Communications Act, 47 U.S.C. 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

20. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

21. *Radio Stations.* This Economic Census category ''comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.'' The SBA has established a small business size standard for this category as firms having $38.5 million or less in annual receipts. Economic Census data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999 million and 26 with annual receipts of $50 million or more. Therefore, based on the SBA's size standard, the majority of such entities are small entities.

22. According to BIA/Kelsey Publications, Inc.'s Media Access Pro Database, on March 30, 2018, 10,859 (or about 99.94 percent) of the then total number of FM radio stations (10,865); 4,629 (or about 99.94 percent) of the then total number of AM radio stations (4,632); and all of the 7,238 total FM translator stations (100 percent) had revenues of $38.5 million or less for the year ending 2017, and thus qualify as small entities under the SBA definition. We note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. This estimate, therefore, likely overstates the number of small entities that might be affected, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

23. As noted above, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also, as noted, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. The rule changes proposed in the NPRM would, if adopted, potentially increase the number of listener complaints that must be included with an interference claim to a minimum of six and increase the amount of information to be included with each listener complaint to include signed listener statements regarding listening regularity and disinterestedness in the complaining station. However, licensees are encouraged to resolve interference complaints privately and the recourse of filing an interference claim with the Commission is purely voluntary. Moreover, the type of information to be filed (*i.e.,* information required to be included with listener complaints) is already familiar to broadcasters, so the additional paperwork burdens would be minimal.

Steps Taken To Minimize Significant Impact on Small Entities and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

26. In the NPRM, the Commission seeks comment on its proposal to offer additional flexibility to translator licensees, including small entities, by allowing them to resolve interference issues using the effective and low-cost method of submitting a minor modification application to change frequency to any available FM channel. We also propose to clarify the information that must be contained in each listener interference complaint, thus potentially reducing lengthy and resource-intensive disputes over listener bona fides. The Commission does not anticipate that the proposed certifications would add much, if any, time needed to collect each listener complaint. These requirements could also potentially reduce the need for pleadings to be filed at a later stage to

prosecute or defend an interference claim. To discourage the filing of poorly substantiated interference claims, we propose to require that a minimum number of listener complaints be submitted with each FM translator interference and that listener complaints beyond a certain contour would not be considered actionable. Finally, the Commission seeks comment on streamlining the FM translator interference resolution process by relying on technical data rather than requiring listener involvement with the resolution process after prima facie interference has been established by a minimum number of properly documented listener complaints. We anticipate that these proposals will facilitate a consistent and fair interference claim resolution process and reduce the number of prolonged and contentious FM translator proceedings. Alternatives considered by the Bureau include retaining the existing process, requiring a greater or lesser number of listener complaints to be submitted with each claim, establishing a greater or lesser contour beyond which listener complaints would not be considered actionable, and alternative forms of technical data, such as field strength tests, to demonstrate resolution of translator interference complaints. The NPRM requests comment on the effect of the proposed rule changes on all affected entities. The Commission is open to consideration of alternatives to the proposals under consideration, including but not limited to alternatives that will minimize the burden on FM broadcasters, many of whom are small businesses.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

27. None.

Ex Parte Rules

28. *Permit But Disclose.* The proceeding this NPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Ex parte presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, ex parte or otherwise, are generally prohibited. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with § 1.1206(b) of the rules. In proceedings governed by § 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Filing Procedures

29. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/*.

• *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/*.

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

○ Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

• *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Ordering Clauses

30. *It is ordered* that, pursuant to the authority contained in § 1.407 of the Commission's rules, 47 CFR 1.407, the Petitions for Rulemaking filed by National Association of Broadcasters and Aztec Capital Partners, Inc. *are granted* to the extent specified herein.

31. *It is further ordered that*, pursuant to the authority contained in sections 1, 4(i), 4(j), 301, 303, 307, 308, 309, 316, and 319 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319, this Notice of Proposed Rulemaking *is adopted.*

32. *It is further ordered that* the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 74

Communications equipment, Education, Radio, Reporting and

recordkeeping requirements, Research, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 74 as follows:

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336 and 554.

■ 2. Section 74.1201 is amended by adding paragraph (k) to read as follows:

§ 74.1201 Definitions.

* * * * *

(k) *Listener complaint.* A complaint that is signed by the listener and contains the following information:

(1) Full name and contact information;

(2) A clear, concise, and accurate description of the location where the interference is alleged or predicted to occur;

(3) A statement that the complainant listens to the desired station at least twice a month; and

(4) A statement that the complainant has no legal, financial, or familial affiliation with the desired station.

■ 3. Section 74.1203 is amended by revising paragraph (a)(3) to read as follows:

§ 74.1203 Interference.

(a) * * *

(3) The direct reception by the public of the off-the-air signals of any full service station or previously authorized secondary station. Interference will be considered to occur whenever reception of a regularly used signal, as demonstrated by six or more listener complaints as defined in § 74.1201(k) and a map plotting specific listener addresses in relation to the relevant station contours, is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception or the channel on which the protected signal is transmitted; except that no listener complaint will be considered actionable if the alleged interference occurs outside the desired station's 54 dBμ contour.

* * * * *

■ 4. Section 74.1204 is amended by revising paragraph (f) to read as follows:

§ 74.1204 Protection of FM broadcast, FM Translator and LP100 stations.

* * * * *

(f) An application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth in paragraph (a) of this section, if grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including previously authorized secondary service stations, within the 54 dBμ field strength contour of the desired station, as demonstrated by six or more listener complaints, as defined in § 74.1201(k), as well as a map plotting specific listener addresses in relation to the relevant station contours.

* * * * *

■ 5. Section 74.1233 is amended by revising paragraph (a)(1) to read as follows:

§ 74.1233 Processing FM translator and booster station applications.

(a) * * *

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. For FM translator stations, a major change is:

(i) Any change in frequency (output channel) except:

(A) Changes to first, second or third adjacent channels, or intermediate frequency channels; or

(B) Upon a showing of interference to or from any other broadcast station, remedial changes to any frequency; or

(ii) Any change in antenna location where the station would not continue to provide 1 mV/m service to some portion of its previously authorized 1 mV/m service area.

(iii) In addition, any change in frequency relocating a station from the non-reserved band to the reserved band, or from the reserved band to the non-reserved band, will be considered major. All other changes will be considered minor. All major changes are subject to the provisions of §§ 73.3580 and 1.1104 of this chapter pertaining to major changes.

* * * * *

[FR Doc. 2018–11964 Filed 6–5–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170630613–8489–01]

RIN 0648–BH02

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole Management in the Groundfish Fisheries of the Bering Sea and Aleutian Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 116 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP). If approved, Amendment 116 would limit access to the Bering Sea and Aleutian Islands (BSAI) Trawl Limited Access Sector (TLAS) yellowfin sole directed fishery by vessels that deliver their catch of yellowfin sole to motherships for processing. This proposed rule would establish eligibility criteria based on historical participation in the BSAI TLAS yellowfin sole directed fishery, issue an endorsement to those groundfish License Limitation Program (LLP) licenses that meet the eligibility criteria, and authorize delivery of BSAI TLAS yellowfin sole to motherships by only those vessels designated on a groundfish LLP license that is endorsed for the BSAI TLAS yellowfin sole directed fishery.

This proposed action is necessary to prevent increased catcher vessel participation from reducing the benefits the fishery provides to historic and recent participants, mitigate the risk that a ''race for fish'' could develop, and help to maintain the consistently low rates of halibut bycatch in the BSAI TLAS yellowfin sole directed fishery. This proposed rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, Amendment 116, the BSAI FMP, and other applicable laws.

DATES: Submit comments on or before July 6, 2018.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2017–0083, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0083,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 116 and the draft Environmental Assessment/Regulatory Impact Review prepared for this action (collectively the ''Analysis'') may be obtained from *www.regulations.gov*. Electronic copies of Amendments 80 and 39 to the BSAI FMP, and the Environmental Assessments/Regulatory Impact Reviews prepared for those actions also may be obtained from *www.regulations.gov*.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted by mail to NMFS at the above address; and by email to *OIRA_Submission@omb.eop.gov* or by fax to (202)–395–5806.

FOR FURTHER INFORMATION CONTACT: Bridget Mansfield, 907–586–7228 or *bridget.mansfield@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority for Action

NMFS manages the groundfish fisheries in the exclusive economic zone of the BSAI under the BSAI FMP. The North Pacific Fishery Management Council (Council) prepared the BSAI FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the BSAI FMP appear at 50 CFR parts 600 and 679.

This proposed rule would implement Amendment 116 to the BSAI FMP. The Council submitted Amendment 116 for review by the Secretary of Commerce (Secretary), and a Notice of Availability (NOA) of Amendment 116 was published in the **Federal Register** on May 18, 2018, with comments invited through July 17, 2018. Comments submitted on this proposed rule by the end of the comment period (See **DATES**) will be considered by NMFS and addressed in the response to comments in the final rule. Comments submitted on this proposed rule may address Amendment 116 or this proposed rule. However, all comments addressing Amendment 116 must be received by July 17, 2018, to be considered in the approval/disapproval decision on Amendment 116. Commenters do not need to submit the same comments on both the NOA and this proposed rule. All relevant written comments received by July 17, 2018, whether specifically directed to the FMP amendment, this proposed rule, or both, will be considered by NMFS in the approval/disapproval decision for Amendment 116 and addressed in the response to comments in the final rule.

Background

In June 2017, the Council adopted Amendment 116. If approved by the Secretary, Amendment 116 would require that a vessel be designated on a groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement for that vessel to be used to harvest yellowfin sole in the BSAI TLAS yellowfin sole directed fishery and deliver that catch to a mothership. The terms ''directed fishery'' and ''mothership'' are defined at 50 CFR 679.2. A groundfish LLP license would be eligible for such an endorsement if it is credited with at least one qualifying landing, where the term ''qualifying landing'' would be defined under this proposed rule as a legal trip target landing in the BSAI TLAS yellowfin sole directed fishery made to a mothership in any one year from 2008 through 2015. Under this proposed rule, the term ''trip target'' would be defined as a groundfish species that is retained in an amount greater than the retained amount of any other groundfish species for that trip. For those vessels used to make a qualifying landing, only one groundfish LLP license on which the vessel was designated during the qualifying period would be eligible to receive the endorsement under this proposed rule. If a vessel that made at least one legal trip target landing in the BSAI TLAS yellowfin sole directed fishery from 2008 through 2015 (qualifying period) was designated on more than one groundfish LLP license during the qualifying period, the vessel owner would be required to select one groundfish LLP license that would receive credit for the qualifying landing(s) and receive a BSAI TLAS yellowfin sole directed fishery endorsement.

The following sections of this preamble provide a description of (1) the LLP, the BSAI TLAS yellowfin sole directed fishery, and related management programs; (2) the need for this proposed rule; and (3) the proposed eligibility criteria and process for obtaining new endorsements authorizing delivery of BSAI TLAS yellowfin sole directed fishery catch to motherships.

Description of the License Limitation Program, the BSAI TLAS Yellowfin Sole Directed Fishery, and Related Management Programs

License Limitation Program

The Council and NMFS have long sought to control the amount of fishing effort in the BSAI groundfish fisheries to ensure that the fisheries are conservatively managed and do not exceed established biological thresholds. One of the measures used by the Council and NMFS to control fishing effort is the LLP, which limits access to the groundfish fisheries in the BSAI. With some limited exceptions, the LLP requires that persons hold and designate on a groundfish LLP license each vessel that is used to fish in Federally managed groundfish fisheries. The LLP is intended to prevent unlimited entry into groundfish fisheries managed under the BSAI FMP.

The LLP for BSAI groundfish fisheries was recommended by the Council as Amendment 39 to the BSAI FMP. The Council adopted the LLP for BSAI groundfish in June 1995, and NMFS approved Amendment 39 on September 12, 1997. NMFS published the final rule to implement the LLP on October 1, 1998 (63 FR 52642), and fishing under the LLP began on January 1, 2000. The preamble to the final rule implementing the BSAI groundfish LLP and the EA/RIR/IRFA prepared for that action describe the rationale and specific provisions of the LLP in greater detail (see **ADDRESSES**) and are not repeated here.

The key components of the LLP are briefly summarized as follows. The BSAI groundfish LLP established specific criteria that must be met to allow a vessel to receive a groundfish

LLP license and continue to be eligible to fish in directed groundfish fisheries managed under the BSAI FMP. Vessels under 32 feet length overall (LOA) in the BSAI, and vessels using jig gear in the BSAI that are less than 60 feet LOA and that deploy no more than five jigging machines are exempt from the requirements to have a groundfish LLP license.

Under the LLP, NMFS issued licenses that (1) endorse fishing activities in specific regulatory areas in the BSAI; (2) restrict the length of the vessel on which the LLP license may be used; (3) designate the fishing gear that may be used on the vessel (*i.e.,* trawl or non-trawl gear designations); and (4) designate the type of vessel operation permitted (*i.e.,* specify whether the vessel designated on the LLP license may operate as a catcher vessel or as a catcher/processor). LLP licenses are issued so that the endorsements for specific regulatory areas, gear designations, and vessel operational types are non-severable from the LLP license (*i.e.,* once issued, the components of the LLP license cannot be transferred independently). By creating LLP licenses with these characteristics, the Council and NMFS limited the ability of a person to use an assigned LLP license—which was derived from the historic fishing activity in one area with a specific fishing gear or operational type—in other areas, with other gears, or for other operational types. The Council's intent of such limitation was to curtail the ability of the LLP license holder to expand fishing capacity, which could decrease the benefits derived by the existing participants from those other fisheries. The preamble to the final rule implementing the BSAI groundfish LLP provides a more detailed explanation of the rationale for specific provisions in the LLP (63 FR 52642, October 1, 1998).

In order to receive a BSAI groundfish LLP license, a vessel owner had to meet minimum landing requirements with the vessel during a specific time frame. Specifically relevant to this proposed rule, a vessel owner received a BSAI groundfish LLP license endorsed for a specific regulatory area in the BSAI (the Bering Sea (BS), the Aleutian Islands (AI), or both) if that vessel met specific harvesting and landing requirements for that specific regulatory area during the qualifying periods established in the final rule implementing the LLP (63 FR 52642, October 1, 1998). NMFS issued groundfish LLP licenses with a catcher vessel (CV) operation type if a vessel caught but did not process its catch at-sea during the specific qualifying periods; and NMFS issued groundfish LLP licenses with a catcher/processor (CP) endorsement if a vessel caught and processed its own catch at-sea during the specific qualifying periods (63 FR 52642, October 1, 1998). As an example, in order to receive a groundfish LLP endorsed for trawl gear in the AI with a CP designation, a vessel must have met the minimum groundfish harvesting and landing requirements for the AI using trawl gear during the qualifying period, and must have processed the qualifying catch on board the vessel.

BSAI TLAS Yellowfin Sole Directed Fishery and Amendment 80

The yellowfin sole (*Limanda aspera*) is one of the most abundant flatfish species in the eastern Bering Sea and is the target of the largest flatfish fishery in the United States. They inhabit the eastern Bering Sea shelf and are considered one stock. Abundance in the Aleutian Islands region is negligible. The BSAI yellowfin sole directed fishery was historically managed under a total allowable catch (TAC) limit that could be harvested by eligible vessels. In 1998, regulations allocated a portion of the TAC to the Community Development Quota (CDQ) Program (63 FR 8356, February 19, 1998). The allocation of the BSAI yellowfin sole TAC was further modified in the late 2000s when the Council recommended and NMFS approved and implemented Amendment 80 to the BSAI FMP (72 FR 52668, September 14, 2007).

Along with other measures, Amendment 80 allocated six BSAI non-pollock groundfish species among two trawl fishery sectors. The six species, known as ''Amendment 80 species,'' include Aleutian Islands Pacific ocean perch, BSAI Atka mackerel, BSAI flathead sole, BSAI Pacific cod, BSAI rock sole, and BSAI yellowfin sole. These species are allocated for harvest between the Amendment 80 sector, comprised of specific vessels identified under Amendment 80, and all other BSAI trawl fishery participants not in the Amendment 80 sector. The other BSAI trawl fishery participants include American Fisheries Act (AFA) CPs, AFA CVs, and non-AFA CVs. Collectively, this group of other, or non-Amendment 80, trawl fishery participants comprises the BSAI TLAS. The BSAI TLAS is defined at 50 CFR 679.2. The BSAI TLAS fisheries are conducted in the BSAI using trawl gear, using non-Amendment 80 vessels designated on a non-Amendment 80 LLP license, and do not include CDQ groundfish fisheries or fishing for CDQ groundfish.

Each year, NMFS allocates the initial total allowable catch (ITAC) of the six Amendment 80 species, as well as crab and halibut prohibited species catch (PSC) limits, between the Amendment 80 sector and the BSAI TLAS. Allocations made to the Amendment 80 sector are exclusive to the Amendment 80 sector and not subject to harvest in other fishery sectors. The Amendment 80 sector is precluded from harvesting Amendment 80 species allocated to the BSAI TLAS. The Council's intent in establishing the BSAI TLAS was to provide harvesting opportunities for AFA CPs, AFA CVs, and non-AFA CVs.

The ITAC represents the amount of TAC for each Amendment 80 species that is available for harvest after allocations to the CDQ program and the incidental catch allowance (ICA) have been subtracted. The ICA is an amount set aside for the incidental harvest of each Amendment 80 species by non-Amendment 80 vessels targeting other groundfish species in non-trawl fisheries and in the BSAI TLAS fisheries. The annual proportion of yellowfin sole ITAC allocated to the Amendment 80 sector and the BSAI TLAS depends on the amount at which the yellowfin sole ITAC is set. As the amount of ITAC for BSAI yellowfin sole increases, the proportion of the ITAC assigned to the BSAI TLAS also increases.

To further accommodate yellowfin sole harvest opportunities for the BSAI TLAS, the Amendment 80 Program relieves AFA sideboard limits for yellowfin sole when the yellowfin sole ITAC is equal to or greater than 125,000 metric tons (mt). The lifting of AFA sideboard limits for yellowfin sole allows AFA vessels to increase their yellowfin sole TLAS harvest, particularly in periods of reduced availability of pollock. Implementation of the AFA included the establishment of harvesting and processing limits, known as sideboards, to protect vessels and processors in other, non-pollock fisheries from spillover effects resulting from the rationalization and privatization of the BSAI pollock fishery. The need for AFA sideboard limits for yellowfin sole was reduced with Amendment 80, because most of the yellowfin sole ITAC is allocated to the Amendment 80 sector for exclusive harvest, and AFA vessels no longer directly compete with the Amendment 80 sector for yellowfin sole. Since 2008, the yellowfin sole ITAC has been higher than 125,000 mt, so yellowfin sole sideboard limits have not been in place for AFA vessels since implementation of Amendment 80. Additional detail on the rationale for the specific allocations in the BSAI TLAS yellowfin sole fishery, and the management of AFA sideboards is provided in the final rule

implementing Amendment 80 (72 FR 52668, September 14, 2007).

Although the Council was clear in its intent to prohibit Amendment 80 vessels from harvesting Amendment 80 species allocated to the BSAI TLAS, the Council did not specifically address during its development of Amendment 80 whether Amendment 80 vessels should be eligible to serve as processing platforms for the BSAI TLAS sector. A vessel that receives and processes groundfish from other vessels is referred to as a ''mothership'' (see definition at 50 CFR 679.2). Although Amendment 80 vessels operate as CPs in the Amendment 80 sector (*i.e.,* the vessels catch and process their own catch), Amendment 80 vessels meet the regulatory definition of a mothership when they receive and process catch from catcher vessels fishing in the BSAI TLAS fisheries.

The final rule implementing Amendment 80 clarified that Amendment 80 vessels could be used as motherships for catcher vessels fishing in the BSAI TLAS fisheries, based on public comments received on the proposed rule to implement Amendment 80, further analysis by NMFS, and the lack of clearly stated Council intent to the contrary. The final rule implementing Amendment 80 modified the proposed regulations to permit this activity, noted that this revision accommodated one Amendment 80 vessel that had historically been used as a mothership, and acknowledged that the revision provided for potential future growth in the use of Amendment 80 vessels as motherships in the BSAI TLAS. A detailed description of the Council's intent and NMFS' actions regarding limitations of Amendment 80 vessels catching, receiving, and processing fish assigned to the BSAI TLAS is provided in the proposed rule (72 FR 30052, May 30, 2007) and in the final rule implementing Amendment 80 (72 FR 52668, September 14, 2007).

Increased Participation in the Offshore BSAI TLAS Yellowfin Sole Directed Fishery

The current BSAI TLAS yellowfin sole directed fishery is almost entirely an offshore fishery composed of two primary groups: (1) AFA CPs, and (2) AFA and non-AFA CVs delivering yellowfin sole to AFA and Amendment 80 CPs operating as motherships. Section 2.7.1.1 of the Analysis considered by the Council for this action noted that two stationary floating processors participated in the fishery as motherships prior to 2009. Although those processors did not participate in the fishery after 2008, data from landings to those vessels were included in the analysis of impacts of the alternatives. For purposes of this proposed rule a stationary floating processor is considered a mothership. In this preamble, NMFS uses the term ''offshore sector'' when referring to vessels that are harvesting BSAI TLAS yellowfin sole and either delivering that catch to motherships for processing or processing their own catch. AFA CPs participate in the offshore sector by (1) catching and processing yellowfin sole (*i.e.,* operating as a CP); (2) receiving and processing deliveries of yellowfin sole from CVs (*i.e.,* operating as a mothership); or (3) catching and delivering their harvest to other CPs operating as motherships for processing (*i.e.,* operating as a CV). No AFA CPs have operated solely as motherships (*i.e.,* vessels that do not harvest fish and only receive catch for processing) in the BSAI TLAS yellowfin sole directed fishery since it began in 2008.

The BSAI TLAS yellowfin sole TAC was not fully harvested during the first five years of the fishery (2008 through 2012) due to limited fishing effort combined with high allocations. During this five-year period, harvests ranged from a low of 31 percent of the TAC in 2009 to a high of 87 percent of the TAC in 2010. Since 2013, the BSAI TLAS yellowfin sole TAC has been more fully harvested with at least 93 percent of the TAC harvested in each year (Section 2.6.1.2 of the Analysis).

Since implementation of the BSAI TLAS yellowfin sole directed fishery in 2008, the number of AFA CPs actively fishing and processing has ranged from 8 to 12 vessels. Until 2015, AFA CPs harvested about 85 percent of the total catch in the BSAI TLAS yellowfin sole directed fishery. However, the percentage of total catch harvested by AFA CPs has diminished each year since 2015, and comprised approximately 42 percent of the total harvest in 2017. Harvest patterns of AFA CPs also have changed since the inception of the fishery. From 2008 to 2010, participating AFA CPs fished from January 20th through February and occasionally into March or April each year. Starting in 2011, prosecution of the fishery by AFA CPs developed into two distinct fishing patterns. The first pattern consists of most participating AFA CPs fishing for only two weeks beginning January 20th each year. The second pattern generally consists of two AFA CPs fishing all year. Section 2.7.1.1 of the Analysis provides additional detail on the participation and harvesting patterns in the BSAI TLAS yellowfin sole fishery.

From 2008 through 2014, the annual number of AFA and non-AFA CVs participating in the BSAI TLAS yellowfin sole offshore sector ranged from zero to three vessels. The annual number of participating CVs increased to six in 2015 and to nine in 2016. In 2017, eight CVs participated in the fishery, with one CV being a new entrant to the fishery. The CV share of the total BSAI TLAS yellowfin sole directed fishery harvest rose from an average of 17 percent each year from 2008 through 2014 to 45 percent in 2015, 48 percent in 2016, and 58 percent in 2017 (Section 2.7.1.1 of the Analysis).

Harvest patterns for CVs in the BSAI TLAS yellowfin sole directed fishery have also changed over time. In 2008, participating CVs fished BSAI TLAS yellowfin sole from March until December. After the first year of the fishery, CVs fished BSAI TLAS yellowfin sole in April, September, and October. Starting in 2012, CVs fished BSAI TLAS yellowfin sole until the season ended or NMFS closed the fishery to directed fishing. From 2012 through 2015, this meant that CVs fished in the BSAI TLAS yellowfin sole directed fishery throughout most of the year. However, in 2016 and 2017, the fishing season was significantly shortened, with NMFS closing the fishery in June and May, respectively, due to the TAC being reached. Section 2.7.1.1 of the Analysis provides additional detail on the participation and harvesting patterns in the BSAI TLAS yellowfin sole fishery.

CPs operating as motherships take deliveries of harvested BSAI TLAS yellowfin sole from CVs and CPs acting as CVs for at-sea processing. Only one Amendment 80 CP acting as a mothership participated in the fishery from 2008 through 2014. From 2015 through 2017, the number of CPs operating as motherships and receiving catch from CVs expanded to seven vessels. In 2017, six Amendment 80 CPs and one AFA CP operated as motherships for CVs in the BSAI TLAS yellowfin sole directed fishery. The increased use of Amendment 80 vessels operating as motherships has increased opportunities for CV deliveries. This increased opportunity is demonstrated by the increased number of CVs that participated in 2015 through 2017, and the higher proportion of BSAI TLAS yellowfin sole catch that was harvested by CVs in 2015 through 2017 relative to previous years. Section 2.7.1.1 of the Analysis provides additional detail on the factors affecting mothership patterns in the BSAI TLAS yellowfin sole fishery.

The potential exists for additional motherships and CVs to participate in the BSAI TLAS yellowfin sole directed fishery. Section 2.7.1.1 of the Analysis estimates that up to seven additional Amendment 80 CPs could enter the BSAI TLAS yellowfin sole offshore sector as motherships based on a range of factors described in the Analysis. These motherships could provide processing capacity for up to 21 additional CVs. These estimates likely represent the maximum potential expansion of capacity in the BSAI TLAS yellowfin sole directed fishery. Section 2.7.1.1 of the Analysis provides additional detail on the potential for new motherships and CVs to enter the BSAI TLAS yellowfin sole fishery.

Halibut Bycatch in the BSAI TLAS Yellowfin Sole Directed Fishery

NMFS monitors the bycatch of halibut in the BSAI TLAS yellowfin sole directed fishery against the halibut PSC limits established for the fishery, and will close or otherwise restrict trawl harvests of BSAI TLAS yellowfin sole if halibut PSC limits are projected to be reached. Fishery closures due to reaching halibut PSC limits can occur before the BSAI TLAS yellowfin sole TAC is fully harvested, thereby reducing overall revenue to vessel operators and crew. To avoid this outcome, vessel operators may accelerate fishing operations to maximize harvest of yellowfin sole before the halibut PSC limit is reached.

The halibut PSC limit for the BSAI TLAS yellowfin sole directed fishery ranged between 162 to 241 mt from 2008 through 2014, with the halibut PSC limit being exceeded in 2013 by 18 mt. In 2014, 60 mt of halibut PSC was reapportioned from the BSAI TLAS Pacific cod fishery to the BSAI TLAS yellowfin sole fishery to allow the fishery to remain open for the rest of the year for participants to harvest the remaining BSAI TLAS yellowfin sole TAC. From 2015 through 2017, the halibut PSC limit was between 150 to 167 mt, but it was not reached in any of these years before the fishery closed when the BSAI TLAS yellowfin sole TAC was fully harvested. Halibut mortality rates for the BSAI TLAS yellowfin sole directed fishery for 2008 through 2017 ranged from 1.11 to 6.55 kg halibut per mt groundfish, with a generally increasing trend from 2010 through 2016, followed by a drop in 2017.

Need for Action

Given the recent and dramatic increases in CV and mothership participation that have occurred in the BSAI TLAS yellowfin sole directed fishery and the expectation of additional capacity entering the fishery, the Council identified three management and conservation concerns that it wanted to address with Amendment 116: (1) The likelihood of decreasing benefits from the fishery for long-time, historic, and recent participants given the increasing number of participants in the fishery and shorter fishing seasons; (2) an increased risk of a race for fish; and (3) the potential for higher halibut bycatch. The Council noted the increase in the number of participating CVs combined with recent lower BSAI TLAS yellowfin sole allocations was resulting in a fully utilized fishery with increasingly shorter fishing seasons. Shorter fishing seasons can be more difficult for NMFS to manage catch within established limits and increase the incentives for vessels to harvest quickly in order to harvest a greater share of the TAC before it is fully harvested and the fishery is closed. This ''race for fish'' may result in fishing with less care and the potential for increased halibut PSC rates which could lead to closure of the fishery before the TAC is fully harvested. Public testimony to the Council included concerns that the shorter fishing season was having a negative effect on access to the fishery by CVs that participated in the fishery prior to 2015.

In order to address these concerns, the Council determined that management measures are needed that would limit access to the BSAI TLAS yellowfin sole directed fishery by vessels harvesting BSAI TLAS yellowfin sole and delivering their catch to a mothership for processing. Specifically, the Council recommended as its preferred alternative for Amendment 116 that a vessel would be eligible to participate in the BSAI TLAS yellowfin sole directed fishery and deliver its catch to a mothership only if that vessel was designated on a groundfish LLP license that has been credited with at least one trip target landing in the BSAI TLAS yellowfin sole directed fishery made to a mothership or catcher/processor in any one year from 2008 through 2015. The Council recognized that this eligibility criterion may qualify more groundfish LLP licenses than vessels with a qualifying landing, because some vessels with a qualifying landing may have been designated on more than one groundfish LLP license during the qualifying period. Therefore, the Council also recommended that if a vessel with a qualifying landing was designated on more than one groundfish LLP license during the qualifying period, only those groundfish LLP licenses on which the vessel was designated, when the vessel was used to make at least one trip target landing in a BSAI TLAS fishery from 2008 through 2015, would be eligible to be credited with a qualifying landing. In such cases, the vessel owner would be required to select one of these eligible groundfish LLP licenses to receive credit with the qualifying landings. Under the proposed rule, groundfish LLP licenses that meet the eligibility criteria and are credited with a qualifying landing would receive from NMFS a groundfish LLP endorsement that would authorize participation in the offshore BSAI TLAS yellowfin sole directed fishery. Vessels not designated on groundfish LLP licenses that receive the endorsement would be prohibited from participating in the BSAI TLAS yellowfin sole directed fishery and delivering their catch to a mothership for processing.

The Council determined and NMFS agrees that limiting CV access to the offshore BSAI TLAS yellowfin sole directed fishery is necessary to ease the likelihood of increased harvesting pressure and the shortening of the fishing season, mitigate the risk that a ''race for fish'' could continue to develop and accelerate, and help to maintain the consistently low rates of halibut bycatch in the BSAI TLAS yellowfin sole directed fishery. The Council also determined, and NMFS agrees, that this proposed rule would reasonably balance the need to limit additional future and very recent speculative entry to the BSAI TLAS yellowfin sole directed fishery to help control the pace of fishing with the need to provide continued access and benefits to historic, long time and more recent participants.

The Council determined and NMFS agrees that the proposed action would likely prevent the fishing season from shortening further because it removes the ability for additional capacity to enter the fishery and harvest the TAC or reach halibut PSC limits more quickly. As described in Section 2.7.1.2 of the Analysis, the fishing seasons in 2016 and 2017 were the shortest on record for this fishery at the time of the highest levels of CV participation and with CVs harvesting the highest proportion of the fishery's TAC. The pace of fishing during those fishing seasons may have increased due to additional speculative entry and concerns by ongoing participants about the increasing competition. This proposed rule could help lengthen the fishing season and mitigate a ''race for fish'' by limiting the eligible groundfish LLP licenses, such that participation is generally

representative of the 2015 fishing year, when the season lasted until late in the year. This proposed rule also could help lengthen the fishing season and mitigate a ''race for fish'' by allowing eligible CVs more flexibility in fishing operations through predictable levels of competition. That flexibility may help improve fishing efficiency and reduce halibut PSC in the fishery by allowing vessels to take steps to reduce halibut PSC, such as leaving or avoiding areas of high halibut concentration. At a minimum, the proposed action is expected to minimize further negative impact on the resources that could occur if CV participation in the fishery were maintained at 2016 levels or allowed to continue to increase. The proposed action may also help to facilitate voluntary best practices agreements between CVs and AFA CPs in the BSAI TLAS yellowfin sole directed fishery to avoid halibut PSC. The Council also considered whether this proposed action could have adverse impacts on other fisheries, specifically the BSAI TLAS Pacific cod fishery, if CVs or motherships were displaced from participation in the BSAI TLAS yellowfin sole fishery. As described in Section 2.7.2.1 of the Analysis and later in this preamble, the Council concluded, and NMFS agrees, that such adverse impacts are not likely.

Under the LLP, a license can be transferred to a different vessel that is eligible to be designated on that LLP license, but only one vessel can be designated on an LLP license at any given time. Additionally, a vessel may be designated on more than one LLP license at one time. Therefore, the number of eligible groundfish LLP licenses presented in this proposed rule and the Analysis represents the maximum number of CVs that NMFS currently has determined would be eligible to conduct directed fishing for BSAI TLAS yellowfin sole. If Amendment 116 is approved and this proposed rule is finalized, fewer and/or different CVs designated on groundfish LLP licenses with a BSAI TLAS yellowfin sole directed fishery endorsement may be used to conduct directed fishing for BSAI TLAS yellowfin sole and deliver the catch to a mothership. The Analysis uses the current groundfish LLP license vessel designations to describe the likely impacts of the proposed action, because it is not possible to know how the vessel designations on groundfish LLP licenses may change in the future.

The Council considered a range of options that would qualify a groundfish LLP license for a BSAI TLAS yellowfin sole directed fishery endorsement, including: (1) How eligible landings would be determined; (2) the range of years during which eligible landings would need to be made (*i.e.,* qualifying period); (3) the number of years during the qualifying period in which eligible landings would need to be made; and (4) whether the requirement for a BSAI TLAS yellowfin sole directed fishery endorsement would be removed under specific TAC conditions. In addition to other factors considered and addressed in the Analysis, the Council and NMFS considered the proposed action's consistency with allocations initially made under the Amendment 80 Program, its potential impacts on the BSAI TLAS Pacific cod fishery, and whether this proposed action would constitute a limited access privilege program as that term is defined under the Magnuson-Stevens Act. The following briefly summarizes these options and key considerations.

Why are qualifying landings based on trip target rather than directed fishing?

At its February 2017 meeting, the Council clarified that eligibility criteria should be based on trip target landings rather than directed fishing landings. Directed fishing is defined as any fishing activity that results in retention of an amount of a species on board a vessel that is greater than the maximum retainable amount for that species (see definition at 50 CFR 679.2). Under this definition, a vessel may be targeting and retaining Pacific cod but also retaining incidentally caught yellowfin sole at an amount that exceeds the maximum retainable amount for yellowfin sole. NMFS would consider the vessel to be directed fishing for Pacific cod and directed fishing for yellowfin sole in such a situation. Thus, limiting access to the BSAI TLAS yellowfin sole directed fishery based on a history of directed fishing activity could result in CVs meeting minimum landings requirements based on incidental catch of yellowfin sole.

Under this proposed rule, ''trip target'' would be defined as a landing in which the amount of retained BSAI TLAS yellowfin sole is greater than the retained amount of any other groundfish species for that trip. The Council's intent with this action is to provide endorsements to those CVs that were intentionally targeting yellowfin sole in the BSAI TLAS yellowfin sole directed fishery and not to provide endorsements to CVs that were intentionally targeting other groundfish species but retaining their incidental catch of yellowfin sole. Using trip target to determine eligibility would limit the potential for a vessel to qualify for participation in the BSAI TLAS yellowfin sole directed fishery based on the vessel's incidental catch of yellowfin sole. This is consistent with previous eligibility criteria for limiting access to some fisheries based on trip target, rather than directed fishing activity. In the case of this proposed action, the use of trip target to establish qualification for the BSAI TLAS yellowfin sole directed fishery endorsement would result in the same number of LLP licenses qualifying for the BSAI TLAS yellowfin sole directed fishery endorsement as there were CVs that participated in the fishery for any one year during the proposed qualifying period.

Why was the range of qualifying years selected?

The Council considered two ranges of years for determining qualifying landings; 2008 through 2015 and 2008 through 2016. The Council selected 2008 as the start of both qualifying periods because 2008 was the first year of the BSAI TLAS yellowfin sole directed fishery. The Council ended one qualifying period with 2015, because 2015 is the year the Council initiated the analysis for Amendment 116 and the last year of participation in the fishery prior to the Council's announced control date of October 13, 2015. The Council ended the other qualifying period with 2016 to allow consideration of the most recent participants based on public testimony. In determining the two options for a qualifying period, the Council also took into consideration participation in the fishery prior to 2008 and during 2017. The Council selected 2008 through 2015 as its preferred qualifying period for eligibility for a BSAI TLAS yellowfin sole directed fishery endorsement. In selecting the 2008 through 2015 period, the Council considered the potential for future entry of capacity into the fishery, while also recognizing existing participation.

Under the 2008 through 2015 qualifying period that had at least one qualifying landing made in any one year during the period, the Analysis indicates that a total of eight LLP licenses would be eligible to receive a BSAI TLAS yellowfin sole directed fishery endorsement. Under the 2008 through 2016 qualifying period with at least one qualifying landing made in any one year during the period, ten LLP licenses would be eligible to receive a BSAI TLAS yellowfin sole directed fishery endorsement. The Council was aware of the potential for additional effort to enter the BSAI TLAS yellowfin sole directed fishery while the Council considered Amendment 116, and was aware that additional or speculative

effort could enter the fishery to establish some history in it, which could impact existing participants in the fishery by further shortening the fishing season and increasing the ''race for fish'' (see Section 2.7.1.1 of the Analysis for a description of fishing patterns and seasons).

To dampen the effect of additional or speculative entry into the BSAI TLAS yellowfin sole directed fishery, the Council adopted a control date of October 13, 2015, which was published by NMFS in the **Federal Register** (80 FR 72408, November 19, 2015). Although control dates are not binding on future Council actions, the Council clearly indicated when it adopted the control date that this control date could be used to limit ''future access to the offshore sector of the BSAI TLAS for yellowfin sole.'' The Council also clearly noted that the control date was intended to ''promote awareness that the Council may develop a future management action,'' and ''to provide notice to the public that any current or future access to the offshore sector of the BSAI trawl limited access fishery for yellowfin sole may be affected or restricted; and to discourage speculative participation and behavior in the fishery while the Council considers whether to initiate a management action to further limit access to the fishery.'' The selection of the 2008 through 2015 qualifying period is consistent with the Council's clearly stated policy objectives and the public was clearly noticed that catch in 2016 may not be considered.

After the Council established the control date in 2015, the number of participating CVs increased from six in 2015 to nine in 2016, which is triple the maximum level of CV participation from 2008 through 2014 and nearly four times the average level of CV participation from 2008 through 2014. It is also a 33 percent increase over CV participation in 2015. Because the Council identified in 2015 the recent increase in CVs participating in the fishery to be the primary cause of shortened fishing seasons and the resulting ''race for fish,'' the Council was concerned that the even greater increase in CV participation after 2015 would further shorten the fishing season, increasing the risk of a ''race for fish.'' The Council considered, but rejected, ending the qualifying period in either 2016 or 2017, because the pace of fishing and harvest pressure increased in those years concurrent with the trend of increasing CV participation, including two vessels that participated in 2016 and another in 2017 that had never before been used to participate in the fishery. Those factors caused the fishery to close in June in 2016 and in May in 2017, compared to the November closure in 2015, which was more typical of previous season lengths. Based on the same factors, NMFS also determined that the 2008–2015 qualifying period best addresses the need to reduce fishing pressure and help to control the pace of fishing within the fishery.

Why select only one year, not two years, of participation?

In conjunction with its determination that 2008 through 2015 was the appropriate qualifying period, the Council also determined that that qualifying period coupled with one year for participation would result in an adequate number of qualifying groundfish LLP licenses and CVs to prosecute the offshore fishery at a pace similar to the pace of the fishery through 2015. The Council considered two options addressing the frequency of qualifying landings in the BSAI TLAS yellowfin sole directed fishery during the qualifying period. One option would have required qualifying landings to be made in any two years during the qualifying period. The other option would require qualifying landings to be made in any one year during the qualifying period. The one year option would limit the number of CVs in the offshore BSAI TLAS yellowfin sole directed fishery to eight. While this option would allow two more CVs to participate than participated in 2015, it would still allow the fishery to be fully prosecuted without the risk of continued increase in harvest pressure that could continue to shorten the fishing season or increase Pacific halibut PSC rates. The Council did not choose the two-year requirement, because under both qualifying periods it would have substantially limited participation in a manner that is not reflective of the current harvest patterns in the fishery. Specifically, the two-year option would have limited the number of CVs in the offshore BSAI TLAS yellowfin sole directed fishery to three CVs owned by one company, which raised some concerns about its consistency with National Standard 4. Further, this option would have excluded at least one historic participant under both qualifying periods, which would not be consistent with the Council's intent to provide continued access and benefits to historic participants. In addition, a more restrictive option is not needed to promote conservation. The Council determined, and NMFS agrees, that requiring a qualifying landing in any one qualifying year during the qualifying period of 2008 through 2015 effectively limits the potential for an increasingly challenging ''race for fish'' and the recent growth in the CV sector.

Why are no options needed for new CV entrants during periods of high BSAI TLAS yellowfin sole allocation?

The Council considered a range of options that would have removed the requirements for CVs to have a BSAI TLAS yellowfin sole directed fishery endorsement to deliver to the offshore sector if the TAC allocated to the BSAI TLAS yellowfin sole fishery was above specific amounts (see Sections 2.7.2.2 and 2.7.2.3 of the Analysis). However, the Council concluded, and NMFS agrees, that options that would provide for new CV entrants during periods of high BSAI TLAS yellowfin sole allocations are not needed or appropriate. Sections 2.7.2.2 and 2.7.2.3 of the Analysis note that CVs were able to enter the offshore BSAI TLAS yellowfin sole directed fishery from 2008 through 2015 under a wide range of TACs and market conditions, and those CVs that participated in the fishery during that time period would receive endorsements under this proposed rule.

The Council also determined and NMFS agrees that relieving the limit to entry into the offshore BSAI TLAS yellowfin sole directed fishery by CVs could exacerbate the conditions that could lead to a ''race for fish'' and could increase halibut PSC mortality rates in the fishery. Further, an option for new entrants could create difficulties during the annual TAC setting process, as eligible CVs and new CV entrants negotiate a BSAI yellowfin sole TAC recommendation to the Council each year. This would complicate the determination of whether there would be a directed fishery for new CV entrants each year. The Council also considered the potential for participation in the offshore BSAI TLAS yellowfin sole directed fishery by CVs currently active in the Gulf of Alaska, but without recent participation in the BSAI TLAS yellowfin sole fishery. However, the Council determined that it is not necessary to provide fishing opportunities for these CVs in the BSAI TLAS yellowfin sole fishery, because these CVs have extensive flatfish resources in the GOA that have remained unharvested. NMFS agrees with the Council's finding. Therefore, no such provision is included in this proposed action.

Why change the BSAI TLAS yellowfin sole policy as implemented under the Amendment 80 Program?

As explained earlier, the Council and NMFS recognized at the time Amendment 80 was implemented that participation by Amendment 80 vessels as motherships in the offshore BSAI TLAS yellowfin sole directed fishery could continue or even increase. However, the proportion of the BSAI TLAS yellowfin sole directed fishery catch now being harvested by CVs that deliver their catch to Amendment 80 vessels operating as motherships is substantially greater than it was at the time the Amendment 80 Program was implemented. The final rule for the Amendment 80 Program (72 FR 52668, September 14, 2007) notes that only 1 Amendment 80 vessel was receiving and processing catch delivered from one CV in the BSAI Pacific cod fishery prior to the implementation of the Amendment 80 Program. No Amendment 80 vessel was receiving catch from CVs participating in the BSAI yellowfin sole fishery at the time the Amendment 80 Program was implemented in 2008. In 2017, 6 Amendment 80 CPs and one AFA CP operated as motherships in the BSAI TLAS yellowfin sole fishery. However, from 2003 through 2014, no more than two CP vessels participated as motherships in the BSAI TLAS yellowfin sole fishery in any one year (Section 2.7.1.1 of the Analysis). Section 2.7.1.1 of the Analysis notes that much of the increase in participation by CVs is due to an increase in the number of Amendment 80 vessels operating as motherships.

The Council determined, and NMFS agrees, that it is appropriate to review the policies adopted for the BSAI TLAS yellowfin sole directed fishery under the Amendment 80 Program and the fishing operations in that fishery, and take action, if necessary, as fishing patterns change from those observed at the time the Amendment 80 Program was implemented. As a result, the Council concluded, and NMFS agrees, it is necessary to limit access by CVs targeting BSAI TLAS yellowfin sole for delivery to vessels operating as motherships.

How would the proposed action limit potential adverse impacts in the BSAI TLAS Pacific cod fishery?

The Council had information on, and heard public testimony about, the potential impacts of this proposed action on the BSAI TLAS Pacific cod fishery. As noted Section 2.7.2.1 of the Analysis, most of the CVs that participate in the BSAI TLAS yellowfin sole directed fishery also participate in the BSAI TLAS Pacific cod fishery, and a CV that would not receive a BSAI TLAS yellowfin sole directed fishery endorsement for its groundfish LLP license under this proposed rule may enter or increase its participation in the BSAI TLAS Pacific cod fishery. New or increased participation in the BSAI TLAS Pacific cod fishery would only occur if there is a perceived economic benefit to doing so. A spillover effect into the BSAI TLAS Pacific cod fishery may be more likely when there are fewer CVs that have an LLP license with an endorsement to participate in the BSAI TLAS yellowfin sole directed fishery. This proposed action would limit the number of groundfish LLP licenses, and therefore the number of CVs, that could be used to harvest BSAI TLAS yellowfin sole and deliver to a mothership, and any potential spillover effect into the BSAI TLAS Pacific cod fishery would most likely come from vessels that have participated in the BSAI TLAS yellowfin sole directed fishery, but would be excluded under this proposed rule. Under this proposed rule up to eight CVs could participate in the BSAI TLAS yellowfin sole directed fishery. The maximum number of CVs that participated in the fishery from 2008 through 2017 is eleven individual vessels, with a maximum of nine participating in any one year. The proposed rule would allow eight vessels to participate under groundfish LLP licenses endorsed for the fishery. While the remaining three vessels could increase BSAI TLAS Pacific cod fishery participation, they might also decline to participate in that fishery if there is no perceived economic benefit. At this time it is not possible to predict a definitive outcome.

Does this proposed action constitute a Limited Access Privilege (LAP) Program?

The Council determined during its February 2017 meeting, and NMFS concurs, that this proposed action does not meet the definition of a LAP Program included in section 303A of the Magnuson-Stevens Act (16 U.S.C. 1853a). Section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802) defines a LAP as a Federal permit issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the TAC of the fishery that may be received or held for exclusive use by a person and includes an individual fishing quota but does not include community development quotas.

This proposed action would limit the number of groundfish LLP licenses and therefore the number of CVs that could be used to harvest BSAI TLAS yellowfin sole and deliver that harvest to a mothership, but it would not assign a portion of the BSAI TLAS yellowfin sole TAC for exclusive use by a person. An individual owner of a groundfish LLP license that would receive an endorsement would not be allocated a specific amount of BSAI TLAS yellowfin sole that would be for the owner's exclusive use. All vessels eligible to participate in the offshore BSAI TLAS yellowfin sole directed fishery, both CPs and CVs designated on groundfish LLP licenses with the proposed endorsement, would continue to compete with each other in harvesting the BSAI TLAS yellowfin sole TAC and do not act together as one entity. Additionally, although CVs have not historically delivered their catch of yellowfin sole to shore-based processing plants, this proposed action does not preclude CVs from conducting directed fishing for BSAI TLAS yellowfin sole and delivering that harvest to shore-based processing plants. This proposed action does not limit the amount of BSAI TLAS yellowfin sole that could be harvested by a CV designated on a groundfish LLP license that has a BSAI TLAS yellowfin sole endorsement; rather, it limits the number of CVs that are eligible to participate in the directed fishery and deliver their harvest to a mothership. This proposed action does not limit CPs participating in the BSAI TLAS yellowfin sole fishery or assign a portion of the TAC for exclusive use by CPs. Finally, NMFS will maintain the ability to reallocate BSAI TLAS yellowfin sole TAC to the Amendment 80 sector if NMFS determines that it will go unharvested.

How will this action help reduce halibut PSC?

In fisheries where circumstances motivate fishermen to race against each other to harvest as much fish as they can before the annual catch limit or the PSC limit is reached and the fishery closes for the season, participants can have a substantial disincentive to take actions to reduce bycatch use and waste, particularly if those actions could reduce groundfish catch rates. In a ''race for fish,'' participants who choose not to take actions to reduce bycatch and waste stand to gain additional groundfish catch by continuing to harvest at a higher bycatch rate, at the expense of any vessels engaged in bycatch avoidance. By limiting CV access to the offshore BSAI TLAS yellowfin sole fishery and reducing

pressure to harvest the BSAI TLAS yellowfin sole TAC quickly, this proposed action would help to reduce incentives for a ''race for fish'' and provide participating CVs more flexibility in fishing operations, allowing them to better avoid halibut PSC.

Additionally, industry participants have testified to the Council that some companies participating in the BSAI TLAS yellowfin sole directed fishery reduce halibut mortality in the fishery through implementing ''best practices'' agreements designed to reduce halibut mortality. Such testimony indicated that these agreements have included halibut mortality target rates, real-time reporting of locations with high halibut PSC, or informal apportionment of remaining halibut mortality among vessels fishing late in the year. Limiting the number of CVs in this fishery may provide a better opportunity to implement best practices agreements, because participation in the fishery would be more stable and predictable over the long term. That stability and predictability could facilitate better communication among participants. Section 2.7.1.2 of the Analysis provides additional detail on halibut PSC management practices in the BSAI TLAS yellowfin sole fishery.

Section 3.2.2.1 of the Analysis concluded that this proposed rule would not affect annual halibut PSC limits, but does have the potential to help participants maintain or reduce halibut PSC in the BSAI TLAS yellowfin sole fishery, as described above. While such savings are not guaranteed or predictable due to the suite of variables that can affect halibut PSC and rates in this fishery, the proposed action addresses concerns that increasing entry could make halibut PSC increase, is expected to maintain halibut PSC at current levels, and may even create a management environment in which the participants are able to work together to reduce halibut PSC. Additionally, the Council and NMFS do not expect any negative effects on halibut from this proposed rule because halibut PSC limits for this fishery would continue to be established each year, and the fishery would be closed if NMFS determines that the halibut PSC limit will be reached before the yellowfin sole TAC is reached.

Proposed Action

This proposed rule would implement Amendment 116 to the BSAI FMP. This proposed rule would establish eligibility criteria for, and a process to issue, a new endorsement to groundfish LLP licenses that would authorize vessels designated on those licenses and operating in the BSAI TLAS yellowfin sole directed fishery to deliver BSAI TLAS yellowfin sole catch to a mothership. Regulations at § 679.2 define a mothership as a vessel that receives and processes groundfish from other vessels. Under this proposed rule, any vessel that meets the mothership definition at § 679.2 or has a mothership designation on its Federal Fishery Permit, including CPs and stationary floating processors, will be considered a mothership for this action. For purposes of simplicity, this preamble uses the term ''BSAI TLAS yellowfin sole directed fishery endorsement'' to mean an endorsement on a groundfish LLP license that would allow the vessel designated on that LLP license to deliver its catch of BSAI TLAS yellowfin sole to a mothership for processing.

Under this proposed action, NMFS would issue a BSAI TLAS yellowfin sole directed fishery endorsement to a groundfish LLP license with a Bering Sea trawl endorsement if: (1) The groundfish LLP license is credited with at least one legal trip target landing in the BSAI TLAS yellowfin sole directed fishery, and (2) the credited legal trip target landing was to a mothership in any one year of the qualifying period from 2008 through 2015. If a vessel that made at least one trip target landing in the BSAI TLAS directed fishery during the qualifying period was designated on more than one groundfish LLP license during the qualifying period, the vessel owner would be required to select one groundfish LLP license to receive credit with the qualifying landings made by that vessel during the qualifying period.

Where a vessel that made at least one trip target landing in the BSAI TLAS directed fishery from 2008 through 2015 was designated on more than one groundfish LLP license during the qualifying period, all groundfish LLP licenses on which the vessel was designated when it was used to make a trip target landing in a BSAI TLAS fishery during the qualifying period would be eligible to receive credit with the qualifying landings made by the vessel. However, none of these groundfish LLP licenses would be credited with a qualifying landing and receive an endorsement from NMFS until the vessel owner notifies NMFS and identifies which single groundfish LLP license is to be credited with the qualifying landing(s).

Based on the information provided in the Analysis and the official record, NMFS has determined that ten groundfish LLP licenses would be eligible to be credited with qualifying landing(s) and receive a BSAI TLAS yellowfin sole directed fishery endorsement. Two were the sole groundfish LLP license on which a vessel that made a qualifying landing during the qualifying period was designated. Therefore, under this proposed rule, those two groundfish LLP licenses would be credited with a qualifying landing and receive a BSAI TLAS directed fishery endorsement. The remaining eight eligible groundfish LLP licenses were each one of two groundfish LLP licenses designated on a vessel that made qualifying landings during the qualifying period; therefore, those eight groundfish LLP licenses would be eligible to be credited with a qualifying landing and receive an endorsement. For any of those eight groundfish LLP licenses to be credited with a qualifying landing and receive an endorsement, the vessel owner would be required to select one groundfish LLP license that NMFS is to credit with all qualifying landings made by that vessel. Up to six of those eight groundfish LLP licenses could be credited with a qualifying landing and receive an endorsement from NMFS. Therefore, NMFS anticipates that a total of eight groundfish LLP licenses could receive a BSAI TLAS yellowfin sole directed fishery endorsement under the proposed rule, resulting in up to eight vessels that could participate in the BSAI TLAS yellowfin sole directed fishery and deliver their catch to a mothership.

This provision would ensure that in cases where a vessel was designated on more than one groundfish LLP license during the qualifying period when one or more qualifying BSAI TLAS trip target landings were made, only one of those groundfish LLP licenses would be credited with the qualifying landing(s). Because NMFS does not require vessel owners and operators to specify how specific landings should be credited to multiple groundfish LLP licenses on which the same vessel was designated, this provision would resolve any disputes that may arise about the assignment of specific landings by having the vessel owner identify one groundfish LLP license to credit with the qualifying landing(s).

Any vessel designated on a groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement would be authorized to deliver catch of BSAI TLAS yellowfin sole in the directed fishery to a mothership. This proposed rule would not preclude a vessel with a BSAI TLAS yellowfin sole directed fishery endorsement from delivering catch of yellowfin sole that is harvested in the BSAI TLAS yellowfin sole directed fishery to a shore-based processing plant. This proposed rule also would

not preclude a vessel without a BSAI TLAS yellowfin sole directed fishery endorsement from delivering incidental catch of yellowfin sole that is caught while participating in other directed fisheries to a mothership for processing. For example, a vessel without a BSAI yellowfin sole directed fishery endorsement could participate in the BSAI TLAS Pacific cod directed fishery and deliver its directed catch of Pacific cod with its incidental catch of BSAI TLAS yellowfin sole to a mothership, provided that the vessel has met all applicable requirements to participate in the BSAI TLAS Pacific cod directed fishery and the incidental catch of BSAI TLAS yellowfin sole is at or under the maximum retainable amount (MRA) for yellowfin sole. Finally, this proposed action would not preclude a vessel from participating as a CP and processing its own catch in the BSAI TLAS yellowfin sole directed fishery. Under this proposed rule a vessel that does not have a BSAI Trawl Limited Access Sector yellowfin sole directed fishery endorsement would be prohibited from delivering yellowfin sole harvested with trawl gear in the BSAI Trawl Limited Access Sector yellowfin sole directed fishery to a mothership, as defined at § 679.2. The following sections of this preamble describe how NMFS proposes to determine a trip target landing, credit qualifying landings to a groundfish LLP license, and issue BSAI TLAS yellowfin sole directed fishery endorsements.

Determining and Crediting Trip Target Landings

NMFS can determine which and how many landings, where landing means offloading fish (50 CFR 679.2), were made by a vessel designated on a specific groundfish LLP license during a particular timeframe. Regulations at 50 CFR 679.4(k) require an LLP license holder to designate a specific vessel on which the license will be used. This requirement allows NMFS to credit landings to a specific LLP license. NMFS also collects vessel landings data, which includes information on the species and amounts landed. From these data, NMFS has created an official record with all relevant information necessary to determine legal trip target landings that can be credited to BSAI groundfish LLP licenses.

The official record created by NMFS contains vessel landings data and the groundfish LLP licenses to which those landings are credited. Evidence of the number and amount of trip target landings of BSAI TLAS yellowfin sole is based on legally submitted NMFS weekly production reports for CPs and State of Alaska fish tickets for CVs. Historically, NMFS has used only these two data sources to determine the specific amount and location of landings, and NMFS proposes to continue to do so under this action. The official record includes the records of specific groundfish LLP licenses, including vessels designated on them, and other relevant information necessary to credit landings to specific groundfish LLP licenses. NMFS presumes the official record is correct, and a person wishing to challenge the presumptions in the official record would bear the burden of proof through an evidentiary and appeals process.

In order for a groundfish LLP license to receive a BSAI TLAS yellowfin sole directed fishery endorsement and be authorized to conduct directed fishing for BSAI TLAS yellowfin sole and deliver that catch to a mothership, NMFS would first have to determine that the groundfish LLP license is an eligible license and then would have to determine that the eligible license can be credited with one or more qualifying landings. Under this proposed rule, NMFS would identify as eligible those groundfish LLP licenses with a Bering Sea trawl endorsement and those vessels using trawl gear operating under the authority of that groundfish LLP license when (1) the vessel was used to make a trip target landing in the BSAI TLAS yellowfin sole directed fishery during any year from 2008 through 2015 and (2) the catch from that trip target landing of BSAI TLAS yellowfin sole was delivered to a mothership for processing.

Based on the official record, NMFS has identified ten groundfish LLP licenses that would be eligible to be credited with qualifying landings. Two of these eligible groundfish LLP licenses were the sole groundfish LLP license on which a given vessel was designated at the time the vessel made qualifying landings of BSAI TLAS yellowfin sole. Therefore, NMFS would credit these two groundfish LLP licenses with the qualifying landings under this proposed rule. NMFS proposes to list these two groundfish LLP licenses in Table 52 to part 679. The remaining eight eligible groundfish LLP licenses were not the sole groundfish LLP license on which a given vessel was designated at the time the vessel made at least one trip target in the BSAI TLAS fishery during the qualifying period. Because this proposed rule would require in such cases that the vessel owner specify one groundfish LLP license to receive credit with the qualified landing(s) made by that vessel, NMFS would not be able to credit these groundfish LLP licenses until NMFS receives notification from the vessel owner which groundfish LLP license should be credited with the qualifying landing(s). NMFS proposes to list in Table 53 to part 679 the eight groundfish LLP licenses that would be eligible for, but would not be credited with, qualifying landings until notification from the vessel owner is received by NMFS. The proposed notification process is described in the following section.

The groundfish LLP licenses identified in proposed Tables 52 and 53 to 50 CFR part 679 represent the groundfish LLP licenses that NMFS has determined would be eligible for an endorsement at this time. Additional groundfish LLP licenses may qualify for an endorsement through the proposed administrative adjudicative process described below. NMFS is proposing to list the groundfish LLP licenses it has determined are eligible to receive the BSAI TLAS yellowfin sole directed fishery endorsement to help facilitate the ability of the public to review their catch records and determine if additional groundfish LLP licenses may be eligible to receive the endorsement. NMFS specifically requests public comment on the groundfish LLP licenses listed in proposed Tables 52 and 53 to part 679.

If a holder of a groundfish LLP license believes the groundfish LLP license would meet the eligibility criteria, but the license is not listed in proposed Tables 52 or 53 to part 679, or if a license holder disagrees with the groundfish LLP license to which NMFS would assign the BSAI TLAS yellowfin sole directed fishery endorsement, the holder would have the opportunity to challenge NMFS' determination as described in the following section of the preamble.

Proposed Process for Issuing BSAI TLAS Yellowfin Sole Directed Fishery Endorsements

NMFS has determined the groundfish LLP licenses identified in proposed Table 52 can be credited with qualifying landings based on the official record and would receive a BSAI TLAS yellowfin sole endorsement under Amendment 116 and this proposed rule. If Amendment 116 is approved and this proposed rule is finalized, NMFS would issue a notification of eligibility and a revised groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement to the holders of the groundfish LLP licenses identified in proposed Table 52, using the address on record at the time the notification is sent.

NMFS has determined the groundfish LLP licenses identified in proposed

Table 53 are eligible to be credited with qualifying landings based on the official record. However, the vessels that made qualifying landings while designated on these groundfish LLP licenses were designated on more than one groundfish LLP license during the qualifying period. Therefore, none of the groundfish LLP licenses in proposed Table 53 can be credited with qualifying landings until the owner of the vessel designated on those groundfish LLP licenses identifies which groundfish LLP license is to be credited with the qualifying landings. Under this proposed rule, NMFS would mail the vessel owner a notification of eligibility for those groundfish LLP licenses, using the address on record at the time the notification is sent. The notice would ask the vessel owner to submit to NMFS a written request to credit the qualifying landings, in accordance with proposed regulations at § 679.4(k)(14)(v)(F), to one groundfish LLP license selected by the vessel owner from the list of eligible groundfish LLP licenses provided by NMFS in the notice. NMFS would also send a notification of eligibility to the holders of each of those groundfish LLP licenses identified in proposed Table 53 using the address on record at the time the notification is sent. NMFS would issue a revised groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement to the holder of the groundfish LLP license selected by the vessel owner in the written request to NMFS. NMFS would also send a notification to the holder of the groundfish LLP license not selected by the vessel owner to be credited with qualifying landings, using the address on record at the time the notification is sent, informing the holder that the groundfish LLP license was not credited with a qualifying landing and would not receive a BSAI TLAS yellowfin sole endorsement. NMFS would provide a single, 30-day evidentiary period from the date that notification is sent for a groundfish LLP license holder to submit any information or evidence to demonstrate that the information contained in the official record is inconsistent with the holder's records.

For all those groundfish LLP licenses with a Bering Sea trawl designation, but not listed in either proposed Table 52 or 53, NMFS would notify the holders that the groundfish LLP license is not eligible for a BSAI TLAS yellowfin sole directed fishery endorsement based on the official record, using the address on record at the time the notification is sent. NMFS would provide the holder with an opportunity to submit information to NMFS to rebut the official record. NMFS would provide a single, 30-day evidentiary period from the date that notification is sent for a groundfish LLP license holder to submit any information or evidence to demonstrate that the information contained in the official record is inconsistent with the holder's records.

Under this proposed rule, a groundfish LLP license holder who submits claims that are inconsistent with information in the official record would have the burden of proving that the submitted claims are correct. NMFS would not accept claims that are inconsistent with the official record, unless they are supported by clear, written documentation. NMFS would evaluate all additional information or evidence submitted within the 30-day evidentiary period. If NMFS determines that the additional information or evidence proves that the groundfish LLP license holder's claims are correct, NMFS would amend the official record in accordance with that information or evidence. However, if, after the 30-day evidentiary period, NMFS determines that the additional information or evidence does not prove that the groundfish LLP license holder's claims were correct, NMFS would deny the claim. NMFS would notify the applicant that the additional information or evidence did not meet the burden of proof to overcome the official record through an initial administrative determination (IAD).

NMFS' IAD would indicate the deficiencies and discrepancies in the information or evidence submitted in support of the claim. NMFS' IAD would indicate which claims could not be approved based on the available information or evidence, and provide information on how an applicant could appeal an IAD. The former procedure for appealing an IAD to the NMFS' Alaska Office of Administrative Appeals was described at § 679.43. However, NMFS has centralized the appeals process in the National Appeals Office, which operates out of NMFS' headquarters in Silver Spring, MD. The National Appeals Office is now charged with processing appeals that were filed with the Office of Administrative Appeals, Alaska Region. The procedure for appealing an IAD through the National Appeals Office is at 15 CFR part 906 (79 FR 7056, February 6, 2014). During the pendency of an administrative adjudication leading to a final agency action, NMFS would issue an interim (temporary, non-transferable) license to an applicant who was authorized to participate in the fishery in the year before the IAD is issued and who makes a credible claim to eligibility for a BSAI TLAS yellowfin sole fishery endorsement. An applicant who was issued a license the previous year would be eligible for a non-transferable interim license pending the resolution of his or her claim pursuant to the license renewal provisions of 5 U.S.C. 558. The non-transferable, interim license would authorize the applicant to deliver BSAI TLAS yellowfin sole to a mothership for processing and would be effective until final agency action on the appeal. At that time, the person who appealed would receive either a transferable license with the endorsement or a transferrable license without the endorsement, depending on the final agency action.

The following provides a brief summary of the regulatory changes that would be made by this proposed rule.

This proposed rule would add § 679.4(k)(14) to include the provisions that are necessary to qualify for, and receive, a BSAI TLAS yellowfin sole directed fishery endorsement.

This proposed rule would add § 679.7(i)(11) to prohibit the delivery of yellowfin sole harvested with trawl gear in the BSAI TLAS directed fishery to a mothership without a copy of a valid LLP with a BSAI TLAS yellowfin sole directed fishery endorsement except as provided in § 679.4(k)(2). Section 679.4(k)(2) lists the specific conditions under which vessels are not required to be designated on LLP licenses to harvest groundfish. None of the vessels currently exempted from the requirements to be designated on an LLP license under § 679.4(k)(2) participate in the BSAI TLAS yellowfin sole directed fishery.

This proposed rule would add Table 52 to part 679 to list those groundfish LLP licenses that NMFS has determined would be eligible, would be credited with qualifying landings, and would receive a BSAI TLAS yellowfin sole directed fishery endorsement under this proposed rule.

This proposed rule would also add Table 53 to part 679. Table 53 would list those pairs of groundfish LLP licenses that NMFS has determined would be eligible to be credited with qualifying landings, such that each pair was designated on the same vessel that made the qualifying landings. Because only one groundfish LLP license could be credited with the qualifying landings, the owner of the vessel designated on the pair of groundfish LLP licenses would notify NMFS which one groundfish LLP license of the pair should be credited with the qualifying landings. Upon receipt of the written notification from the vessel owner, NMFS would credit the qualifying

landings to the one groundfish LLP license of the pair selected by the vessel owner and issue it a BSAI TLAS yellowfin sole directed fishery endorsement.

Classification

Pursuant to sections 304(b) and 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 116, the BSAI FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration of comments received during the public comment period.

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

Regulatory Impact Review (RIR)

An RIR was prepared to assess all costs and benefits of available regulatory alternatives. A copy of this analysis is available from NMFS (see **ADDRESSES**). The Council recommended Amendment 116 based on those measures that maximized net benefits to the Nation. Specific aspects of the economic analysis are discussed below in the Initial Regulatory Flexibility Analysis section.

Initial Regulatory Flexibility Analysis (IRFA)

This IRFA was prepared for this proposed rule, as required by section 603 of the Regulatory Flexibility Act (RFA), to describe why this action is being proposed; the objectives and legal basis for the proposed rule; the number of small entities to which the proposed rule would apply; any projected reporting and recordkeeping requirements of the proposed rule; any overlapping, duplicative, or conflicting Federal rules; and any significant alternatives to the proposed rule that would accomplish the stated objectives, consistent with applicable statutes, and that would minimize any significant adverse economic impacts of the proposed rule on small entities. Descriptions of the proposed action, its purpose, and the legal basis are contained earlier in this preamble and are not repeated here.

Number and Description of Small Entities Regulated by This Proposed Action

The directly regulated entities under this proposed rule are (1) holders of groundfish LLP licenses that authorize a vessel designated on the LLP license to harvest groundfish using trawl gear in the Bering Sea and (2) vessel owners that must choose one of two LLP licenses on which the vessel was designated during the qualifying period. Based on the best available and most recent complete data from 2008 through 2017, 163 groundfish LLP license holders and five vessel owners would be directly regulated by this proposed action.

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

The RFA requires consideration of affiliations between entities for the purpose of assessing whether an entity is classified as small. The AFA pollock and Amendment 80 cooperatives are types of affiliation between entities. All of the AFA and Amendment 80 cooperatives have gross annual revenues that are substantially greater than $11 million. Therefore, NMFS considers members in these cooperatives ''affiliated'' large (non-small) entities for RFA purposes.

Of the 163 groundfish LLP license holders directly regulated by the proposed action, 128 were members of an AFA cooperative and 26 were members of an Amendment 80 cooperative in 2017. Therefore, NMFS considers those 154 groundfish LLP license holders to be ''affiliated'' large (non-small) entities for RFA purposes. All of the groundfish LLP licenses with designated vessels that participated in the BSAI TLAS yellowfin sole directed fishery and delivered catch to a mothership from 2008 through 2017 were affiliated with either an AFA or an Amendment 80 cooperative in 2017. NMFS therefore considers these LLP license holders to be ''affiliated'' large (non-small) entities for RFA purposes. The remaining nine groundfish LLP license holders are not affiliated with AFA or Amendment 80 cooperatives and are assumed to be small entities directly regulated by this action for purposes of the RFA. All five vessel owners who are considered regulated entities under this proposed rule were affiliated with either an AFA pollock or an Amendment 80 cooperative in 2017. Therefore, NMFS considers them ''affiliated'' large (non-small) entities for RFA purposes. This IRFA assumes that each vessel owner and each groundfish LLP license holder is a unique entity; therefore, the total number of directly regulated entities may be an overestimate because some vessel owners and groundfish LLP license holders are likely affiliated through common ownership. These potential affiliations are not known with the best available data and cannot be predicted.

Impacts of This Action on Small Entities

Under this proposed rule, access to the BSAI TLAS yellowfin sole directed fishery by vessels that deliver their BSAI TLAS yellowfin sole directed fishery catch to a mothership for processing would be limited to only those vessels designated on a groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement. However, no small entities would qualify to hold a groundfish LLP license with such an endorsement. None of the nine LLP license holders who are considered small entities regulated under this proposed rule are expected to be adversely impacted by this proposed rule. Based on a review of fishery data from 2008 through 2017, none of those nine groundfish LLP licenses had designated on it a vessel that delivered BSAI TLAS yellowfin sole directed fishery catch to a mothership for processing. This proposed rule would not limit existing delivery patterns by vessels designated on those nine LLP licenses. This proposed rule would limit the future opportunity for the holders of these nine LLP licenses to deliver BSAI TLAS yellowfin sole directed fishery catch to a mothership for processing. The lack of any quantitative data on potential future delivery patterns makes it impossible to rigorously assess the expected economic impact of limiting these nine LLP license holders from future deliveries of BSAI TLAS yellowfin sole directed fishery catch to a mothership for processing.

Description of Significant Alternatives Considered

The RFA requires identification of any significant alternatives to the proposed rule that accomplish the stated objectives of the proposed action, consistent with applicable statutes, and that would minimize any significant economic impact of the proposed rule on small entities. The Council considered a status quo alternative and one action alternative with several options and suboptions. The combination of options and suboptions under the action alternative provided a reasonable range of potential alternative approaches to status quo management.

Under the status quo, there would be a risk of continued increasing harvest

effort resulting in shorter fishing seasons and higher halibut PSC rates. The action alternative would accomplish the stated objectives of prioritizing a portion of the BSAI TLAS yellowfin sole TAC for harvest by historic participants that deliver their catch to motherships for processing and maintaining a steady fishing pace and season duration, while minimizing adverse economic impacts on small entities and the potential for increasing harvest effort that shortens fishing seasons and increases Pacific halibut PSC rates. The action alternative does not affect any sector's BSAI TLAS yellowfin sole allocation or the BSAI TLAS yellowfin sole TAC.

The Council considered a range of dates, varying levels of participation, and a suite of mechanisms to provide greater harvesting and processing opportunities for CVs to deliver to offshore processors during periods of high BSAI yellowfin sole TAC. The Council recommended the proposed combination of dates and participation level to relieve the recent increase in harvest pressure and rate and give historic fishery participants sufficient opportunity to harvest and deliver BSAI TLAS yellowfin sole to motherships without increasing the risk of shorter fishing seasons and higher Pacific halibut PSC rates.

The Council and NMFS considered two alternatives. Alternative 1, the no action alternative, would not limit access by catcher vessels to the offshore BSAI TLAS yellowfin sole directed fishery. Alternative 2 would limit access by CVs to the offshore BSAI TLAS yellowfin sole directed fishery.

Under Alternative 2, two options with four and eight suboptions, respectively, were considered. The suboptions under Option 1 would limit access to the fishery to CVs with qualifying deliveries to a mothership from 2008 through 2015 in either any one or any two years or from 2008 through 2016 in either any one or any two years. Suboptions under Option 2.1 would allow all CVs with BSAI trawl endorsements access to the fishery when the TAC assigned to the BSAI TLAS is equal to or greater than an amount in a range of suboptions from 15,000 mt through 30,000 mt. Suboptions under Option 2.2 would limit access to the fishery by CVs that do not meet landings qualifications under Option 1 to a portion of the BSAI TLAS yellowfin sole TAC equal to or greater than an amount in a range of suboptions from 15,000 mt through 30,000 mt. The combination of options and suboptions under Alternative 2 provided the Council and NMFS with a broad range of alternative policy considerations relative to the no action alternative (Alternative 1). The proposed rule incorporates the preferred option and suboption under Alternative 2 which would limit access to the fishery to CVs with qualifying deliveries to a mothership from 2008 through 2015 in any one year, because that combination would best prevent increased catcher vessel participation from reducing the benefits the fishery provides to historic and recent participants, mitigate the risk that a ''race for fish'' could develop, and help to maintain the consistently low rates of halibut bycatch in the BSAI TLAS yellowfin sole directed fishery.

Federal Rules That May Duplicate, Overlapping, or Conflict With the Proposed Action

No duplication, overlap, or conflict between this proposed action and existing Federal rules has been identified.

Projected Recordkeeping and Reporting Requirements

This proposed rule does not add additional reporting or recordkeeping requirements for the vessels that choose to submit an appeal. An appeal process exists for LLP license endorsement issuance. No small entity is subject to reporting requirements that are in addition to or different from the requirements that apply to all directly regulated entities. No unique professional skills are needed for the LLP license or vessel owners or operators to comply with the reporting and recordkeeping requirements associated with this proposed rule. This proposed rule would not implement or increase any fees that NMFS collects from directly regulated entities. The Analysis prepared for this action identifies no operational costs of the endorsement (see **ADDRESSES**).

Collection-of-Information Requirements

This proposed rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. These requirements have been submitted to OMB for approval under a temporary new information collection, to be merged after approval with OMB Control Number 0648–0334. The public reporting burden for the collection-of-information requirements in this proposed rule is estimated to average two hours per response for a one-time Election to Assign Qualifying Landings to an LLP license and 4 hours per response to submit an appeal, which includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding (1) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the burden estimate; (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, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS Alaska Region at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Notwithstanding any other provision of law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html*.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: May 31, 2018.

Samuel D. Rauch, III,

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

For reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 2. In § 679.4, add paragraph (k)(14) to read as follows:

§ 679.4 Permits.

* * * * *

(k) * * *

(14) *Yellowfin sole trawl limited access sector (TLAS) directed fishery endorsement in the BSAI*—(i) *General.* In addition to other requirements of this part, and unless specifically exempted in paragraph (k)(2) of this section, a

vessel must be designated on a groundfish LLP license that has a BSAI TLAS yellowfin sole directed fishery endorsement in order to conduct directed fishing for yellowfin sole with trawl gear in the BSAI Trawl Limited Access Sector fishery and deliver the catch to a mothership as defined at § 679.2. A vessel designated on a groundfish LLP license with trawl and catcher/processor vessel designations and a BSAI TLAS yellowfin sole directed fishery endorsement may operate as a catcher vessel and deliver its catch of yellowfin sole harvested in the directed BSAI TLAS fishery to a mothership, or operate as a catcher/processor and catch and process its own catch in this fishery.

(ii) *Eligibility requirements for a BSAI TLAS yellowfin sole directed fishery endorsement.*

(A) A groundfish LLP license is eligible to receive a BSAI TLAS yellowfin sole directed fishery endorsement if the groundfish LLP license:

(*1*) Had a vessel designated on it, in any year from 2008 through 2015, that made at least one legal trip target landing of yellowfin sole in the BSAI TLAS directed fishery to a mothership as defined at § 679.2 in any one year from 2008 through 2015, inclusive, where a trip target is the groundfish species for which the retained amount of that groundfish species is greater than the retained amount of any other groundfish species for that trip;

(*2*) Has a Bering Sea area endorsement and a trawl gear designation; and

(*3*) Is credited by NMFS with a legal trip target landing specified in paragraph (k)(14)(ii)(A)(*1*) of this section.

(B) If a vessel specified in paragraph (k)(14)(ii)(A)(*1*) of this section was designated on more than one groundfish LLP license from 2008 through 2015 and made at least one legal trip target landing in a BSAI TLAS directed fishery from 2008 through 2015, the vessel owner must specify to NMFS only one of those groundfish LLP licenses to receive credit with the legal trip target landing(s) specified in paragraph (k)(14)(ii)(A)(*1*) of this section.

(iii) *Explanations for BSAI TLAS yellowfin sole directed fishery endorsement.*

(A) NMFS will determine whether a groundfish LLP license is eligible to receive a BSAI TLAS yellowfin sole directed fishery endorsement under paragraph (k)(14)(ii) of this section based only on information contained in the official record described in paragraph (k)(14)(v) of this section.

(B) NMFS will credit a groundfish LLP license with a legal trip target landing specified in paragraph (k)(14)(ii)(A)(*1*) of this section if that groundfish LLP license was the only groundfish LLP license on which the vessel was designated from 2008 through 2015. If a vessel that made at least one legal trip target landing specified in paragraph (k)(14)(ii)(A)(*1*) of this section was designated on more than one groundfish LLP license from 2008 through 2015 and made at least one legal trip target landing in a BSAI TLAS directed fishery from 2008 through 2015, the vessel owner must notify NMFS which one of those groundfish LLP licenses NMFS is to credit with the legal trip target landing(s) specified in paragraph (k)(14)(ii)(A)(*1*) of this section.

(C) Trip target landings will be determined based on round weight equivalents.

(iv) *Exemptions to BSAI TLAS yellowfin sole endorsements.* Any vessel exempted from the License Limitation Program at paragraph (k)(2) of this section is exempted from the requirement to have a BSAI TLAS yellowfin sole endorsement to deliver catch of BSAI TLAS yellowfin sole to a mothership for processing.

(v) *BSAI TLAS yellowfin sole participation official record.*

(A) The official record will contain all information used by the Regional Administrator that is necessary to administer the requirements described in paragraph (k)(14) of this section.

(B) The official record is presumed to be correct. A groundfish LLP license holder has the burden to prove otherwise.

(C) Only legal landings as defined in § 679.2 and documented on State of Alaska fish tickets or NMFS weekly production reports will be used to determine legal trip target landings under paragraph (k)(14)(ii)(A)(*1*) of this section.

(vi) *Process for issuing BSAI TLAS yellowfin sole endorsements.*

(A) NMFS will issue to the holder of each groundfish LLP license endorsed to use trawl gear in the Bering Sea and designated in Column A of Table 52 to this part a notice of eligibility to receive a BSAI TLAS yellowfin sole directed fishery endorsement and a revised groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement.

(B) NMFS will issue to the holder of each groundfish LLP license endorsed to use trawl gear in the Bering Sea and designated in Column A of Table 53 to this part a notice of eligibility to be credited with a legal trip target landing specified in (k)(14)(ii)(A)(*1*) of this section.

(1) NMFS will also issue to the owner of the vessel designated on the groundfish LLP licenses in Column A of Table 53 a notice of eligibility for the two listed groundfish LLP licenses to be credited with a legal trip target landing specified in (k)(14)(ii)(A)(*1*) of this section. The notice to the vessel owner will provide instructions for the vessel owner to select the one groundfish LLP license that NMFS is to credit with the legal trip target landing specified in (k)(14)(ii)(A)(*1*) of this section.

(2) The holder of a groundfish LLP license in Column A of Table 53 will receive a revised groundfish LLP license with a BSAI TLAS yellowfin sole directed fishery endorsement if:

(i) The owner of the vessel designated on the groundfish LLP license requests in writing that NMFS credit that groundfish LLP license with the legal trip target landing specified in paragraph (k)(14)(ii)(A)(*1*) of this section;

(ii) The vessel owner, or the authorized agent, signs the request;

(iii) The written request is submitted to NMFS using one of the following methods: Mail at Regional Administrator, c/o Restricted Access Management Program, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; fax at 907–586–7352; or hand delivery or carrier at NMFS, Room 713, 709 West 9th Street, Juneau, AK 99801.

(iv) NMFS receives the written request and credits the groundfish LLP license with the legal trip target landing specified in paragraph (k)(14)(ii)(A)(*1*) of this section; and

(3) The holder of a groundfish LLP license in Column A of Table 53 that is not selected by the vessel owner will receive a notice, using the address on record at the time the notification is sent, informing the holder that the groundfish LLP license was not selected by the vessel owner, will not be credited with a legal trip target landing, and will not receive a BSAI TLAS yellowfin sole endorsement. The notice will inform the holder of the groundfish LLP license of the timing and process through which the holder can provide additional information or evidence to amend or challenge the information in the official record of this section as specified in paragraphs (k)(14)(ii)(D) and (E) of this section.

(C) NMFS will issue to the holder of a groundfish LLP license with a Bering Sea trawl designation and that is not listed in either proposed Table 52 or 53 a notice informing that holder that the groundfish LLP license is not eligible to be credited with a legal trip target

landing or receive a BSAI TLAS yellowfin sole directed fishery endorsement based on the official record, using the address on record at the time the notification is sent. The notice specified in paragraph (k)(14)(ii)(C) will inform the holder of the groundfish LLP license of the timing and process through which the holder can provide additional information or evidence to amend or challenge the information in the official record of this section, as specified in paragraphs (k)(14)(ii)(D) and (E) of this section.

(D) The Regional Administrator will specify by letter a 30-day evidentiary period during which an applicant may provide additional information or evidence to amend or challenge the information in the official record. A person will be limited to one 30-day evidentiary period. Additional information or evidence received after the 30-day evidentiary period specified in the letter has expired will not be considered for purposes of the initial administrative determination (IAD).

(E) The Regional Administrator will prepare and send an IAD to the applicant following the expiration of the 30-day evidentiary period, if the Regional Administrator determines that the information or evidence provided by the person fails to support the person's claims and is insufficient to rebut the presumption that the official record is correct, or if the additional information, evidence, or revised application is not provided within the time period specified in the letter that notifies the applicant of his or her 30-day evidentiary period. The IAD will indicate the deficiencies with the information or evidence submitted. The IAD will also indicate which claims cannot be approved based on the available information or evidence. A person who receives an IAD may appeal pursuant to 15 CFR part 906. NMFS will issue a non-transferable interim license that is effective until final agency action on the IAD to an applicant who avails himself or herself of the opportunity to appeal an IAD and who has a credible claim to eligibility for a BSAI TLAS yellowfin sole endorsement.

* * * * *

■ 3. In § 679.7, add paragraph (i)(11) to read as follows;

§ 679.7 Prohibitions.

* * * * *

(i) * * *

(11) *Prohibitions specific to the BSAI Trawl Limited Access Sector yellowfin sole directed fishery.* Deliver yellowfin sole harvested with trawl gear in the BSAI Trawl Limited Access Sector yellowfin sole directed fishery to a mothership as defined at § 679.2 without a legible copy of a valid groundfish LLP license with a BSAI Trawl Limited Access Sector yellowfin sole directed fishery endorsement, except as provided in § 679.4(k)(2).

* * * * *

■ 4. Add Table 52 to part 679 to read as follows:

TABLE 52 TO PART 679—GROUNDFISH LLP LICENSES ELIGIBLE FOR A BSAI TRAWL LIMITED ACCESS SECTOR YELLOWFIN SOLE DIRECTED FISHERY ENDORSEMENT

[X indicates that Column A applies]

Column A	Column B
The Holder of Groundfish License Number	Is eligible under 50 CFR 679.4(k)(14)(ii) to be assigned an Endorsement for the BSAI Trawl Limited Access Sector Yellowfin Sole Fishery
LLG 3944	X
LLG 2913	X

■ 5. Add Table 53 to part 679 to read as follows:

TABLE 53 TO PART 679—GROUNDFISH LLP LICENSES THAT REQUIRE QUALIFIED LANDINGS ASSIGNMENT TO BE ELIGIBLE FOR A BSAI TRAWL LIMITED ACCESS SECTOR YELLOWFIN SOLE DIRECTED FISHERY ENDORSEMENT

[X indicates that Column A applies]

Column A	Column B
A single vessel was designated on the following pairs of groundfish LLP licenses during the qualifying period identified in 50 CFR 679.4(k)(14)(ii)(A)(*1*)	The owner of the vessel designated on the pair of LLP licenses in Column A must notify NMFS which LLP license from each pair in Column A is to be credited with qualifying landing(s) under 50 CFR 679.4 (k)(14)(vi)(*2*)
LLG 3838 and LLG 2702	X
LLG 3902 and LLG 3826	X
LLG 3714 and LLG 1667	X
LLG 1820 and LLG 3741	X
LLG 3741 and LLG 3714	X

[FR Doc. 2018–12034 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 109

Wednesday, June 6, 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

Forest Service

Rogue River-Siskiyou National Forest and Umpqua National Forest; Oregon; Stella Landscape Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement; correction and extension of comment period.

SUMMARY: The USDA Forest Service, Rogue River-Siskiyou National Forest (RRSNF) published in the **Federal Register** on May 11, 2018 a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Stella Landscape Restoration Project. The NOI referenced an incorrect project website address; this notice provides a technical correction to the NOI, and extends the scoping comment period.

DATES: To allow more time to review materials at the corrected website, comments concerning the scope of the analysis must be received by July 6, 2018. The Draft EIS is expected in spring of 2019 and the Final EIS is expected in spring of 2020.

ADDRESSES: Send written comments to David Palmer, District Ranger, High Cascade Ranger District, 47201 Hwy 62, Prospect, OR 97536. Comments may be submitted electronically at *comments-pacificnorthwest-rogueriver-highcascades@fs.fed.us*. Comments may also be sent via facsimile to 541–560–3444 or submitted in person during regular business hours, Monday–Friday, 8:00 a.m.–4:30 p.m. at the address listed above.

FOR FURTHER INFORMATION CONTACT: Anne Trapanese, Environmental Coordinator *atrapanese@fs.fed.us,* 541–560–3433.

SUPPLEMENTARY INFORMATION: Individuals who use telecommunication devices for the deaf may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

Correction

In the **Federal Register** on May 11, 2018 (83 FR 22002), second column under the sub-heading ''Scoping Process,'' correct the project website included in the last line of the sub-heading to read: *http://www.fs.fed.us/nepa/nepa_project_exp.php?project=53241*.

Dated: May 21, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–12173 Filed 6–5–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southern Region Recreation Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southern Region Recreation Resource Advisory Committee (Recreation RAC) will meet in Atlanta, Georgia. The Recreation RAC is authorized pursuant with the Federal Lands Recreation Enhancement Act of 2004 (the Act) and operations in compliance with the Federal Advisory Committee Act. The purpose of the committee is to provide recommendations to the Secretary on recreation fees on lands and waters managed by the Forest Service and the Department of the Interior's Bureau of Land Management (BLM) in the regions covered by each Committee. Recreation RAC information can be found at the following website: *https://www.fs.usda.gov/main/r8/recreation/racs*.

DATES: The meeting will be held on the following dates:

- Thursday, June 21, 2018, from 8:30 a.m.–4:30 p.m.; and
- Friday, June 22, 2018, from 8:30 a.m.–4:30 p.m.

All Recreation RAC meetings are subject to cancellation. For status of the meetings prior to attendance, please contact the person listed under the **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Grand Hyatt Atlanta in Buckhead, 3300 Peachtree Road Northeast, Atlanta, Georgia. The meeting will also be held via teleconference. For anyone who would like to attend the teleconference, please visit the website listed in the **SUMMARY** section or contact Caroline Mitchell at *carolinemitchell@fs.fed.us*.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service, 1720 Peachtree Road Northwest, Atlanta, Georgia. Visitors are encouraged to call ahead at 404–347–2769 to facilitate entry into the USDA Forest Service building.

FOR FURTHER INFORMATION CONTACT: Caroline Mitchell, Southern Region Assistant Recreation RAC Coordinator by phone at 501–321–5318, or via email at *carolinemitchell@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to receive recommendations concerning recreation fee proposals on areas managed by the Forest Service in Florida, Georgia, Louisiana, North Carolina, Texas, and Virginia.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 11, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Chris Sporl, Designated Federal Officer, Southern Recreation Resource Advisory Committee, USDA Forest Service, 1720 Peachtree Road Northwest, Atlanta, Georgia 30309; by email to *cfsporl@fs.fed.us,* or via facsimile to 404–347–1065.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 24, 2018.

Christopher French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–12172 Filed 6–5–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wallowa-Whitman National Forest; Notice of Availability of the Draft Record of Decision and Final Environmental Impact Statement for the Boardman to Hemingway Transmission Line Project, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The USDA Forest Service (USFS), Wallowa-Whitman National Forest, announces the availability of the Draft Record of Decision (ROD) for the Boardman to Hemingway Transmission Line Project (B2H Project) for public review. The proposed actions and activities described in the Draft ROD are subject to project-level predecisional administrative review (known as an ''objection'' process) and a 45-day objection filing period began with publication of a legal notice in the Baker City Herald. The USFS previously notified the public that the agency would waive its administrative review procedures and adopt the Bureau of Land Management's (BLM) protest procedures for its decisions to issue a special use authorization and to amend the Forest Plan. Following further review of the scope of the decisions that the USFS will make and the applicable regulations, the USFS determined it must instead follow their own agency's project-level predecisional administrative review process.

DATES: An individual or entity who meets eligibility for objecting to a draft decision outlined in 36 CFR 218.5 and wishes to file an objection must do so within 45 days of the date that the Wallowa-Whitman National Forest published the Legal Notice in the newspaper of record, the *Baker City Herald.* The publication date of the Legal Notice is the exclusive means for calculating the time to file an objection.

ADDRESSES: The Final Environmental Impact Statement (FEIS) was circulated by the BLM. The USFS adopted the FEIS. As a cooperating agency for the B2H Project, the USFS need not recirculate the FEIS. However, the document remains available for review on the Applicant's project website at *https://www.boardmantohemingway.com/documents.aspx* and copies are available upon request. Copies of the Draft ROD were sent to Federal, Tribal, State, and local governments potentially affected by the proposed USFS decision, to public libraries in the area, and to interested parties that previously requested a DVD copy. Interested persons may also review the FEIS and Draft ROD, along with the legal notice announcing the objection period, on the internet at *https://www.fs.usda.gov/project/?project=26709*.

The reviewing officer for this project is James Peña, Regional Forester, Pacific Northwest Region. Written objections, including any attachments, must be filed with the reviewing officer and may be sent as follows:

Postal delivery (via USPS): Reviewing Officer, Pacific Northwest Region, USDA Forest Service, Attn. 1570 Appeals and Objections, P.O. Box 3623, Portland, OR 97208–3623.

Email: objections-pnw-regional-office@fs.fed.us with OBJECTION and ''B2H Project'' in the subject line.

Hand delivered (including courier delivery): Pacific Northwest Regional Office, Edith Green Wendell Wyatt Federal Building, 1220 SW 3rd Avenue, Portland, Oregon. Hand deliveries can occur between 8:00 a.m. and 4:30 p.m., Monday–Friday, except legal holidays;

Faxed: 503–808–2339, with OBJECTION and ''B2H Project'' noted on the cover sheet.

FOR FURTHER INFORMATION CONTACT: Arlene Blumton, Forest Service Project Lead; by telephone at 541–962–8522; or email to *boardmantohemingway@fs.fed.us*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

For information about the BLM's involvement, contact: Renee Straub, Assistant Field Manager, Bureau of Land Management, Vale District Office; 100 Oregon St., Vale, Oregon 97918; by telephone 541–473–6289. Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM), together with cooperating agencies including the USFS, prepared a FEIS and proposed Land Use Plan Amendments for the B2H Project. The Environmental Protection Agency (EPA) published a Notice of Availability (NOA) for the FEIS in the **Federal Register** on November 25, 2016 (81 FR 85222). BLM published a NOA for the FEIS in the **Federal Register** on November 28, 2016 (81 FR 85632). The USFS adopted the FEIS and related documents prepared by the lead agency (BLM) following 40 CFR 1506.3. A NOA announcing USFS's adoption of the FEIS was published by the EPA in the **Federal Register** on June 30, 2017 (82 FR 29589).

The FEIS analyzes the potential environmental impacts of BLM granting a right-of-way to Idaho Power Company (Applicant) to use BLM-managed lands to construct and operate an approximately 300 mile long overhead, single-circuit, 500-kilovolt (kV) alternating-current electric transmission line with ancillary facilities. The FEIS also analyzes the potential environmental impacts of the USFS issuing a special use authorization for the construction, operation, and maintainenance of those portions of the transmission line and ancillary facilities located on lands administered by the USFS. In addition, the FEIS analyzes the potential environmental impacts of an amendment to the Wallowa-Whitman National Forest's 1990 Land and Resource Management Plan (Forest Plan) that are necessary to make the Forest Plan consistent with the B2H Project.

The USFS Responsible Official, the Wallowa-Whitman National Forest Supervisor, must respond to the Applicant's request for use of National Forest System lands and determine whether to issue a special-use authorization for the construction, operation, and maintenance of the Proposed Action and, if issued, determine what terms and conditions should apply. The USFS Responsible Official must also approve any amendment to the Forest Plan necessary

to make the Forest Plan consistent with the Project. The USFS Responsible Official's decisions will be separate from the decisions that BLM made in their November 17, 2017 Record of Decision.

The FEIS and the USFS's Draft Record of Decision (ROD) are available for public review. As required by 36 CFR 218.7(c), the Wallowa-Whitman National Forest published a Legal Notice of the opportunity to object in the newspaper of record, the Baker City Herald. Eligible individuals and entities may file objections pursuant to 36 CFR 218 Subparts A and B. The USFS previously notified the public that, pursuant to 36CFR 219.59(a), the agency would waive its administrative review procedures and adopt the BLM's protest procedures for its decisions to issue a special use authorization and to amend the Forest Plan (NOA for the Draft EIS, 79 FR 75834). Following further review of the scope of the decisions that the USFS will make and the applicable regulations, the USFS determined it must instead follow the project-level predecisional administrative review process described at 36 CFR 218 Subparts A and B.

Dated: May 9, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–12156 Filed 6–5–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Intent To Revise Currently Approved Information Collection

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Office of Management and Budget (OMB) Paperwork Reduction Act of 1995, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to revise a currently approved information collection, 0524–0039 entitled, ''NIFA Application Kit''. NIFA does not plan to make any language changes to this information collection.

DATES: Written comments on this notice must be received by August 6, 2018 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments concerning this notice and requests for copies of the information collection may be submitted by any of the following methods: Email: *rmartin@nifa.usda.gov;* Fax: 202–720–0857; Mail: Office of Information Technology (OIT), NIFA, USDA, STOP 2216, 1400 Independence Avenue SW, Washington, DC 20250–2216.

FOR FURTHER INFORMATION CONTACT: Robert Martin; Email: *rmartin@nifa.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: NIFA Application Kit.

OMB Number: 0524–0039.

Expiration Date of Current Approval: October 31, 2018.

Type of Request: Intent to extend a currently approved information collection for three years.

Abstract: The National Institute of Food and Agriculture (NIFA) sponsors ongoing agricultural research, extension, and education programs under which competitive, formula, and special awards of a high-priority nature are made. Because competitive applications are submitted, many of which necessitate review by peer panelists, it is particularly important that applicants provide the information in a standardized fashion to ensure equitable treatment for all. Standardization is also important to applicants to other programs as it lends itself to a more efficient process and minimizes administrative burden. For this reason, NIFA uses standard forms in the SF–424 Research and Related (R&R) form family which includes agency-specific forms for the application process. NIFA issues Requests for Applications (RFA) that includes the instructions for the preparation and submission of applications. These instructions provide, where appropriate, the necessary format for information in order to expedite, to the extent possible, the application review process. NIFA requires submission of applications electronically through *Grants.gov*.

The forms and narrative information are mainly used for application evaluation and administration purposes. While some of the information is used to respond to inquiries from Congress and other government agencies, the forms are not designed to be statistical surveys.

Also included in this information collection is one form *which* only applies to recipients of a NIFA fellowship/scholarship. The form is only used to document pertinent demographic data on the fellows/scholars, documentation of the progress of the fellows/scholars under the program, and performance outcomes of the student beneficiaries.

Respondents: Universities, non-profit institutions, State, local, or Tribal government, and a limited number of for-profit institutions and individuals.

Estimated Number of Responses by Form:

Letter of Intent: 2.739.

Form NIFA–2008 Assurance Statement(s): 2,000.

Supplemental Information: 5,377.

Application Type: 2,200.

Proposal Type Form: 2,687.

NIFA–2010 Fellowships/Scholarships Entry/Exit: 150.

The individual form burden is as follows (calculated based on a survey of grant applicants conducted by NIFA):

Letter of Intent: 2 hours.

Form NIFA–2008 Assurance Statement(s): 30 minutes.

Supplemental Information: 2 hours.

Proposal Type Form: 15 minutes.

NIFA–2010 Fellowships/Scholarships Entry/Annual Update/Exit: 3 hours.

Estimated Total Annual Burden on Respondents: The annual total burden on the public for all forms is estimated to be 18,354 hours.

Frequency of Respondents: Annually.

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 practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should be sent to the address stated in the preamble.

All responses to this notice will be summarized and included in the request for OMB approval. All comments also will become a matter of public record.

Done in Washington, DC, this 30th day of May 2018.

Thomas G. Shanower,

Acting Director, National Institute of Food and Agriculture.

[FR Doc. 2018–12151 Filed 6–5–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Mountain Time) Thursday, June 7, 2018. The purpose of this meeting is for the Committee to vote on the final draft of their advisory memorandum issued to the U.S. Commission on Civil Rights focused on voting rights.

DATES: These meetings will be held on Thursday, June 7, 2018 at 12:00 p.m. MT.

Public Call Information:
Dial: 888–339–3513.
Conference ID: 8937790.

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

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–339–3513, conference ID number: 8937790. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://facadatabase.gov/committee/meetings.aspx?cid=235*. Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of minutes from previous meeting
III. Discuss Advisory Memorandum
IV. Vote on Advisory Memorandum
V. Public Comment
VI. Next Steps
VII. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of this Committee voting on its advisory memorandum that will supplement the U.S. Commission on Civil Rights' 2018 statutory enforcement report.

Dated: May 31, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–12117 Filed 6–5–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–08–2018]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee; Authorization of Production Activity; Volkswagen Group of America—Chattanooga Operations, LLC (Passenger Motor Vehicles); Chattanooga, Tennessee

On January 30, 2018, Volkswagen Group of America—Chattanooga Operations, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 134—Site 3, in Chattanooga, Tennessee.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 5986—5987, February 12, 2018). On May 30, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: May 30, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12148 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–07–2018]

Foreign-Trade Zone (FTZ) 49—Newark, New Jersey; Authorization of Production Activity; Movado Group, Inc. (Timepieces and Jewelry); Moonachie, New Jersey

On January 31, 2018, Movado Group, Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 49J, in Moonachie, New Jersey.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 5987, February 12, 2018). On May 31, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: May 31, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12147 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–83–2018]

Foreign-Trade Zone 38—Spartanburg County, South Carolina; Application for Subzone; Black & Decker, Inc.; Fort Mill, South Carolina

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Carolina State Ports Authority, grantee of FTZ 38, requesting subzone status for the facility of Black

& Decker, Inc., located in Fort Mill, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 30, 2018.

The proposed subzone (19 acres) is located at 4260 Pleasant Road, Fort Mill, South Carolina. Black & Decker indicates that it will conduct the same activity as currently authorized by the FTZ Board at its Subzone 38E. No additional authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 38.

In accordance with the Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 16, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 31, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: May 30, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12145 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–36–2018]

Foreign-Trade Zone 25—Broward County, Florida; Application for Reorganization and Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the County of Broward, Florida, grantee of FTZ 25, requesting authority to reorganize and expand the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 30, 2018.

FTZ 25 was approved by the FTZ Board on December 27, 1976 (Board Order 113, 42 FR 61, January 3, 1977) and expanded on August 11, 1978 (Board Order 132, 43 FR 36989, August 21, 1978); on October 10, 1991 (Board Order 537, 56 FR 52510, October 21, 1991); on March 18, 2005 (Board Order 1382, 70 FR 15836, March 29, 2005); and, on August 27, 2009 (Board Order 1645, 74 FR 46571, September 10, 2009).

The current zone includes the following sites: *Site 1* (88.8 acres)—Port Everglades, 3400/3401 McIntosh Road, Hollywood; *Site 2* (14.26 acres)—Westport Business Park, 2501/2525/2555/2600 Davie Road, Davie; *Site 3* (90.957 acres)—Miramar Park of Commerce, 9786/9850/9900/10044 Premier Parkway, 2700/2701 Executive Way, 10301–10431 N Commerce Parkway, 10101–10151 Business Drive, 11220–11330 & 11340–11660 Interchange Circle North, and 11219–11331 & 11341–11661 Interchange Circle South in Miramar; *Site 4* (18 acres)—2696 NW 31st Avenue, Lauderdale Lakes; *Site 5* (37.165 acres)—2650 SW 14th Avenue, Miramar; *Site 6* (26 acres)—3200 West Oakland Park Boulevard, Lauderdale Lakes; *Site 7* (1 acre)—35 SW 12th Avenue, Dania Beach; *Site 8* (9 acres)—2200–2300 SW 45th St., Dania Beach; *Site 9* (6 acres)—375 NW 9th Avenue, Dania Beach; *Site 10* (13 acres)—3435–3699 NW 19th St., Lauderdale Lakes; *Site 11* (52 acres)—1141 South Andrews Ave., Pompano Beach; *Site 13* (7.825 acres)—Oakland Park Station, 1201 NE 38th Street, Oakland Park; *Site 14* (10 acres)—1800 SW 34th Street, Fort Lauderdale; *Site 15* (.967 acres)—2780 South Park Road, Pembroke Park; *Site 16* (.14 acres)—1241 Stirling Road, Units 110, 111, 116 and 117, Dania Beach; *Site 17* (5 acres)—3205 SE 19th Avenue, Fort Lauderdale; *Site 18* (3.5 acres)—1601 Green Road, Deerfield Beach; *Site 19* (2.75 acres)—1900 SW 43rd Terrace, Deerfield Beach; and, *Site 20* (3.156 acres)—1802 SW 2nd Street, Pompano Beach.

The grantee's proposed service area under the ASF would be Broward County, Florida, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Port Everglades Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include all of the existing sites as ''magnet'' sites. The applicant is also requesting to expand Site 1 from 88.8 acres to 132 acres. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 (as modified) be so exempted. The application would have no impact on FTZ 25's previously authorized subzones.

In accordance with the FTZ Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is August 6, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 20, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.* For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: May 30, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–12146 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–083]

Certain Steel Wheels From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable June 6, 2018.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo at (202) 482–2371 or Chien-Min Yang at (202) 482–5484, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:.

Background

On April 16, 2018, the Department of Commerce (Commerce) initiated the countervailing duty (CVD) investigation of certain steel wheels (steel wheels) from the People's Republic of China (China).[1] Currently, the preliminary determination is due no later than June 20, 2018.

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1)(A) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if a petitioner makes a timely request for a postponement. Under 19 CFR 351.205(e), a petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reason for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.[2]

On May 15, 2018, Accuride Corporation and Maxion Wheels Akron LLC (collectively, the petitioners) submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(b)(2) and (e) to postpone the preliminary determination. The petitioners stated that due to the number and nature of subsidy programs under investigation, the purpose of its request was to provide Commerce with adequate time to examine the amount of subsidies received by producers and exporters of subject merchandise in China.[3]

In accordance with 19 CFR 351.205(e), the petitioners have stated the reasons for postponement of the preliminary determination, and the record does not present any compelling reasons to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to August 24, 2018. Pursuant to section 705(a)(l) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(l).

Dated: May 31, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–12144 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Steel Wheels from the People's Republic {of China}: Initiation of Countervailing Duty Investigation,* 83 FR 17794 (April 24, 2018).

[2] *See* 19 CFR 351.205(e).

[3] *See* Letter from the petitioner to Commerce, ''Certain Steel Wheels from China (C–570–083)—Petitioners' Request to Extend the Deadline for the Preliminary Determination,'' dated May 15, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

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

DATES: Applicable June 6, 2018.

SUMMARY: The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anticircumvention determinations made between January 1, 2017, and March 31, 2017, inclusive. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis.[1] Our most recent notification of scope rulings was published on May 22, 2018.[2] This current notice covers all scope rulings and anticircumvention determinations made by Enforcement and Compliance between January 1, 2017, and March 31, 2017, inclusive. Three additional subsequent lists will immediately follow to bring these quarterly notices up to date.

Scope Rulings Made Between January 1, 2017, and March 31, 2017

Socialist Republic of Vietnam

A–552–818 and C–552–819: Certain Steel Nails From the Socialist Republic of Vietnam

Requestor: OMG, Inc; zinc anchors which are designed to attach termination bars to concrete or masonry walls are within the scope of the antidumping and countervailing duty orders; February 6, 2017.

People's Republic of China

A–570–901: Lined Paper Products From the People's Republic of China

Requestor: Blue Sky the Color of Imagination LLC.; eight styles of office planners/calendars are not covered by the scope of the antidumping order on certain lined paper products from the People's Republic of China because the products meet exclusion criteria contained in the scope for products generally known as ''office planners'' and ''appointment books;'' March 23, 2017.

A–570–881: Malleable Cast Iron Pipe Fitting From the People's Republic of China

Requestor: Atkore Steel Components, Inc.; cast iron electrical conduit articles are subject to the scope of the order on malleable cast iron pipe fitting from the People's Republic of China; March 16, 2017.

A–570–020 and C–570–021: Melamine From the People's Republic of China

Requestor: JLS Chemical Inc.; certain melamine-based flame retardant products (*i.e.,* melamine cyanurate, melamine polyphosphate, and ammonium-melamine-piperazine polyphosphate) are not subject to the

[1] *See* 19 CFR 351.225(o).

[2] *See Notice of Scope Rulings,* 83 FR 23634 (May 22, 2018).

orders on melamine from the People's Republic of China because the melamine raw material used to create these compounds is not intermingled or blended with other constituent chemicals but, rather, chemically-reacted with the other feedstock resulting in different products; February 22, 2017.

A–570–970 and C–570–971: Multilayered Wood Flooring From the People's Republic of China

Requestor: Jiangsu Keri Wood Co., Ltd. (Keri Wood); Keri Wood's two-layer wood flooring panel is not within the scope of the orders on multilayered wood flooring from the PRC because it lacks the requisite two or more layers or plies of wood veneer in combination with a core; January 6, 2017.

A–570–970 and C–570–971: Multilayered Wood Flooring From People's Republic of China

Requestor: Huzhou Zhanbang Industry Co., Ltd.; wood flooring product of a two-layer construction composed of one layer or ply of wood veneer in combination with a finger-jointed board is not covered by the scope of the antidumping and countervailing duty orders on multilayered wood flooring from the People's Republic of China because it lacks the requisite two or more layers or plies of wood veneer in combination with a core; February 21, 2017.

A–570–970 and C–570–971: Multilayered Wood Flooring From People's Republic of China

Requestor: Geenlong International Limited; wood flooring product of a two-layer construction composed of one layer or ply of wood veneer in combination with an Oriented Strand Board core is not covered by the scope of the antidumping and countervailing duty orders on multilayered wood flooring from the People's Republic of China because it lacks the requisite two or more layers or plies of wood veneer in combination with a core; February 21, 2017.

A–570–970 and C–570–971: Multilayered Wood Flooring From People's Republic of China

Requestors: Fusong Jinlong Wood Group Co., Ltd.; Fusong Qianqiu Wooden Product Co., Ltd.; Dalian Qianqiu Wooden Product Co., Ltd.; and Fusong Jinqiu Wooden Product Co., Ltd.; wood flooring product composed of a single thin solid wood layer glued to a single solid wood bottom layer is not covered by the scope of the antidumping and countervailing duty orders on multilayered wood flooring from the People's Republic of China because it lacks the requisite two or more layers or plies of wood veneer in combination with a core; February 21, 2017.

A–570–970 and C–570–971: Multilayered Wood Flooring From People's Republic of China

Requestor: Complete Flooring Supply Corporation; wood flooring product composed of two or more outer plies of exotic wood species laminated to a wooden core is covered by the scope of the antidumping and countervailing duty orders on multilayered wood flooring from the People's Republic of China because it contains the requisite two or more layers or plies of wood veneer in combination with a core, irrespective of wood species; March 31, 2017.

A–570–875: Non-Malleable Cast Iron Pipe Fittings From the People's Republic of China

Requestor: Hydroflo Pumps USA, Inc. (Hydroflo Pumps); hydroflo Pumps's oil tube adapters are outside the scope of the Order on Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China because they are not covered by the language of the scope. March 24, 2017.

A–570–922 and C–570–923: Raw Flexible Magnets From the People's Republic of China

Requestor: Anna Griffin Inc. (Anna Griffin); Anna Griffin's magnetic sheets for metal paper-cutting dies are outside the scope of the order on flexible magnets from the PRC because they fall within the exclusion to the scope of the order. This because the magnets in the product are permanently bonded with paper that is printed with text and decorative motifs; March 13, 2017.

A–570–860: Steel Concrete Reinforcing Bars From China

Requestor: Southern Wire Co., LLC.; epoxy coated rebar is not subject to the scope of the order on steel concrete reinforcing bars from the People's Republic of China because the rebar has been further processed through coating; March 2, 2017.

Interested parties are invited to comment on the completeness of this list of completed scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, 1401 Constitution Avenue NW, APO/Dockets Unit, Room 18022, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: May 31, 2018.

James Maeder,

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

[FR Doc. 2018–12143 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable June 6, 2018.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures;*

submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*e.g.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to Commerce no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate

Administrative Protective Order Procedures, 76 FR 39263 (July 6, 2011).

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than April 30, 2019.

	Period to be reviewed
Antidumping Duty Proceedings	
REPUBLIC OF KOREA: Phosphor Copper A–580–885	10/14/16–03/31/18
Bongsang Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: 1,1,1,2-Tetrafluoroethane (R–134A) A–570–044	10/7/16–3/31/18
Zhejiang Sanmei Chemical Ind. Co., Ltd. (also known as Zhejiang Sanmei Chemical Industry Co., Ltd).	
T.T. International Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Activated Carbon A–570–904	4/1/17–3/31/18
Acrowell International Logistics Ltd.	
AmeriAsia Advanced Activated Carbon Products Co., Ltd.	
AM Global Shipping Lines Co, Ltd.	
Anhui Handfull International Trading (Group) Co., Ltd.	
Anhui Hengyuan Trade Co. Ltd.	
Anyang Sino-Shon International Trading Co., Ltd.	
Apex Manufacturing Co. Ltd.	
Apex Maritime (Tianjin) Co., Ltd.	
Baoding Activated Carbon Factory.	
Beijing Broad Activated Carbon Co., Ltd.	
Beijing Embrace Technology Co., Ltd.	
Beijing Haijian Jiechang Environmental Protection Chemicals.	
Beijing Hibridge Trading Co., Ltd.	
Beijing Kang Jie Kong International Cargo Agent Co., Ltd.	
Beijing Pacific Activated Carbon Products Co., Ltd.	
Bengbu Modern Environmental Co., Ltd.	
Bengbu Jiutong Trade Co., Ltd.	
Bengbu First Commercial & Trading Co., Ltd.	
Bravo Specialty Chemicals Co., Ltd.	
Brilliant Globe Logistics Inc.	
Brilliant Logistics Group Inc.	
Carbon Activated Tianjin Co., Ltd.	
Changji Hongke Activated Carbon Co., Ltd.	
Charter Link Logistics Limited.	
Chengde Jiayu Activated Carbon Factory.	
China Combi Works Oy Ltd.	
China International Freight Co., Ltd.	
China National Building Materials and Equipment Import and Export Corp.	
China National Nuclear General Company Ningxia Activated Carbon Factory.	
China Nuclear Ningxia Activated Carbon Plant.	
China SDIC International Trade Co., Ltd.	
Chongqing Feiyang Active Carbon Manufacture Co., Ltd.	
Da Neng Zheng Da Activated Carbon Co., Ltd.	
Datong Carbon Corporation.	
Datong Changtai Activated Carbon Co., Ltd.	
Datong City Zuoyun County Activated Carbon Co., Ltd.	
Datong Fenghua Activated Carbon.	
Datong Forward Activated Carbon Co., Ltd.	
Datong Fuping Activated Carbon Co. Ltd.	
Datong Guanghua Activated Co., Ltd.	
Datong Hongtai Activated Carbon Co., Ltd.	
Datong Huanqing Activated Carbon Co., Ltd.	
Datong Huaxin Activated Carbon.	
Datong Huibao Active Carbon Co., Ltd.	
Datong Huiyuan Cooperative Activated Carbon Plant.	
Datong Juqiang Activated Carbon Co., Ltd.	
Datong Kaneng Carbon Co. Ltd.	
Datong Locomotive Coal & Chemicals Co., Ltd.	
Datong Municipal Yunguang Activated Carbon Co., Ltd.	
Datong Tianzhao Activated Carbon Co., Ltd.	
DaTong Tri-Star & Power Carbon Plant.	
Datong Weidu Activated Carbon Co., Ltd.	
Datong Xuanyang Activated Carbon Co., Ltd.	
Datong Zuoyun Biyun Activated Carbon Co., Ltd.	
Datong Zuoyun Fu Ping Activated Carbon Co., Ltd.	
De Well Container Shipping Corp.	
Derun Charcoal Carbon Co., Ltd.	

	Period to be reviewed
Dezhou Jiayu Activated Carbon Factory.	
DGX (H.K) Limited.	
Dongguan Baofu Activated Carbon.	
Dongguan SYS Hitek Co., Ltd.	
Dushanzi Chemical Factory.	
Endurance Cargo Management Co., Ltd.	
Envitek (China) Ltd.	
Excel Shipping Co., Ltd.	
Fu Yuan Activated Carbon Co., Ltd.	
Fujian Active Carbon Industrial Co., Ltd.	
Fujian Jianyang Carbon Plant.	
Fujian Nanping Yuanli Activated Carbon Co., Ltd.	
Fujian Xinsen Carbon Co., Ltd.	
Fujian Yuanli Active Carbon Co., Ltd.	
Fujian Yuanli Active Carbon Industrial Co., Ltd.	
Fujian Zhixing Activated Carbon Co., Ltd.	
Fuzhou Taking Chemical.	
Fuzhou Yihuan Carbon Co., Ltd.	
Fuzhou Yuemengfeng Trade Co., Ltd.	
Great Bright Industrial.	
Gongyi City Beishan Kou Water Purification Materials Factory.	
Guangdong Hanyan Activated Carbon Manufacturing Co., Ltd.	
Guangzhou Four E'S Scientific Co., Ltd.	
Hangzhou Hengxing Activated Carbon.	
Hangzhou Hengxing Activated Carbon Co., Ltd.	
Hangzhou Linan Tianbo Material (HSLATB).	
Hangzhou Nature Technology.	
Hangzhou Waterland Environmental Technologies Co., Ltd.	
Hebei Foreign Trade and Advertising Corporation.	
Hebei Luna Trading Co., Ltd.	
Hebei Shenglun Import & Export Group Company.	
Hegongye Ninxia Activated Carbon Factory.	
Heilongjiang Provincial Hechang Import & Export Co., Ltd.	
Henan Yemei Products Co., Ltd.	
Hongke Activated Carbon Co., Ltd.	
Honour Lane Shipping Ltd.	
Huaibei Environment Protection Material Plant.	
Huairen Huanyu Purification Material Co., Ltd.	
Huairen Jinbei Chemical Co., Ltd.	
Huaiyushan Activated Carbon Group.	
Huatai Activated Carbon.	
Huzhou Zhonglin Activated Carbon.	
Inner Mongolia Taixi Coal Chemical Industry Limited Company.	
Itigi Corp. Ltd.	
J&D Activated Carbon Filter Co. Ltd.	
Jacobi Carbons AB.	
Jacobi Carbons Industries Tianjin.	
Jiangle County Xinhua Activated Carbon Co., Ltd.	
Jiangsu Kejing Carbon Fiber Co., Ltd.	
Jiangsu Taixing Yixin Activated Carbon Technology Co., Ltd.	
Jiangxi Hanson Import Export Co.	
Jiangxi Huaiyushan Activated Carbon.	
Jiangxi Huaiyushan Activated Carbon Group Co.	
Jiangxi Huaiyushan Suntar Active Carbon Co., Ltd.	
Jiangxi Jinma Carbon.	
Jiangxi Yuanli Huaiyushan Active Carbon Co., Ltd.	
Jianou Zhixing Activated Carbon.	
Jiaocheng Xinxin Purification Material Co., Ltd.	
Jilin Bright Future Chemicals Company, Ltd.	
Jilin Province Bright Future Industry and Commerce Co., Ltd.	
Jing Mao (Dongguan) Activated Carbon Co., Ltd.	
Kaihua Xingda Chemical Co., Ltd.	
Kemflo (Nanjing) Environmental Tech.	
Keyun Shipping (Tianjin) Agency Co., Ltd.	
Kunshan Actview Carbon Technology Co., Ltd.	
King Freight International Corp.	
Langfang Winfield Filtration Co.	
Link Shipping Limited.	
Longyan Wanan Activated Carbon.	
M Chemical Company, Inc.	
Meadwestvaco (China) Holding Co., Ltd.	
Mindong Lianyi Group.	
Muk Chi Trade Co., Ltd.	
Nanjing Mulinsen Charcoal.	

	Period to be reviewed
Nanping Yuanli Active Carbon Co.	
Nantong Ameriasia Advanced Activated Carbon Product Co., Ltd.	
Ningxia Baiyun Carbon Co., Ltd.	
Ningxia Baota Activated Carbon Co., Ltd.	
Ningxia Baota Active Carbon Plant.	
Ningxia Guanghua A/C Co., Ltd.	
Ningxia Blue-White-Black Activated Carbon (BWB).	
Ningxia Fengyuan Activated Carbon Co., Ltd.	
Ningxia Guanghua Activated Carbon Co., Ltd.	
Ningxia Guanghua Chemical Activated Carbon Co., Ltd.	
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd.	
Ningxia Haoqing Activated Carbon Co., Ltd.	
Ningxia Henghui Activated Carbon.	
Ningxia Honghua Carbon Industrial Corporation.	
Ningxia Huahui Activated Carbon Co., Ltd.	
Ningxia Huinong Xingsheng Activated Carbon Co., Ltd.	
Ningxia Jirui Activated Carbon.	
Ningxia Lingzhou Foreign Trade Co., Ltd.	
Ningxia Luyuangheng Activated Carbon Co., Ltd.	
Ningxia Mineral & Chemical Limited.	
Ningxia Pingluo County Yaofu Activated Carbon Plant.	
Ningxia Pingluo Xuanzhong Activated Carbon Co., Ltd.	
Ningxia Pingluo Yaofu Activated Carbon Factory.	
Ningxia Taixi Activated Carbon.	
Ningxia Tianfu Activated Carbon Co., Ltd.	
Ningxia Tongfu Coking Co, Ltd.	
Ningxia Weining Active Carbon Co., Ltd.	
Ningxia Xingsheng Coal and Active Carbon Co., Ltd.	
Ningxia Xingsheng Coke & Activated Carbon Co., Ltd.	
Ningxia Yinchuan Lanqiya Activated Carbon Co., Ltd.	
Ningxia Yirong Alloy Iron Co., Ltd.	
Ningxia Zhengyuan Activated.	
Nippon Express (Shanghai) Co., Ltd.	
Nuclear Ningxia Activated Carbon Co., Ltd.	
OEC Logistic Qingdao Co., Ltd.	
OEC Logistics Co., Ltd. (Tianjin).	
Pacific Star Express (China) Company Ltd.	
Panalpina World Transport (Prc) Ltd	
Panshan Import and Export Corporation.	
Pingdingshan Green Forest Activated.	
Pingluo Xuanzhong Activated Carbon Co., Ltd.	
Pingluo Yu Yang Activated Carbon Co., Ltd.	
Pudong Prime International Logistics, Inc.	
Schenker Intl (HK) Ltd.	
Seatrade International Transportation.	
Shanghai Activated Carbon Co., Ltd.	
Shanghai Astronautical Science Technology Development Corporation.	
Shanghai Caleb Industrial Co. Ltd.	
Shanghai Coking and Chemical Corporation.	
Shanghai Express Global International.	
Shanghai Goldenbridge International.	
Shanghai Jiayu International Trading (Dezhou Jiayu and Chengde Jiayu).	
Shanghai Jinhu Activated Carbon (Xingan Shenxin and Jiangle Xinhua).	
Shanghai Light Industry and Textile Import & Export Co., Ltd.	
Shanghai Line Feng Int'l Transportation.	
Shanghai Mebao Activated Carbon.	
Shanghai Sunson Activated Carbon Technology Co. Ltd.	
Shanghai Xingchang Activated Carbon.	
Shanghai Xinjinhu Activated Carbon.	
Shanxi Blue Sky Purification Material Co., Ltd.	
Shanxi Carbon Industry Co., Ltd.	
Shanxi Dapu International Trade Co., Ltd.	
Shanxi DMD Corporation.	
Shanxi Industry Technology Trading Co., Ltd.	
Shanxi Newtime Co., Ltd.	
Shanxi Qixian Foreign Trade Corporation.	
Shanxi Qixian Hongkai Active Carbon Goods.	
Shanxi Sincere Industrial Company.	
Shanxi Sincere Industrial Co., Ltd.	
Shanxi Supply and Marketing Cooperative.	
Shanxi Tianli Ruihai Enterprise Co.	
Shanxi Tianxi Purification Filter Co., Ltd.	
Shanxi U Rely International Trade.	
Shanxi Xiaoyi Huanyu Chemicals Co., Ltd.	

	Period to be reviewed
Shanxi Xinhua Activated Carbon Co., Ltd.	
Shanxi Xinhua Chemical Co., Ltd. (formerly Shanxi Xinhua Chemical Factory).	
Shanxi Xinhua Protective Equipment.	
Shanxi Xinshidai Import Export Co., Ltd.	
Shanxi Xuanzhong Chemical Industry Co., Ltd.	
Shanxi Zuoyun Yunpeng Coal Chemistry.	
Shenzhen Calux Purification Technology Co., Ltd.	
Shenzhen Sihaiweilong Technology Co.	
Shijiazhuang Xinshuang Trade Co., Ltd.	
Sincere Carbon Industrial Co. Ltd.	
Sinoacarbon International Trading Co, Ltd.	
T.H.I Group (Shanghai) Ltd.	
Taining Jinhu Carbon.	
Tancarb Activated Carbon Co., Ltd.	
Tangshan Solid Carbon Co., Ltd.	
The Ultimate Solid Logistics Ltd.	
Tianchang (Tianjin) Activated Carbon.	
Tianjin Century Promote International Trade Co., Ltd.	
Tianjin Channel Filters Co., Ltd.	
Tianjin Jacobi International Trading Co. Ltd.	
Tianjin Maijin Industries Co., Ltd.	
Taiyuan Hengxinda Trade Co., Ltd.	
Tonghua Bright Future Activated Carbon Plant.	
Tonghua Xinpeng Activated Carbon Factory.	
Top One International Trading Co., Ltd.	
Translink Shipping Inc.	
Trans-Power International Logistics Co., Ltd.	
Triple Eagle Container Line.	
Uniclear New-Material Co., Ltd.	
United Manufacturing International (Beijing) Ltd.	
U.S. United Logistics (Ningbo) Inc.	
Valqua Seal Products (Shanghai) Co.	
Vanguard Logistics Services.	
VitaPac (HK) Industrial Ltd.	
Wellink Chemical Industry.	
Xi Li Activated Carbon Co., Ltd.	
Xi'an Shuntong International Trade & Industrials Co., Ltd.	
Xiamen All Carbon Corporation.	
Xingan County Shenxin Activated Carbon Factory.	
Xinhua Chemical Company Ltd.	
Xuanzhong Chemical Industry.	
Yangyuan Hengchang Active Carbon.	
Yicheng Logistics.	
Yinchuan Lanqiya Activated Carbon Co., Ltd.	
Yusen Logistics (China) Co., Ltd. Tianjin.	
Zhejiang Quizhou Zhongsen Carbon.	
Zhejiang Topc Chemical Industry.	
Zhejiang Xingda Activated Carbon Co., Ltd.	
Zhejiang Yun He Tang Co., Ltd.	
Zhuxi Activated Carbon.	
Zuoyun Bright Future Activated Carbon Plant.	
THE PEOPLE'S REPUBLIC OF CHINA: Drawn Stainless Steel Sinks A–570–983	4/1/17–3/31/18
B&R Industries Limited.	
Elkay (China) Kitchen Solutions, Co., Ltd.	
Feidong Import and Export Co., Ltd.	
Foshan Shunde MingHao Kitchen Utensils Co., Ltd.	
Foshan Zhaoshun Trade Co., Ltd.	
Franke Asia Sourcing Ltd.	
Grand Hill Work Company.	
Guangdong Dongyuan Kitchenware Industrial Co., Ltd.	
Guangdong G-Top Import & Export Co., Ltd.	
Guangdong New Shichu Import & Export Company Limited.	
Guangdong Yingao Kitchen Utensils Co., Ltd.	
Hangzhou Heng's Industries Co., Ltd.	
Hubei Foshan Success Imp & Exp Co. Ltd.	
J&C Industries Enterprise Limited.	
Jiangmen Hongmao Trading Co., Ltd.	
Jiangmen New Star Hi-Tech Enterprise Ltd.	
Jiangmen Pioneer Import & Export Co., Ltd.	
Jiangxi Zoje Kitchen & Bath Industry Co., Ltd.	
KaiPing Dawn Plumbing Products, Inc.	
Ningbo Afa Kitchen and Bath Co., Ltd.	
Ningbo Oulin Kitchen Utensils Co., Ltd.	
Primy Cooperation Limited.	

	Period to be reviewed
Shenzhen Kehuaxing Industrial Ltd.	
Shunde Foodstuffs Import & Export Company Limited of Guangdong.	
Shunde Native Produce Import and Export Co., Ltd. of Guangdong.	
Xinhe Stainless Steel Products Co., Ltd.	
Yuyao Afa Kitchenware Co., Ltd.	
Zhongshan Newecan Enterprise Development Corporation.	
Zhongshan Silk Imp. & Exp. Group Co., Ltd. of Guangdong.	
Zhongshan Superte Kitchenware Co., Ltd.	
Zhuhai Kohler Kitchen & Bathroom Products Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Magnesium Metal A–570–896	4/1/17–3/31/18
Tianjin Magnesium International Co., Ltd.	
Tianjin Magnesium Metal Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Stainless Steel Sheet and Strip A–570–042	9/19/16–3/31/18
Ahonest Changjiang Stainless Co., Ltd.	
Angang Guangzhou Stainless Steel Corporation (LISCO).	
Angang Hanyang Stainless Steel Corp. (LISCO).	
Anping Yuanjing Metal Products Co., Ltd.	
Apex Industries Corporation.	
Baofeng Xianglong Stainless Steel (aka Baofeng Steel Group Co.).	
Baojing Steel Ltd.	
Baosteel Desheng Stainless Steel Co., Ltd.	
Baosteel Huayong Stainless Steel Co., Ltd.	
Baosteel Stainless Steel Co., Ltd.	
Beihai Chengde Ferronickel Stainless Steel.	
Beijing Dayang Metal Industry Co.	
Beijing Hengsheng Tongda Stainless Steel.	
Beijing Jingnanfang Decoration Engineering Co., Ltd.	
Benxi Iron and Steel.	
C.Y. Housewares (Dongguan) Co., Ltd.	
Chain Chon Metal (Foshan).	
Chain Chon Metal (Kunshan).	
Changhai Stainless Steel.	
Changzhou General Import and Export.	
Changzhou Taiye Sensing Technology Co., Ltd.	
Compart Precision Co.	
Dalian Yirui Import and Export Agent Co., Ltd.	
Daming International Import and Export Co., Ltd.	
Dongbei Special Steel Group Co., Ltd.	
Double Stone Steel.	
Etco (China) International Trading Co., Ltd.	
FHY Corporation.	
Foshan Foreign Economic Enterprise.	
Foshan Hermes Steel Co., Ltd.	
Foshan Jinfeifan Stainless Steel Co.	
Foshan Topson Stainless Steel Co.	
Fugang Group.	
Fujian Fuxin Special Steel Co., Ltd.	
Fujian Kaixi Stainless Steel.	
Fujian Wuhang STS Products Co., Ltd.	
Gangzhan Steel Developing Co., Ltd.	
Globe Express Services Co., Ltd.	
Golden Fund International Trading Co.	
Guangdong Forward Metal Supply Chain Co., Ltd.	
Guangdong Guangxin Suntec Metal Holdings Co., Ltd.	
Guanghan Tiancheng Stainless Steel Products Co. Ltd.	
Guangxi Beihai Chengde Group.	
Guangxi Wuzhou Jinhai Stainless Steel Co.	
Guangzhou Eversunny Trading Co., Ltd.	
Haimen Senda Decoration Material Co.	
Hanyang Stainless Steel Co. (LISCO).	
Hebei Iron & Steel.	
Henan Tianhong Metal.	
Henan Xinjinhui Stainless Steel Co., Ltd.	
Henan Xuyuan Stainless Steel Co. Ltd.	
Huadi Steel Group Co., Ltd.	
Ideal Products of Dongguan Ltd.	
Irestal Shanghai Stainless Pipe (ISSP).	
Jaway Metal Co., Ltd.	
Jiangdu Ao Jian Sports Apparatus Factory.	
Jiangsu Daming Metal Products Co., Ltd.	
Jiangsu Jihongxin Stainless Steel Co., Ltd.	
Jiaxing Winner Import and Export Co., Ltd.	
Jiaxing Zhongda Import and Export Co., Ltd.	
Jieyang Baowei Stainless Steel Co., Ltd.	

	Period to be reviewed
Jinyun Xinyongmao.	
Jiuquan Iron & Steel (JISCO).	
Kuehne & Nagel, Ltd. (Ningbo).	
Lianzhoung Stainless Steel Corp. (LISCO).	
Lu Qin (Hong Kong) Co. Ltd.	
Maanshan Sungood Machinery Equipment Co., Ltd.	
Minmetals Steel Co., Ltd.	
Nanhi Tengshao Metal Manufacturing Co.	
NB (Ningbo) Rilson Export & Import Corp.	
Ningbo Baoxin Stainless Steel Co., Ltd.	
Ningbo Bestco Import & Export Co., Ltd.	
Ningbo Bingcheng Import & Export Co., Ltd.	
Ningbo Chinaworld Grand Import & Export Co., Ltd.	
Ningbo Dawon Resources Co., Ltd.	
Ningbo Economic and Technological Development Zone (Beilun Xiapu).	
Ningbo Hog Slat Trading Co., Ltd.	
Ningbo New Hailong Import & Export Co.	
Ningbo Polaris Metal Products Co.	
Ningbo Portec Sealing Component.	
Ningbo Qiyi Precision Metals Co., Ltd.	
Ningbo Seduno Import & Export Co., Ltd.	
Ningbo Sunico International Ltd.	
Ningbo Swoop Import & Export.	
Ningbo Yaoyi International Trading Co., Ltd.	
Onetouch Business Service, Ltd.	
Qianyuan Stainless Steel.	
Qingdao Rising Sun International Trading Co., Ltd.	
Qingdao Sincerely Steel.	
Qingdao-Pohang Stainless Steel (QPSS).	
Rihong Stainless Co., Ltd.	
Ruitian Steel.	
Samsung Precision Stainless Steel (Pinghu) Co., Ltd.	
Sejung Sea & Air Co., Ltd.	
Shandong Huaye Stainless Steel Group Co., Ltd.	
Shandong Mengyin Huarun Imp and Exp Co., Ltd.	
Shandong Mingwei Stainless Steel Products Co., Ltd.	
Shanghai Dongjing Import & Export Co.	
Shanghai Fengye Industry Co., Ltd.	
Shanghai Ganglian E-Commerce Holdings Co. Ltd.	
Shanghai Krupp Stainless (SKS).	
Shanghai Metal Corporation.	
Shanghai Tankii Alloy Material Co., Ltd.	
Shanxi Taigang Stainless Steel Co., Ltd. (TISCO).	
Shaoxing Andrew Metal Manufactured Co., Ltd.	
Shaoxing Yuzhihang Import & Export Trade Co., Ltd.	
Shenzhen Brilliant Sign Co., Ltd.	
Shenzhen Wide International Trade Co., Ltd.	
Sichuan Southwest Stainless Steel.	
Sichuan Tianhong Stainless Steel.	
Sino Base Metal Co., Ltd.	
Suzhou Xinchen Precision Industrial Materials Co., Ltd.	
Taishan Steel.	
Taiyuan Accu Point Technology, Co. Ltd.	
Taiyuan Iron & Steel (TISCO).	
Taiyuan Ridetaixing Precision Stainless Steel Incorporated Co., Ltd.	
Taizhou Durable Hardware Co., Ltd.	
Tiancheng Stainless Steel Products.	
Tianjin Fulida Supply Co., Ltd.	
Tianjin Hongji Stainless Steel Products Co., Ltd.	
Tianjin Jiuyu Trade Co., Ltd.	
Tianjin Taigang Daming Metal Product Co., Ltd.	
Tianjin Teda Ganghua Trade Co., Ltd.	
Tianjin Tianchengjida Import & Export Trade Co., Ltd.	
Tianjin Tianguan Yuantong Stainless Steel.	
TISCO Stainless Steel (HK), Ltd.	
Top Honest Stainless Steel Co., Ltd.	
TPCO Yuantong Stainless Steel Ware.	
Tsingshan Qingyuan.	
World Express Freight Co., Ltd.	
Wuxi Baochang Metal Products Co., Ltd.	
Wuxi Fangzhu Precision Materials Co.	
Wuxi Grand Tang Metal Co., Ltd.	
Wuxi Jinyate Steel Co., Ltd.	
Wuxi Joyray International Corp.	

	Period to be reviewed
Wuxi Shuoyang Stainless Steel Co., Ltd.	
Xiamen Lizhou Hardware Spring Co., Ltd.	
Xinwen Mining.	
Yieh Corp. Ltd.	
Yongjin Metal Technology.	
Yuyao Purenovo Stainless Steel Co., Ltd.	
Zhangjiagang Pohang Stainless Steel Co., Ltd (ZPSS).	
Zhejiang Baohong Stainless Steel Co., Ltd.	
Zhejiang Huashun Metals Co., Ltd.	
Zhejiang Jaguar Import & Export Co., Ltd.	
Zhejiang New Vision Import & Export.	
Zhejiang Yongjin Metal Technology Co., Ltd.	
Zhengzhu Mingtai Industry Co., Ltd.	
Zhenjiang Huaxin Import & Export.	
Zhenjiang Yongyin Metal Tech Co.	
Zhenshi Group Eastern Special Steel Co., Ltd.	
Zun Hua City Transcend Ti-Gold.	
Countervailing Duty Proceedings	
THE PEOPLE'S REPUBLIC OF CHINA: Stainless Steel Sheet and Strip C–570–043	7/18/16–12/31/17
C.Y. Housewares (Dongguan) Co., Ltd.	
Suspension Agreements	
None.	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[4] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[5] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. *See* 19 CFR 351.302. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are

[4] *See* section 782(b) of the Act.

[5] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: May 31, 2018.

James Maeder,

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

[FR Doc. 2018–12142 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG242

Fisheries of the Northeastern United States; Bluefish Fishery; Scoping Process

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

ACTION: Notice of intent to prepare an environmental impact statement; notice of initiation of scoping process; notice of public scoping meetings; requests for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council announces its intent to prepare, in cooperation with NMFS and the Atlantic States Marine Fisheries Commission, an amendment to the Fishery Management Plan for Bluefish. An environmental impact statement may be necessary for the amendment in accordance with the National Environmental Policy Act to analyze the impacts of any proposed management measures. The Council has initiated this amendment in order to perform a review of the sector-based allocations, commercial allocations to the states, goals and objectives of the fishery management plan, and quota transfer processes.

This notice announces a public process for determining the scope of issues to be addressed, and for identifying the significant issues related to the bluefish fishery in the Greater Atlantic region. This notice is to alert the interested public of the scoping process, the potential development of a draft environmental impact statement, and to provide for public participation in that process.

DATES: Written comments must be received on or before 11:59 p.m., EST, on July 6, 2018. Twelve public scoping meetings will be held during this comment period. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

ADDRESSES: Written comments may be sent by any of the following methods:

- *Email to the following address: nmfs.garBluefishAmend@noaa.gov.* Include ''Bluefish Allocation Amendment Scoping Comments'' in the subject line;
- Mail or hand deliver to Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, Delaware 19901. Mark the outside of the envelope ''Bluefish Allocation Amendment Scoping Comments''; or
- Fax to (302) 674–5399

The scoping document may be obtained from the Council office at the previously provided address, or by request to the Council by telephone (302) 674–2331, or via the internet at *http://www.mafmc.org.*

Comments may also be provided verbally at any of the 12 public scoping meetings. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher M. Moore, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, (telephone 302–674–2331).

SUPPLEMENTARY INFORMATION:

Background

More details on the topics addressed in this supplementary information section may be found in the Bluefish Allocation Amendment Scoping Document (see **ADDRESSES** for how to obtain scoping document) and on the bluefish allocation amendment page of the Council's website at *http://www.mafmc.org/actions/bluefish-allocation-amendment.*

The Council, in cooperation with the Atlantic States Marine Fisheries Commission (ASMFC), has initiated this action in order to: (1) Update the Atlantic Bluefish Fishery Management Plan (FMP) goals and objectives for bluefish management; and (2) perform a comprehensive review of the bluefish sector allocations, commercial allocations to the states, and transfer processes within the FMP. This action was proposed so that the FMP goals and objectives, allocations, and transfer processes can be assessed in light of potential changing fishery conditions and aligned better with stakeholder priorities. Some management questions for consideration in this amendment include: (1) Are the existing goals and objectives appropriate for managing the bluefish fishery; (2) is the existing allocation between the commercial and recreational sectors based on the annual catch limit appropriate for managing the bluefish fishery; (3) are the existing commercial state allocations appropriate for managing the bluefish fishery; and (4) are the existing transfer processes appropriate for managing the bluefish fishery?

The scoping period is an important opportunity for members of the public to raise concerns related to the scope of issues that will be considered in the amendment. The Council needs your input to identify management issues, develop effective alternatives, and identify possible impacts to be considered. Public comments early in the amendment development process will help the Council address issues of public concern in a thorough and appropriate manner. Comments can be made in writing or during the scoping hearings as described above (see **ADDRESSES**).

Following the scoping process, the Council will develop a range of management alternatives to be considered and potentially prepare an environmental impact statement (EIS) to

analyze the impacts of the management alternatives being considered as required by the National Environmental Policy Act (NEPA). A draft EIS will be distributed for public review. During a 30-day public comment period which will include public hearings, the public may comment on any aspect of the draft EIS. Following a review of the comments, the Council will then choose preferred management measures for submission with the Final EIS to the Secretary of Commerce for publishing of a proposed and then final rule, both of which have additional comment periods.

Scoping Hearings

The Council will take and discuss scoping comments on this amendment at the following 12 scoping meetings dates and locations:

Date	Address
Wednesday, June 20, 2018, at 6:00 p.m	Dare County Commissioners Office, 954 Marshall Collins Drive, Room 168, Manteo, North Carolina 27954.
Thursday, June 21, 2018, at 6:00 p.m	NC Division of Marine Fisheries Central District Office, 5285 Highway 70 West, Morehead City, North Carolina.
Thursday, June 21, 2018, at 6:00 p.m	DNREC Auditorium, 89 Kings Highway, Dover, Delaware 19901.
Tuesday, June 26, 2018, at 6:30 p.m	NYSDEC Division of Marine Resources, 205 North Belle Mead Road, Suite 1, East Setauket, New York 11733.
Tuesday, June 26, 2018, at 6:00 p.m	Ocean City Municipal Airport, 12724 Airport Road, Berlin, Maryland 21811.
Wednesday, June 27, 2018, at 6:00 p.m	Ocean City Library, 1735 Simpson Avenue, Ocean City, New Jersey 08226.
Thursday, June 28, 2018, at 6:00 p.m	Ocean County Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08753.
Thursday, June 28, 2018, at 6:00 p.m	Brevard County Government Center North, ''Brevard Room'', 518 South Palm Ave., Titusville, Florida 32780.
Tuesday, July 10, 2018, at 7:00 p.m	CT DEEP Boating Education Center, 333 Ferry Road, Old Lyme, Connecticut 06371.
Wednesday, July 11, 2018, at 6:00 p.m	Plymouth Public Library, Otto Fehlow Room, 132 South Street, Plymouth, Massachusetts.
Thursday, July 12, 2018, at 6:00 p.m	URI Narragansett Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, Rhode Island.
Monday, July 16, 2018, at 6:00 p.m	Internet webinar: Connection information to be available at *http://www.mafmc.org* or by contacting the Council.

Special Accommodations

The scoping hearings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders (302–674–2331, ext 251) at least 5 days prior to the meeting date.

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

Dated: May 31, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–12105 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG246

Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

ACTION: Notice; request for comments.

SUMMARY: NMFS has determined that 14 exempted fishing permit (EFP) applications warrant further consideration and is requesting public comment on the applications. Thirteen EFP applicants request an exemption from a prohibition on the use of unauthorized fishing gear to harvest highly migratory species (HMS), and one EFP applicant requests an exemption from a prohibition on the use of pelagic longline gear in the Exclusive Economic Zone (EEZ) to harvest HMS under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). These applicants request the exemption to test the effects and efficacy of using deep-set buoy gear (DSBG), deep-set linked buoy gear (DSLBG), or deep-set short longline (DSSLL) to harvest swordfish and other HMS off of the U.S. West Coast.

DATES: Comments must be submitted in writing by July 6, 2018.

ADDRESSES: You may submit comments on the pending EFP applications, identified at the e-Rulemaking portal by NOAA–NMFS–2018–0063, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0063,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Attn: Chris Fanning, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2018–0063'' in the comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The EFP applications and other relevant information referenced in the Supplementary Information section below can accessed at: *http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/status_exempted_permits.html.*

FOR FURTHER INFORMATION CONTACT: Chris Fanning, NMFS West Coast Region, 562–980–4198.

SUPPLEMENTARY INFORMATION: DSBG fishing trials have occurred for the past eight years under research permits (2011–2015) and EFPs (2015–2018)) in the U.S. West Coast EEZ off California. The data collected from this fishing activity have demonstrated that about 95% of DSBG fish species caught are marketable (75% swordfish, 3% opah, and 17% marketable sharks). Non-marketable fish species catch rates have remained low and all non-marketable catch were released alive. Because DSBG is actively tended by the

fishermen, strikes (*i.e.,* when the fish pulls on the hook and line) may be detected within minutes of a catch on the line; as a result, all catches can be attended to quickly, with catch brought on board the vessel in good condition. To date, DSBG has had two interactions with protected species. In both instances, the interaction was with a Northern elephant seal, and in both instances the animal was not seriously injured and was released alive. This species is protected by the Marine Mammal Protection Act, but it is not listed as threatened or endangered under the Endangered Species Act.

DSLBG research fishing trials have been conducted with a total of 40 sets in 2015–2017 and produced similar results to DSBG. Swordfish and other marketable fish species have represented about 90% of the catch (68% swordfish, 2% opah, 5% escolar, and 16% marketable sharks). Non-marketable fish species were released alive due to quick DSLBG strike detection and active gear tending, which has a similar time frame as with DSBG. Research fishing trials are still ongoing with DSLBG. To date, there have been no interactions with protected species using DSLBG.

At the November 2017 and March 2018 Pacific Fishery Management Council (PFMC) meetings, the PFMC reviewed 15 applications for EFPs. Based, in part, upon recommendations by the PFMC's HMS Management Team, the PFMC recommended that NMFS consider issuing EFP's to authorize use of DSBG and/or DSLBG to 13 of the applicants (see Table 1). These are also proposed to take place in the U.S. West Coast EEZ off California. These recommendations can be found on the PFMC's website at *https://www.pcouncil.org/wp-content/uploads/2017/11/1117decisions.pdf* and *https://www.pcouncil.org/wp-content/uploads/2018/03/0318_Decision_Summary_Document.pdf*

In addition, in February 2018 the Regional Administrator for the NMFS West Coast Region directly received an EFP application pursuant to 50 CFR 600.745 from Mr. John Hall for one vessel to fish with DSSLL in the U.S. EEZ off the West Coast, not less than 20 nautical miles offshore from the U.S.-Mexican border to the Oregon-Washington border. Mr. Hall proposes to use deep set pelagic longline gear with a main line of five nautical miles in length and not less than 15 hooks per buoy and to target HMS. Mr. Hall also intends to employ a number of marine mammal, sea bird, sea turtle, and shark mitigation measures (*e.g.,* use of large, weak circle hooks, a hydraulic line shooter, a Tori bird scaring line, fusiform fish bait, and no wires in the construction of the branch lines). The proposed and existing HMS EFPs applications, conditions, and relevant analyses and decisions leading to the current status of each application can be found on NMFS West Coast Region's ''Status of Exempted Fishing Permits'' web page (*http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/status_exempted_permits.html*).

TABLE 1—U.S. WEST COAST HMS EFP APPLICATIONS FOR DSBG, DSLBG, AND DSSLL

Applicant(s)	Date of PFMC recommendation	DSBG	DSBG	DSSLL	Number of vessels
Carson, Thomas and Perez, Nathan	March 2018	X	X		1
Breneman, Robert	March 2018	X			1
Breneman, Scott	March 2018	X			1
Dagama, John	March 2018	X			1
Fuller, Daniel and Fuller, William	March 2018	X			1
Funderberg, Clint	March 2018	X	X		1
Hall, John	N/A			X	1
Hyman, Ben	March 2018	X			1
Scarbrough, Tyler	March 2018	X			1
Surgener, Greg	March 2018	X			1
Sutton, William	March 2018	X	X		1
White, Matt	March 2018	X			1
Wright, Thomas	March 2018	X			1
Mintz, Stephen	November 2017	X	X		1

NMFS is requesting public comment on the 13 DSBG/DSLBG applications recommended for consideration by the PFMC and the one DSSLL application received directly from the applicant pursuant to 50 CFR 600.745. If all applications are approved, the EFPs would allow up to 13 vessels to fish with DSBG, up to four vessels to fish with DSLBG, and one vessel to fish with DSSLL throughout the duration of each EFP, in portions of the U.S. West Coast EEZ. These vessels would be permitted to fish exempt from the prohibitions of the HMS FMP pertaining to non-authorized gear types. Aside from the exemption described above, vessels fishing under an EFP would be subject to all other regulations implemented in the HMS FMP, including measures to protect sea turtles, marine mammals, and seabirds.

NMFS will consider all public comments submitted in response to this **Federal Register** Notice prior to issuance of any EFP. Additionally, NMFS will analyze the effects of issuing EFPs in accordance with the National Environmental Policy Act and NOAA's Administrative Order 216–6, as well as for compliance with other applicable laws, including Section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), which requires the agency to consider whether the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

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

Dated: June 1, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–12167 Filed 6–5–18; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0033, Notification of Pending Legal Proceedings

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comments on the proposed extension of a collection of certain information by the agency. Under the Paperwork Reduction Act (''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. This notice solicits comments on the information collection requirements in Commission regulation 1.60 concerning notification of pending legal proceedings.

DATES: Comments must be submitted on or before August 6, 2018.

ADDRESSES: You may submit comments, identified by OMB Control No. 3038–0033 by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/*. Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov*.

FOR FURTHER INFORMATION CONTACT: Robert Schwartz, Deputy General Counsel, Office of the General Counsel, Commodity Futures Trading Commission, (202) 416–5958; email: *rschwartz@cftc.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that 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. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Notification of Pending Legal Proceedings Pursuant to 17 CFR 1.60 (OMB Control Number 3038–0033). This is a request for extension of a currently approved information collection.

Abstract: The rule is designed to assist the Commission in monitoring legal proceedings involving the responsibilities imposed on contract markets and their officials and futures commission merchants (FCMs) and their principals by the Commodity Exchange Act, or otherwise. This renewal updates the total requested burden based on available reported data.

With respect to the following collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedures Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The annual respondent burden for this collection during the renewal period is estimated to be as follows:

ESTIMATED ANNUAL REPORTING BURDEN

17 CFR section	Annual number of respondents (contract markets & FCMs)	Total annual number of responses	Hours per response	Total hours
1.60	79	1	.20	15.8

There are no capital costs or operating costs or maintenance costs associated with this collection.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: May 31, 2018.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–12106 Filed 6–5–18; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Undergraduate International Studies and Foreign Language Program

AGENCY: Office of Postsecondary Education, Department of Education.

[1] 17 CFR 145.9

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2018 for the Undergraduate International Studies and Foreign Language (UISFL) program, Catalog of Federal Domestic Assistance (CFDA) number 84.016A.

DATES:

Applications Available: June 6, 2018.

Deadline for Transmittal of Applications: July 26, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf*.

FOR FURTHER INFORMATION CONTACT: Tanyelle H. Richardson, U.S. Department of Education, 400 Maryland Avenue SW, Room 258–14, Washington, DC 20202. Telephone: (202) 453–6391. Email: *tanyelle.richardson@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The UISFL program provides grants for planning, developing, and carrying out programs to strengthen and improve undergraduate instruction in international studies and foreign languages in the United States.

Priorities: This notice contains two competitive preference priorities and two invitational priorities. Competitive Preference Priority 1 is from the notice of final priority (NFP) published in the **Federal Register** on June 11, 2014 (79 FR 33432). Competitive Preference Priority 2 is from 34 CFR 658.35(a).

Competitive Preference Priorities: For FY 2018, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), an applicant is eligible to receive an additional two or three points depending on how well the application meets Competitive Preference Priority 1 and up to an additional two points depending on how well the application meets Competitive Preference Priority 2. An applicant may receive a total of up to 5 additional points under the competitive preference priorities.

These priorities are:

Competitive Preference Priority 1 (2 or 3 points).

Applications from Minority-Serving Institutions (MSIs) (as defined in this notice) or community colleges (as defined in this notice), whether as individual applicants or as part of a consortium of institutions of higher education (IHEs) (consortium) or a partnership between nonprofit educational organizations and IHEs (partnership).

An application from a consortium or partnership that has an MSI or community college as the lead applicant will receive more points under this priority than applications in which the MSI or community college is a member of a consortium or partnership but not the lead applicant.

A consortium or partnership must undertake activities designed to incorporate foreign languages into the curriculum of the MSI or community college and to improve foreign language and international or area studies instruction on the MSI or community college campus.

Note: We will award either 2 or 3 points to an application that meets this priority. If an MSI or community college is a single applicant, or the lead applicant in a consortium or partnership, the application will receive 3 additional points. If an MSI or community college is a member of a consortium or partnership, but not the lead applicant, the application will receive 2 additional points. No application will receive more than 3 additional points for this priority.

Competitive Preference Priority 2 (0 or 2 points).

Applications from IHEs or consortia of these institutions that require entering students to have successfully completed at least 2 years of secondary school foreign language instruction or that require each graduating student to earn two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in the foreign language) or, in the case of a 2-year degree granting institution, offer two years of postsecondary credit in a foreign language.

Invitational Priorities: For FY 2018, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Substantive Training and Thematic Focus on Less Commonly Taught Languages.

Applications that propose programs or activities focused on language instruction or development of area or international studies programs to include substantive training and thematic focus on any modern foreign languages, except French, German, or Spanish.

Invitational Priority 2—Developing Interdisciplinary Curriculum.

Applications that propose to create innovative curricula that combine the teaching of international studies with one of the following academic fields of study: science, technology, engineering, mathematics, business, economics, public health, international and comparative education and computer science. Programs can be located within the applicant's home IHE or within an IHE that is part of the consortium/partnership applying for the grant.

Definitions: The following definitions are from the NFP published in the **Federal Register** on June 11, 2014 (79 FR 33432).

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

Note: The list of institutions currently designated as eligible under Title III and Title V is available at: *https://www2.ed.gov/about/offices/list/ope/idues/eligibility.html*.

Application Requirements: In addition to any other requirements outlined in the application package for this program, section 604(a)(7) of the HEA, 20 U.S.C. 1124(a)(7), requires that each application from an IHE, consortia, or partnership include—(1) Evidence that the applicant has conducted extensive planning prior to submitting the application;

(2) An assurance that the faculty and administrators of all relevant departments and programs served by the applicant are involved in ongoing collaboration with regard to achieving the stated objectives of the application;

(3) An assurance that students at the applicant institutions, as appropriate, will have equal access to, and derive benefits from, the UISFL Program;

(4) An assurance that each applicant, consortium, or partnership will use the Federal assistance provided under the UISFL Program to supplement and not supplant non-Federal funds the

institution expends for programs to improve undergraduate instruction in international studies and foreign languages;

(5) A description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

(6) An explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views, and generate debate on world regions and international affairs, where applicable; and

(7) A description of how the applicant will encourage service in areas of national need, as identified by the Secretary.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 34 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 34 CFR part 3474. (d) The regulations in 34 CFR parts 655 and 658. (e) The NFP published in the **Federal Register** on June 11, 2014 (79 FR 33432).

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,257,434.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Estimated Range of Awards: For single applicant grants: $70,000–$95,000 for each 12-month budget period. For consortia or partnership grants: $90,000-$150,000 for each 12-month budget period.

Estimated Average Size of Awards: For single applicant grants: $86,824.

For consortia or partnership grants: $120,000.

Maximum Award: We will not make an award exceeding $95,000 for a single applicant for a single budget period of 12 months, or for an applicant that is a consortium or partnership that exceeds $150,000 for a single budget period of 12 months.

Estimated Number of Awards: 24.

Note: The Department is not bound by any estimates in this notice. The estimated range of and average size of awards are based on a single 12-month budget period. We may use FY 2018 funds to support multiple 12-month budget periods for one or more grantees.

Project Period:

For single applicant grants: Up to 24 months.

For consortia or partnership grants: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* (1) IHEs; (2) consortia of IHEs; (3) partnerships between nonprofit educational organizations and IHEs; and (4) public and private nonprofit agencies and organizations, including professional and scholarly associations.

2. a. *Cost Sharing or Matching:* This program has a matching requirement under section 604(a)(3) of the HEA, 20 U.S.C. 1124(a)(3), and the regulations for this program in 34 CFR 658.41. UISFL program grantees must provide matching funds in either of the following ways: (i) Cash contributions from private sector corporations or foundations equal to one-third of the total project costs; or (ii) a combination of institutional and non-institutional cash or in-kind contributions including State and private sector corporation or foundation contributions, equal to one-half of the total project costs. The Secretary may waive or reduce the required matching share for institutions that are eligible to receive assistance under part A or part B of title III or under title V of the HEA that have submitted an application that demonstrates a need for a waiver or reduction.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements, which are described in section 604(a)(7)(D) of the HEA, 20 U.S.C. 1124(a)(7)(D).

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, non-profit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/PDF/2018-02558.pdf.*

2. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

3. *Funding Restrictions:* We specify unallowable costs in 34 CFR 658.40. We reference additional regulations outlining funding restrictions in the Applicable Regulations section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative [Part III] to no more than 40 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, budget section, including the narrative budget justification ; Part IV, the assurance and certifications; or the one-page abstract, the resumes, the biography, or letters of support. However, the recommended page limit does apply to all the application narrative [Part III].

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 658.31, 658.32, 658.33, and 655.32. The maximum score for all of the selection criteria, taken together with the maximum number of points awarded to applicants that address the competitive preference priorities, is 105 points. The maximum score for each criterion is indicated in parentheses.

All Applications. All applications will be evaluated based on the general selection criteria as follows:

(a) *Plan of operation (up to 15 points).* (1) The Secretary reviews each application for information that shows

the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women; and

(C) Handicapped persons.

(b) *Quality of key personnel (up to 10 points).* (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project. In the case of faculty, the qualifications of the faculty and the degree to which that faculty is directly involved in the actual teaching and supervision of students; and

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness (up to 10 points).* (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan (up to 20 points).* (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources (up to 5 points).* (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) Other than library, facilities that the applicant plans to use are adequate (language laboratory, museums, etc.); and

(ii) The equipment and supplies that the applicant plans to use are adequate.

Applications from IHEs, Consortia, or Partnerships. Applications submitted by IHEs or a consortia or partnerships will also be evaluated based on the following criteria:

(f) *Commitment to international studies (up to 15 points).* (1) The Secretary reviews each application for information that shows the applicant's commitment to the international studies program.

(2) The Secretary looks for information that shows—

(i) The institution's current strength as measured by the number of international studies courses offered;

(ii) The extent to which planning for the implementation of the proposed program has involved the applicant's faculty, as well as administrators;

(iii) The institutional commitment to the establishment, operation, and continuation of the program as demonstrated by optimal use of available personnel and other resources; and

(iv) The institutional commitment to the program as demonstrated by the use of institutional funds in support of the program's objectives.

(g) *Elements of the proposed international studies program (up to 10 points).* (1) The Secretary reviews each application for information that shows the nature of the applicant's proposed international studies program.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities will contribute to the implementation of a program in international studies and foreign languages at the applicant institution;

(ii) The interdisciplinary aspects of the program;

(iii) The number of new and revised courses with an international perspective that will be added to the institution's programs; and

(iv) The applicant's plans to improve or expand language instruction.

(h) *Need for and prospective results of the proposed program (up to 15 points).* (1) The Secretary reviews each application for information that shows the need for and the prospective results of the applicant's proposed program.

(2) The Secretary looks for information that shows—

(i) The extent to which the proposed activities are needed at the applicant institution;

(ii) The extent to which the proposed use of Federal funds will result in the implementation of a program in international studies and foreign languages at the applicant institution;

(iii) The likelihood that the activities initiated with Federal funds will be continued after Federal assistance is terminated; and

(iv) The adequacy of the provisions for sharing the materials and results of the program with other institutions of higher education.

Applications from Public and Private Nonprofit Agencies and Organizations, Including Professional and Scholarly Associations. All applications from public and private nonprofit agencies and organizations, including professional and scholarly associations, will also be evaluated based on the following criterion:

(i) *Need for and potential impact of the proposed project in improving international studies and the study of modern foreign language at the undergraduate level (up to 40 points).* (1) The Secretary reviews each application for information that shows the need for and potential impact of the applicant's proposed projects in improving international studies and the study of modern foreign language at the undergraduate level.

(2) The Secretary looks for information that shows—

(i) The extent to which the applicant's proposed apportionment of Federal funds among the various budget categories for the proposed project will contribute to achieving results;

(ii) The international nature and contemporary relevance of the proposed project;

(iii) The extent to which the proposed project will make an especially significant contribution to the

improvement of the teaching of international studies or modern foreign languages at the undergraduate level; and

(iv) The adequacy of the applicant's provisions for sharing the materials and results of the proposed project with the higher education community.

Additional information regarding these criteria is in the application package for this program. The total number of points available under these selection criteria combined with the competitive preference priorities, is as follows:

Selection criteria	UISFL IHEs	UISFL consortia and partnerships	UISFL public and private nonprofit agencies and organizations, including professional and scholarly associations
(a) Plan of Operation	15	15	15
(b) Quality of Key Personnel	10	10	10
(c) Budget and Cost Effectiveness	10	10	10
(d) Evaluation Plan	20	20	20
(e) Adequacy of Resources	5	5	5
(f) Commitment to International Studies	15	15	n/a
(g) Elements of Proposed International Studies Program	10	10	n/a
(h) Need for and Prospective Results of Proposed Program	15	15	n/a
(i) Need for and Potential Impact of the Proposed Project in Improving International Studies and the Study of Modern Foreign Languages at the Undergraduate Level	n/a	n/a	40
Sub-Total	100	100	100
Competitive Preference Priority #1 (Optional)	3	3	n/a
Competitive Preference Priority #2 (Optional)	2	2	n/a
Total Possible Points	105	105	100

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

The Secretary, to the extent practicable and consistent with the criterion of excellence, seeks to encourage diversity by ensuring that a variety of types of projects and institutions receive funding.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved

application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.* Performance reports for the UISFL program must be submitted electronically into the office of International and Foreign Language Education web-based reporting system, International Resource Information System (IRIS). For information about IRIS and to view the reporting instructions, please go to *http://iris.ed.gov/iris/pdfs/UISFL.pdf.*

5. *Performance Measures:* Under the Government Performance and Results Act, the Department will use the following performance measures to evaluate the success of the UISFL program: Percentage of UISFL projects that added or enhanced courses in international studies in critical world areas and priority foreign languages; and percentage of UISFL consortium projects that established certificate and/or undergraduate degree programs in international or foreign language studies.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

Dated: June 1, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the duties of the Assistant Secretary, Office of Planning, Evaluation and Policy Development, Delegated the duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–12170 Filed 6–5–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–487–000]

Natural Gas Pipeline Company of America LLC; Notice of Application for Certificate of Public Convenience and Necessity

Take notice that on May 18, 2018, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, 7th Floor, Downers Grove, Illinois 60515–7918 has filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations, requesting authority to construct, install, modify, operate and maintain a new 22,490 horsepower compressor station in Cameron Parish, Louisiana and appurtenances (CS 348) with interconnections to Natural's existing Louisiana Line Nos. 1 and 2 and NGPL Lateral which will interconnect the new compressor station with Sabine Pass Liquefaction, LLC's (SPL) liquefaction export terminal (SPL Terminal), all as more fully described in the application which is on file with the Commission and open to public inspection. This project is referred to as the Sabine Pass Compression Project. 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* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, the new compressor station will: (1) Allow Natural to deliver an additional 400,000 dekatherms (Dth) per day of natural gas on a firm basis to the SPL Terminal at a minimum delivery pressure and (2) provide a level of increased operational flexibility on Natural's system based on how Natural operates its existing Compressor Station No. 342 and new CS 348, both on Natural's Louisiana Line Nos. 1 and 2.

Any questions regarding this application should be directed to Bruce

H. Newsome, Vice President, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515–7918, or call (630) 725–3070, or by email: *bruce_newsome@kindermogan.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 final environmental impact statement (FEIS) or 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 FEIS or 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 in the proceeding with the Commission and must mail a copy to the applicant and to every other party. 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.

Comment Date: 5:00 p.m. Eastern Time on June 21, 2018.

Dated: May 31, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12124 Filed 6–5–18; 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: ER12–1260–013; ER13–1793–012.
Applicants: Stephentown Spindle, LLC, Hazle Spindle, LLC.
Description: Notice of Non-Material Change in Status of Stephentown Spindle, LLC, et al.
Filed Date: 5/30/18.
Accession Number: 20180530–5286.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–1343–001.
Applicants: Carolina Solar Power, LLC.
Description: Tariff Amendment: Supplement to Application and MBR Tariff to be effective 6/11/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5274.
Comments Due: 5 p.m. ET 6/11/18.

Docket Numbers: ER18–1404–000.
Applicants: NS Power Energy Marketing Inc.
Description: Amendment to April 20, 2018 NS Power Energy Marketing Inc.tariff filing.
Filed Date: 5/30/18.
Accession Number: 20180530–5197.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–1696–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Oglethorpe (Murray) IA Amendment Filing to be effective 5/15/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5245.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–1697–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: KyMEA Telecom Work Reimbursement Agreement Service Agmt 20 to be effective 5/31/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5249.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–1698–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2018–05–30_SA 2037 Ameren-Wabash Valley (Citizens) 3rd Rev WDS Agreement to be effective 5/1/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5270.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–1699–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2018–05–30 Petition for Limited Tariff Waiver re Demand Response Resources to be effective N/A.
Filed Date: 5/30/18.
Accession Number: 20180530–5272.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–1700–000.
Applicants: AEP Generation Resources Inc.
Description: § 205(d) Rate Filing: Reactive Supply and Voltage Control Cardinal & Conesville to be effective 6/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5082.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1701–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1628R12 Western Farmers Electric Cooperative NITSA NOA to be effective 5/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5086.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1702–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1148R24 American Electric Power NITSA and NOA to be effective 5/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5102.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1703–000.
Applicants: Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, LLC, Entergy Texas, Inc.
Description: § 205(d) Rate Filing: Entergy OpCos Reactive Power Update to be effective 6/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5116.
Comments Due: 5 p.m. ET 6/21/18.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC18–5–000.
Applicants: Enbridge Rampion UK Ltd.
Description: Notice Of Self Certification of Foreign Utility Company Status of Enbridge Rampion UK Ltd.
Filed Date: 5/30/18.
Accession Number: 20180530–5289.
Comments Due: 5 p.m. ET 6/20/18.

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 31, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12107 Filed 6–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice, Notice of Vote, Explanation of Action Closing Meeting and List of Persons to Attend

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: June 7, 2018.

*** NOTE:** The Closed meeting will follow the Joint meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission.[1]

PLACE: Restricted Area, 888 First Street, NE, Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Non-Public Investigations and Inquiries, Enforcement Related Matters.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

Chairman McIntyre and Commissioners LaFleur, Chatterjee, Powelson, and Glick voted to hold a closed meeting on June 7, 2018. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public Reference at 888 First Street NE, Washington, DC 20426.

The Chairman and the Commissioners, the Commission's Secretary, the General Counsel, and members of their staff, members of the Nuclear Regulatory Commission, and members of their staff are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Issued: May 31, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12123 Filed 6–4–18; 4:15 pm]

BILLING CODE 6717–01–P

[1] *See* Notice of Joint Meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission, May 22, 2018.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR17–60–002]

Notice Establishing Comment Period; Atmos Pipeline—Texas

On May 23, 2018, Federal Energy Regulatory Commission staff held an informal technical conference to discuss issues raised in the protests and comments regarding the January 25, 2018 filing made by Atmos Pipeline—Texas in the above-captioned docket. This notice establishes the comment periods for parties wishing to submit comments following the technical conference. All parties are invited to submit initial comments on or before Wednesday, June 13, 2018. Reply comments are due on or before Tuesday, July 3, 2018.

For more information, please contact Deirdra Archie at *deirdra.archie@ferc.gov* or (202) 502–6819.

Dated: May 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12097 Filed 6–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–698]

Notice of Availability of Environmental Assessment; Duke Energy Carolinas, LLC

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application submitted by Duke Energy Carolinas, LLC (licensee) to allow Carolina Sand, Inc. (Carolina Sand), in Burke County, North Carolina, the use of Catawba-Wateree Hydroelectric (FERC No. 2232) project lands and waters to conduct hydraulic sand mining. The project is located on the Catawba and Wateree rivers in Burke, McDowell, Caldwell, Catawba, Alexander, Iredell, Mecklenburg, Lincoln, and Gaston counties, North Carolina, and York, Lancaster, Chester, Fairfield, and Kershaw counties in South Carolina. The project does not occupy federal land.

An Environmental Assessment (EA) has been prepared as part of

Commission staff's review of the proposal. In the application, Carolina Sand proposes to resume activity at a previously used sand dredging location, to remove an average of 33,000 tons or 25,385 cubic yards of sand from Lake Rhodhiss per year. This EA contains Commission staff's analysis of the probable environmental impacts of the proposed amendment and concludes that approval of the proposal would not constitute a major federal action significantly affecting the quality of the human environment.

The EA is available for electronic review and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number (P–2232) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3372 or for TTY, (202) 502–8659.

For further information, contact Alicia Burtner at (202) 502–8038 or by email at *Alicia.Burtner@ferc.gov*.

Dated: May 29, 2018

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12096 Filed 6–5–18; 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: PR18–52–000.
Applicants: DTE Gas Company.
Description: Tariff filing per 284.123(b), (e)/: Operating Statement Update to be effective 6/1/2018.
Filed Date: 5/29/18.
Accession Number: 201805295024.
Comments/Protests Due: 5 p.m. ET 6/19/18.

Docket Number: PR18–53–000.
Applicants: Public Service Company of Colorado.
Description: Tariff filing per 284.123(b), (e)+(g): 20180530 SOR Update for PSIA TCJA Adjustments to be effective 5/1/2018.
Filed Date: 5/30/18.
Accession Number: 201805305072.
Comments Due: 5 p.m. ET 6/20/18.
284.123(g) Protests Due: 5 p.m. ET 7/30/18.

Docket Number: PR18–54–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff filing per 284.123(b), (e)/: Revised Statement of Operating Conditions Gas Line Tracker Charge to be effective 5/1/2018.
Filed Date: 5/30/18.
Accession Number: 201805305073.
Comments/Protests Due: 5 p.m. ET 6/20/18.

Docket Number: PR18–55–000.
Applicants: Dow Pipeline Company.
Description: Tariff filing per 284.123(b), (e)+(g): DPL Housekeeping Filing to be effective 6/1/2018.
Filed Date: 5/31/18.
Accession Number: 201805315008.
Comments Due: 5 p.m. ET 6/21/18.
284.123(g) Protests Due: 5 p.m. ET 7/30/18.

Docket Number: RP17–363–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Report Filing: Refund Report.
Filed Date: 5/30/18.
Accession Number: 20180530–5149.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–843–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing TETLP OFO May 2018 Penalty Disbursement Report.
Filed Date: 5/30/18.
Accession Number: 20180530–5000.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–844–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Compliance filing AGT 2018 OFO Penalty Disbursement Report.
Filed Date: 5/30/18.
Accession Number: 20180530–5011.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–845–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—Boston Gas to BBPC 796568 to be effective 6/1/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5013.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–846–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: NICOR Amendment to Negotiated Rate Agreement to be effective 6/1/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5049.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–847–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly FRP Filing to be effective 7/1/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5074.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–848–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Clean-Up Filing_2018 (a) to be effective 6/30/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5075.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–849–000.
Applicants: KPC Pipeline, LLC.
Description: § 4(d) Rate Filing: Housekeeping and Off-System Capacity Tariff Filing to be effective 7/1/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5076.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–850–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Clean-Up Filing_2018 (b) to be effective 1/1/2013.
Filed Date: 5/30/18.
Accession Number: 20180530–5098.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–852–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Clean-Up Filing_2018 (c) to be effective 9/9/2017.
Filed Date: 5/30/18.
Accession Number: 20180530–5118.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–853–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Service Agreement—Rice Energy Marketing Name Change to be effective 5/1/2018.
Filed Date: 5/30/18.
Accession Number: 20180530–5250.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–854–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: 10–1–2017 Formula-Based Negotiated Rates to be effective 10/1/2017.
Filed Date: 5/30/18.
Accession Number: 20180530–5265.
Comments Due: 5 p.m. ET 6/11/18.

Docket Number: RP18–855–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Reservation Charge Credit Discount Exemption to be effective 7/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5009.
Comments Due: 5 p.m. ET 6/12/18.

Docket Number: RP18–856–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Discounting Clarification to be effective 7/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5013.
Comments Due: 5 p.m. ET 6/12/18.

Docket Number: RP18–857–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Electric Tracker to be effective 7/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5034.
Comments Due: 5 p.m. ET 6/12/18.

Docket Number: RP18–858–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Negotiated Rates Filing on 5–31–18 to be effective 6/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5035.
Comments Due: 5 p.m. ET 6/12/18.

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 31, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12109 Filed 6–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP18–851–000]

Cheniere Energy, Inc.; Notice of Petition for Declaratory Order

Take notice that on May 25, 2018, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2017), Cheniere Energy, Inc. filed a petition for a declaratory order seeking a ruling that certain proposed transactions discussed in the petition would not violate the Commission's buy-sell prohibition or any related capacity release rule, regulation, or policy, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 25, 2018.

Dated: May 31, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12126 Filed 6–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–148–000]

Notice of Institution of Section 206 Proceeding and Refund Effective Date; Moxie Freedom LLC

On May 29, 2018, the Commission issued an order in Docket No. EL18–148–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether Moxie Freedom LLC's rates for Reactive Service may be unjust and unreasonable. *Moxie Freedom LLC,* 163 FERC 61,149 (2018).

The refund effective date in Docket No. EL18–148–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL18–148–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: May 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12098 Filed 6–5–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–490–000]

Enable Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on May 24, 2018, Enable Gas Transmission, LLC (EGT), 1111 Louisiana Street, Houston, Texas 77002–5231, filed in Docket No. CP18–490–000 a prior notice request pursuant to sections 157.205, 157.208, and 157.210 of the Commission's regulations under the Natural Gas Act (NGA), requesting authorization to modify its Allen Compressor Station located in Hughes County, Oklahoma. Specifically, EGT seeks to: (1) Uprate the existing 13,200 horsepower (hp) Solar Mars 90 turbine to a 16,000 hp Solar Mars 100 turbine engine; and (2) replace the existing compressor impeller. EGT states that the proposed Allen Compressor Station Modification would provide about 20,000 dekatherms per day of increased firm transportation service on EGT's Line AD-East. EGT estimates the cost of the project to be $4,322,592, 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Lisa Yoho, Senior Director, Regulatory and FERC Compliance, Enable Gas Transmission, LLC, PO Box 1336, Houston, Texas 77251–1336, by telephone at (346) 701–2539, by fax at (346) 701–2905, or by email at *lisa.yoho@enablemidstream.com*.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: May 31, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–12125 Filed 6–5–18; 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: ER13–1508–005.
Applicants: Entergy Louisiana, LLC, Entergy New Orleans, LLC.
Description: Informational Compliance Filing of Amended Power Purchase Agreement [Pro Forma Sheets] of Entergy Louisiana, LLC, et. al.
Filed Date: 5/30/18.
Accession Number: 20180530–5301.
Comments Due: 5 p.m. ET 6/20/18.

Docket Numbers: ER18–136–003.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Tariff Amendment: 2018–05–31_Filing to update eff date re MISO–PJM JOA congestion overlap revision to be effective 8/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5124.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1458–000.
Applicants: Duke Energy Florida, LLC.
Description: Duke Energy Florida, LLC Motion for Leave to Answer and Answer.
Filed Date: 5/31/18.
Accession Number: 20180531–5253.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1704–000.
Applicants: Stuttgart Solar, LLC.
Description: Baseline eTariff Filing: Rate Schedule Reactive Power Compensation to be effective 7/30/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5215.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1705–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended SGIA, True-Up Lancaster Dry Farm Ranch B LLC SA No. 467 to be effective 7/31/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5244.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1706–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: § 205(d) Rate Filing: DLM Filing May 2018 to be effective 6/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5262.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1707–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Gila River Service Agreement No. 174, Amendment 9 to be effective 5/2/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5286.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1708–000.
Applicants: Copenhagen Wind Farm, LLC.
Description: Baseline eTariff Filing: Copenhagen Wind Farm Initial Market-Based Rate Application Filing to be effective 7/31/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5302.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1709–000.
Applicants: Stoneray Power Partners, LLC.
Description: Baseline eTariff Filing: Stoneray Power Partners Initial Market-Based Rate Application Filing to be effective 7/31/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5314.
Comments Due: 5 p.m. ET 6/21/18.

Docket Numbers: ER18–1710–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–05–31_Tariff revision to update Schedule 27 to be effective 6/1/2018.
Filed Date: 5/31/18.
Accession Number: 20180531–5343.

Comments Due: 5 p.m. ET 6/21/18.

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 31, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–12108 Filed 6–5–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2014–0359; FRL–9979–01–OW]

Proposed Information Collection Request; Comment Request; Information Collection Request for the Underground Injection Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Information Collection Request for the Underground Injection Control Program'' (EPA ICR No. 0370.26, OMB Control No. 2040–0042) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described in the **SUPPLEMENTARY INFORMATION** section. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 6, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2014–0359 online using *www.regulations.gov* (our preferred method), by email to *OW-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: Kyle Carey, Office of Ground Water and Drinking Water/Drinking Water Protection Division, 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2322; fax number: (202) 564–3756; email address: *carey.kyle@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the 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. The 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, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The EPA developed the Underground Injection Control (UIC) Program, under the authority of the Safe Drinking Water Act, to establish a federal-state regulatory system to protect underground sources of drinking water (USDWs) from injection fluids and injection-related activities. Injected fluids include hazardous waste, oil field brines or produced water, mineral processing fluids, various types of industrial fluids, automotive, sanitary and other wastes, and carbon dioxide injected for geologic sequestration. Owners or operators of injection wells must obtain permits, conduct environmental monitoring, maintain records, and report results to the EPA or the state agency (if the state has UIC primary enforcement responsibility (primacy)). States must report to the EPA on permittee compliance and related information. This required information is reported using standardized forms and annual reports. The governing regulations are codified in the *Code of Federal Regulations* (CFR) at 40 CFR parts 144 through 148. Reporting data are used by UIC authorities to ensure the protection of USDWs.

Form Numbers: 7520–1, 7520–2A, 7520–2B, 7520–3, 7520–4, 7520–6, 7520–7, 7520–8, 7520–9, 7520–10, 7520–11, 7520–12, 7520–14, 7520–16, and 7520–17.

Respondents/affected entities: Owners or operators of underground injection wells and state UIC primacy agencies.

Respondent's obligation to respond: mandatory (40 CFR parts 144 through 148).

Estimated number of respondents: 40,187 (total).

Frequency of response: annual, semi-annual, and quarterly.

Total estimated burden: 1,290,586 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $226,276,957 (per year), includes $167,334,210 annualized capital or operation and maintenance costs.

Changes in Estimates: There is a decrease of 423,460 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to changes in the injection well inventory, primarily, a significant reduction in the number of Class II and Class VI permit

applications expected to be prepared and reviewed; a decrease in the number of Class V inventory forms that are anticipated to be submitted; and a decrease in the number of Class I and Class VI well operators that the EPA estimates will be submitting information. Furthermore, the EPA has revised the operator reporting forms, which has resulted in additional burden reductions for operators of all well classes. These decreases are partially offset by an increase in burden due to changes in the number of Class III permit applications.

Dated: May 25, 2018.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2018–12073 Filed 6–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2009–0022; FRL -9978–95–OAR]

Proposed Information Collection Request; Comment Request; Acid Rain Program Under Title IV of the Clean Air Act Amendments (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Acid Rain Program under Title IV of the Clean Air Act Amendments (Renewal)'' (EPA ICR No. 1633.17, OMB Control No. 2060–0258) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 6, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2009–0022, online using *www.regulations.gov* (our preferred method), by email to *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: Karen VanSickle, Clean Air Markets Division, Office of Air and Radiation, (6204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9220; fax number: 202–343–2361; email address: *vansickle.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Acid Rain Program was established under Title IV of the 1990 Clean Air Act Amendments to address acid deposition by reducing emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X). This information collection extension is necessary to continue implementation of the Acid Rain Program. It includes burden and costs associated with developing and modifying permits, complying with NO_X permitting requirements, monitoring emissions, transferring allowances, participating in the annual allowance auctions, and participating in the program as an opt-in source.

Form Numbers: Agent Notice of Delegation #5900–172, Certificate of Representation #7610–1, General Account Form #7610–5, Allowance Transfer Form #7610–6, Retired Unit Exemption #7610–20, Allowance Deduction #7620–4, Acid Rain Permit Application #7610–16, Acid Rain NO_X Compliance Plan #7610–28, Acid Rain NO_X Averaging Plan #7610–29, New Unit Exemption #7610–19, Opt-In Permit Application #7610–26, Opt-In Utilization Report #7620–9.

Respondents/affected entities: Electricity generating plants, industrial sources, and other persons.

Respondents' Obligation To Respond: Voluntary and mandatory (Clean Air Act sections 403, 407, 408, 410, 412, and 416).

Estimated Number of Respondents: 1,234 (total); includes 1,184 sources and 50 non-source entities participating in allowance trading activities.

Frequency of Response: On occasion, quarterly, and annually.

Total Estimated Burden: 1,873,880 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $276,159,952 (per year); includes $139,339,770 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 249,525 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The decrease is principally due to source retirements, which have both reduced the estimated overall number of affected sources and shifted the estimated mix of monitoring methodologies used. The other factors contributing to the decrease in burden are reductions in the estimated numbers of allowance transfer and deduction submissions, expected opt-in sources, and allowance auction bids.

Dated: May 23, 2018.

Reid P. Harvey,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2018–12162 Filed 6–5–18; 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

Corrections

In notice document 2018–11320 appearing on pages 24990–24992 in the issue of May 31, 2018, make the following corrections:

1. On page 24991, in the first column, under the **DATES** heading, beginning in the second line, ''June 25, 2018'' should read ''July 2, 2018''.
2. On the same page, in the third column, in the 42nd line, ''June 25, 2018'' should read ''July 2, 2018''.
3. On the same page, in the same column, in the 48th line, ''June 25, 2018'' should read ''July 2, 2018''.
4. On page 24992, in the first column, beginning in the third line, ''June 25, 2018'' should read ''July 2, 2018''.

[FR Doc. C1–2018–11320 Filed 6–5–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2018–0118; FRL–9978–96–OAR]

Proposed Agency Information Collection Request; Comment Request; Servicing of Motor Vehicle Air Conditioners (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Servicing of Motor Vehicle Air Conditioners (Renewal)'' (EPA ICR No. 1617.09, OMB Control No. 2060–0247) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 6, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2018–0118, online using *www.regulations.gov* (our preferred method), by email to *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: Christina Thompson, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–0983; fax number: (202) 343–2362; email address: *thompson.christina@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 609 of the Clean Air Act Amendments of 1990 (Act) provides general guidelines for the servicing of motor vehicle air conditioners (MVACs). It states that ''no person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner involving the refrigerant for such air conditioner without properly using approved refrigerant recycling equipment and no such person may perform such service unless such person has been properly trained and certified.'' In 1992, EPA developed regulations under section 609 that were published in 57 FR 31240, and codified at 40 CFR Subpart B (Section 82.30 *et seq.*). The information required to be collected under the section 609 regulations is: Approved refrigerant handling equipment; approved independent standards testing organizations; technician training and certification; and certification, reporting and recordkeeping.

Form Numbers: None.

Respondents/affected entities: The following is a list of NAICS codes for organizations potentially affected by the information requirements covered under this ICR. It is meant to include any establishment that may service or maintain motor vehicle air conditioners.

4411 Automobile Dealers
4413 Automotive Parts, Accessories, and Tire Stores
44711 Gasoline Stations with Convenience Stores
8111 Automotive Repair and Maintenance
811198 All Other Automotive Repair and Maintenance

Other affected groups include independent standards testing organizations and organizations with technician certification programs.

Respondent's obligation to respond: Mandatory (40 CFR 82.36, 82.38, 82.40, 82.42).

Estimated number of respondents: 45,902 (per year).

Frequency of response: On occasion, biennially, only once.

Total estimated burden: 4,130 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $218,009 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 34 hours in the total estimated respondent burden compared with the ICR currently approved by

OMB. This decrease is due in part to a decrease in the number of new technician certifications and the time allotted for maintenance of the technician certification records. In this ICR EPA estimates the number of new technician certifications to be 40,000 per year, a decrease from the 50,000 estimated in the previous ICR, based on information provided by the largest technician certification program. The maintenance of these records is estimated to require 0.067 clerical work hours per certification, a decrease from 0.08 hours in the previous ICR, recognizing the move towards electronic recordkeeping which may be more efficient. Another reason for the burden decrease is a decrease in the market for small containers of CFC–12 refrigerant. In this ICR, EPA estimates that the number of purchases for resale only by uncertified purchasers of small cans will be 50% less than in the previous ICR, or approximately 69 purchases, because EPA estimates that there has been at least a 50% reduction in the CFC–12 vehicle fleet since 2015.

Dated: May 23, 2018.

Cynthia A. Newberg,

Director, Stratospheric Protection Division.

[FR Doc. 2018–12163 Filed 6–5–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket Nos. 18–152, 02–278; DA 18–493]

Consumer and Governmental Affairs Bureau Seeks Comment on Interpretation of the Telephone Consumer Protection Act in Light of the D.C. Circuit's ACA International Decision

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission, via the Consumer and Governmental Affairs Bureau (Bureau), invites comment on several issues related to interpretation and implementation of the Telephone Consumer Protection Act (TCPA) following the recent decision of the U.S. Court of Appeals for the District of Columbia in *ACA International* v. *FCC:* What constitutes an ''automatic telephone dialing system,'' how to treat calls to reassigned wireless numbers, and how a called party may revoke prior express consent to receive robocalls under the TCPA. In addition, the Bureau seeks to refresh the record on two pending petitions for reconsideration of the Commission's *Broadnet Declaratory Ruling* and on a pending petition for reconsideration of the *2016 Federal Debt Collection Rules* that implemented amendments to the TCPA.

DATES: Comments are due on June 13, 2018. Reply comments are due on June 28, 2018.

ADDRESSES: Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- *Electronic Filers:* Documents may be filed electronically using the internet by accessing ECFS: *https://www.fcc.gov/ecfs/*.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For further information, contact Kristi Thornton of the Consumer and Governmental Affairs Bureau at (202) 418–2467 or *Kristi.Thornton@fcc.gov*; Christina Clearwater at (202) 418–1893 or *Christina.Clearwater@fcc.gov;* or Karen Schroeder at (202) 418–0654 or *Karen.Schroeder@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice, document DA 18–493, released on May 14, 2018. The full text of document DA 18–493 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. A copy of document DA 18–493 and any subsequently filed documents in this matter may also be found by searching ECFS at: *http://apps.fcc.gov/ecfs/* (insert CG Docket Nos. 18–152 or 02–278 into the Proceeding block).

Interested parties may file comments on or before the dates indicated above in the Dates portion of this notice. All filings must reference CG Docket Nos. 18–152 and 02–278. Pursuant to § 1.1200 of the Commission's rules, 47 CFR 1.1200, this matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) List all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and

Governmental Affairs Bureau at (202) 418–0530 (voice), (844) 432–2275 (videophone), or (202) 418–0432 (TTY). Document DA 18–493 can also be downloaded in Word or Portable Document Format (PDF) at: *https://apps.fcc.gov/edocs_public/attachmatch/DA-18-493A1.docx.*

Synopsis

1. In the Public Notice, the Bureau seeks comment on several issues related to interpretation and implementation of the Telephone Consumer Protection Act (TCPA), following the recent decision of the U.S. Court of Appeals for the District of Columbia in *ACA International* v. *FCC,* 885 F.3d 687 (D.C. Cir. 2018).

First, the Bureau seeks comment on what constitutes an ''automatic telephone dialing system.'' The TCPA defines an automatic telephone dialing system as ''equipment which has the *capacity*—(A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers.'' The Commission had interpreted the term ''capacity'' to include a device ''even if, for example, it requires the addition of software to actually perform the functions described in the definition''—''an expansive interpretation of 'capacity' having the apparent effect of embracing any and all smartphones.'' The court set aside this interpretation, finding the agency's ''capacious understanding of a device's 'capacity' lies considerably beyond the agency's zone of delegated authority.''

2. The Bureau seeks comment on how to interpret ''capacity'' in light of the court's guidance. For example, how much user effort should be required to enable the device to function as an automatic telephone dialing system? Does equipment have the capacity if it requires the simple flipping of a switch? If the addition of software can give it the requisite functionality? If it requires essentially a top-to-bottom reconstruction of the equipment? In answering that question, what kinds (and how broad a swath) of telephone equipment might then be deemed to qualify as an automatic telephone dialing system? Notably, in light of the court's guidance that the Commission's prior interpretation had an ''eye-popping sweep,'' the Bureau seeks comment on how to more narrowly interpret the word ''capacity'' to better comport with the congressional findings and the intended reach of the statute.

3. The Bureau seeks further comment on the functions a device must be able to perform to qualify as an automatic telephone dialing system. Again, the TCPA defines an ''*automatic* telephone dialing system'' as ''equipment which has the capacity—(A) to store or produce telephone numbers to be called, *using a random or sequential number generator;* and (B) to dial *such numbers.*'' Regarding the term ''automatic,'' the Commission explained that the ''basic function[ ]'' of an automatic telephone dialing system is to ''dial numbers without human intervention'' and yet ''declined to 'clarify[ ] that a dialer is not an [automatic telephone dialing system] unless it has the capacity to dial numbers without human intervention.' '' As the court put it, ''[t]hose side-by-side propositions are difficult to square.'' The court further noted the Commission said another basic function was to ''dial thousands of numbers in a short period of time,'' which left parties ''in a significant fog of uncertainty'' on how to apply that notation. How ''automatic'' must dialing be for equipment to qualify as an automatic telephone dialing system? Does the word ''automatic'' ''envision non-manual dialing of telephone numbers''? Must such a system dial numbers without human intervention? Must it dial thousands of numbers in a short period of time? If so, what constitutes a short period of time for these purposes?

4. Regarding the provision concerning a ''random or sequential number generator,'' the court noted that ''the 2015 ruling indicates in certain places that a device must be able to generate and dial random or sequential numbers to meet the TCPA's definition of an autodialer, [and] it also suggests a competing view: that equipment can meet the statutory definition even if it lacks that capacity.'' The court explained ''the Commission cannot, consistent with reasoned decisionmaking, espouse both competing interpretations in the same order.'' And so, like the court, the Bureau seeks comment on ''which is it?'' If equipment cannot itself dial random or sequential numbers, can that equipment be an automatic telephone dialing system?

5. The court also noted that the statute prohibits ''mak[ing] any call . . . using any automatic telephone dialing system''—leading to the question ''does the bar against 'making any call using' an [automatic telephone dialing system] apply only to calls made using the equipment's [automatic telephone dialing system] functionality?'' The Bureau seeks comment on this question. If a caller does not use equipment as an automatic telephone dialing system, does the statutory prohibition apply? The court also noted that adopting such an interpretation could limit the scope of the statutory bar: ''the fact that a smartphone could be configured to function as an autodialer would not matter unless the relevant software in fact were loaded onto the phone and were used to initiate calls or send messages.'' Should the Commission adopt this approach? More broadly, how should the Commission interpret these various statutory provisions in harmony? The Bureau also seeks comment on a petition for declaratory ruling filed by the U.S. Chamber Institute for Legal Reform and several other parties, asking the Commission to clarify the definition of ''automatic telephone dialing system'' in light of the D.C. Circuit's decision.

6. *Second,* the Bureau seeks comment on how to treat calls to reassigned wireless numbers under the TCPA. The statute carves out calls ''made with the prior express consent of the called party'' from its prohibitions. The court vacated as arbitrary and capricious the Commission's interpretation of the term ''called party,'' including a one-call safe harbor for callers to detect reassignments, and noted that the Commission ''consistently adopted a 'reasonable reliance' approach when interpreting the TCPA's approval of calls based on 'prior express consent.' '' The Bureau seeks comment on how to interpret the term ''called party'' for calls to reassigned numbers. Does the ''called party'' refer to ''the person the caller expected to reach''? Or does it refer to the party the caller reasonably expected to reach? Or does it refer to ''the person actually reached, the wireless number's present-day subscriber after reassignment''? Or does it refer to a '''customary user' ('such as a close relative on a subscriber's family calling plan'), rather than . . . the subscriber herself''? What interpretation best implements the statute in light of the decision? Should the Commission maintain its reasonable-reliance approach to prior express consent? Is a reassigned numbers safe harbor necessary, and if so, what is the specific statutory authority for such a safe harbor? May the Commission, consistent with the statute, interpret the term ''called party'' to mean different things in differing contexts? How should the Commission's proceeding to establish a reassigned numbers database impact the interpretation, if at all?

7. *Third,* the Bureau seeks comment on how a called party may revoke prior express consent to receive robocalls. The court found that ''a party may revoke her consent through any reasonable means clearly expressing a desire to receive no further messages from the caller.'' Such a standard, the

court made clear, means ''callers . . . have no need to train every retail employee on the finer points of revocation'' and have ''every incentive to avoid TCPA liability by making available clearly-defined and easy-to-use opt-out methods.'' The Bureau seeks comment on what opt-out methods would be sufficiently clearly defined and easy to use such that ''any effort to sidestep the available methods in favor of idiosyncratic or imaginative revocation requests might well be seen as unreasonable.'' For example, what opt-out method would be clearly defined and sufficiently easy to use for unwanted calls? Pushing a standardized code (such as ''*7'')? Saying ''stop calling'' in response to a live caller? Offering opt-out through a website? For unwanted texts, would a response of ''stop'' or similar keywords be sufficiently easy to use and clearly defined? What other methods would be sufficient? And must callers offer all or some combination of such methods to qualify?

8. *Fourth,* in light of the court's decision on several key TCPA issues, the Bureau seeks renewed comment on two pending petitions for reconsideration of the Commission's *Broadnet Declaratory Ruling.* In the first, National Consumer Law Center asks the Commission to reconsider its interpretation of ''person'' and clarify that federal government contractors, regardless of their status as common-law agents, are ''persons'' under the TCPA. In the second, Professional Services Council asks the Commission to reconsider its reliance on common-law agency principles and clarify that contractors acting on behalf of the federal government are not ''persons'' under the TCPA.

9. The Bureau seeks comment on issues raised in those petitions and whether contractors acting on behalf of federal, state, and local governments are ''persons'' under the TCPA. While the question of whether contractors acting on behalf of state and local governments are ''persons'' for purposes of the TCPA is not raised in the pending petitions for reconsideration of the *Broadnet Declaratory Ruling,* the Commission has not addressed these questions. Should it do so now? Are all three levels of government subject to the same legal framework in determining whether they are ''persons''? How is a state or local government official, or a contractor making calls on their behalf, legally similar to or different from federal government callers?

10. *Fifth,* the Bureau seeks renewed comment on the pending petition for reconsideration of the *2016 Federal Debt Collection Rules,* published at 81 FR 80594, November 16, 2016, filed by Great Lakes Higher Education Corp. *et al.* Great Lakes asks the Commission to reconsider several aspects of the rules, including the applicability of the TCPA's limits on calls to reassigned wireless numbers. In light of the court's opinion on reassigned numbers, the Bureau seeks renewed comment on this and other issues raised by the petition.

11. The Bureau also seeks comment on the interplay between the *Broadnet* decision and the Budget Act amendments—if a federal contractor is not a ''person'' for purposes of the TCPA (as the Commission held in *Broadnet*), would the rules adopted in the *2016 Federal Debt Collection Rules* even apply to a federal contractor collecting a federal debt?

Do persons who are not federal contractors collect federal debts? Or does the Budget Act amendment underlying the *2016 Federal Debt Collection Rules* undermine the rationale of *Broadnet*?

Federal Communications Commission.

Gregory Haledjian,

Legal Advisor, Consumer and Governmental Affairs Bureau.

[FR Doc. 2018–12084 Filed 6–5–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10092	Community First Bank	Prineville	OR	6/1/2018
10189	Rainier Pacific Bank	Tacoma	WA	6/1/2018
10252	High Desert State Bank	Albuquerque	NM	6/1/2018
10388	The First National Bank of Olathe	Olathe	KS	6/1/2018

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

Dated at Washington, DC, on May 31, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–12092 Filed 6–5–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Survey of Consumer Finances (FR 3059; OMB No.7100–0287).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: 2019 Survey of Consumer Finances (SCF).

Agency form number: FR 3059.

OMB control number: 7100–0287.

Frequency: One-time survey.

Respondents: U.S. families.

Estimated number of respondents: Pretest, 150; and Main survey, 7,000.

Estimated average hours per response: Pretest, 90 minutes; and Main survey, 90 minutes.

Estimated annual burden hours: Pretest, 225 hours; and Main survey, 10,500 hours.

General description of report: This would be the thirteenth triennial SCF since 1983, the beginning of the current series. This survey is the only source of representative information on the structure of U.S. families' finances. The survey would collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. families. Because the ownership of some assets is relatively concentrated in a small number of families, the survey would make a special effort to ensure proper representation of such assets by systematically oversampling wealthier families.

Legal authorization and confidentiality: Section 2A of the Federal Reserve Act (FRA) requires that the Board and the Federal Open Market Committee (FOMC) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the FRA, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks. Those transactions must be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). The Board and the FOMC use the information obtained from the FR 3059 to help fulfill these obligations. The FR 3059 is a voluntary survey. The information collected on the FR 3059 is exempt from disclosure in identifiable form under exemption 6 of the Freedom of Information Act, which protects information that the disclosure of which would constitute an unwarranted invasion of personal privacy of individuals involved (5 U.S.C. 552(b)(6)).

Current actions: On March 15, 2018, the Board published a notice in the **Federal Register** (83 FR 11520) requesting public comment for 60 days on the extension, without revision, of the Survey of Consumer Finances. The comment period for this notice expired on May 14, 2018. The Board did not receive any comments. The information collection will be extended as proposed.

Board of Governors of the Federal Reserve System, June 1, 2018.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2018–12121 Filed 6–5–18; 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 22, 2018.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Roger L. Dirlam, Honesdale, Pennsylvania, as custodian for Marlee Brooks Dirlam, Honesdale, Pennsylvania, and Drew Benson Dirlam, Honesdale, Pennsylvania, as trustee for the Trust for Marlee Brooks Dirlam and the Trust for Drew Benson Dirlam and Dirlam Brothers Lumber Co. Inc., Honesdale, Pennsylvania, and individually;* to retain voting shares of Honat Bancorp, Inc., Honesdale, Pennsylvania, and thereby indirectly acquire shares of The Honesdale National Bank, Honesdale, Pennsylvania.

Board of Governors of the Federal Reserve System, June 1, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–12132 Filed 6–5–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number NIOSH 278]

Solicitation of Nominations for Appointment to the Board of Scientific Counselors (BSC), National Institute for Occupational Safety and Health (NIOSH)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the BSC, NIOSH. The BSC consists of 15 experts in fields associated with occupational safety and health. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee's objectives. Nominees will be selected based on expertise in the fields of occupational medicine, occupational nursing, industrial hygiene, occupational safety and health engineering, toxicology, chemistry,

safety and health education, ergonomics, epidemiology, biostatistics, and psychology. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of the board's objectives *http://www.cdc.gov/niosh/BSC/default.html*.

DATES: Nominations for membership on the BSC must be received no later than August 1, 2018. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to NIOSH Docket 278, c/o Pauline Benjamin, Committee Management Specialist, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE, MS: E–20, Atlanta, Georgia 30329, or emailed (recommended) to *nioshdocket@cdc.gov*.

FOR FURTHER INFORMATION CONTACT: Alberto Garcia, M.S., DFO, CDC/NIOSH, 1090 Tusculum Ave. MS R–5, Cincinnati, OH 45226, telephone (513) 841–4596; *agarcia1@cdc.gov*.

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for NIOSH BSC membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in January 2019, or as soon as the HHS selection process is completed. Note that the need for expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. SGE Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–12150 Filed 6–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), Subcommittee on Dose Reconstruction Review (SDRR), National Institute for Occupational Safety and Health (NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Subcommittee for Dose Reconstruction Reviews (SDRR) of the Advisory Board on Radiation and Worker Health (ABRWH). This meeting is open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number at 1–866–659–0537; the pass code is 9933701. The conference line has 150 ports for callers.

DATES: The meeting will be held on July 24, 2018, 10:30 a.m. to 4:30 p.m. EDT.

ADDRESSES: Audio Conference Call via FTS Conferencing. The USA toll-free dial-in number is 1–866–659–0537; the pass code is 9933701.

FOR FURTHER INFORMATION CONTACT: Theodore Katz, MPA, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta, Georgia 30329, Telephone (513)533–6800, Toll Free 1(800)CDC–INFO, Email *ocas@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, rechartered on February 12, 2018, pursuant to Executive Order 13708, and will terminate on September 30, 2019.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered

the health of members of this class. SDRR was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters To Be Considered: The agenda will include discussions on the following dose reconstruction program quality management and assurance activities: Dose reconstruction cases under review from Sets 19—24, including Iowa Ordinance Plant, Nevada Test Site, Los Alamos National Laboratory, Feeds Material Production Center (Fernald), Pantex Plant, Rocky Flats Plant, W.R. Grace, Hanford, Savannah River Site, Fernald, GE Evendale, Texas City Chemicals, Canoga Avenue Facility, De Soto Avenue Facility, Pacific Northwest National Laboratory, Amchitka Island Nuclear Explosion Site, Oak Ridge facilities, Paducah Gaseous Diffusion Plant, and potentially other Department of Energy and Atomic Weapons Employers facilities.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–12149 Filed 6–5–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–0920; Docket No. CDC–2018–0053]

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 the 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 *Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers* which includes web surveys to test campaign messaging.

DATES: CDC must receive written comments on or before August 6, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0053 by any of the following methods:

- *Federal eRulemaking Portal: 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.*

Please note: Submit all comments through the Federal eRulemaking portal (*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.*

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

Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In response to the continued HIV epidemic in our country, CDC launched Act Against AIDS (AAA), a multifaceted communication campaign to reduce HIV incidence in the United States in 2009. CDC has released the campaign in phases, with some of the phases running concurrently. Each phase of the campaign uses mass media and direct-to-consumer channels to deliver messages. Some campaigns provide basic education and increase awareness of HIV/AIDS among the general public whereas others emphasize HIV prevention and testing among specific subgroups or communities at greatest risk of infection. CDC will also develop new messages to address changes in prevention science and subpopulations affected by HIV. The proposed study will assess the effectiveness of these social marketing messages aimed at increasing HIV/AIDS awareness, increasing prevention behaviors, and improving HIV testing rates among consumers.

This extension of an ongoing study will allow for continued evaluation of the effectiveness of AAA social marketing campaign through surveys with consumers. A total of 10,750 respondents were approved for the previously renewed generic ICR (0920–0920) and since the approval date, 4,305 respondents were surveyed under the GenIC, ''Development of Messages for

the Act Against AIDS National Testing''. The information collected from these data collections was used to evaluate a specific AAA campaign phase. We are requesting the same amount of time to continue surveying AAA target audiences as new phases are developed.

Through this extension, we plan to reach the remaining approved 6,445 respondents. To obtain the remaining respondents, we anticipate screening approximately 32,220 individuals. Depending on the target audience for the campaign phase, the study screener will vary. The study screener may address one or more of the following items: Race/ethnicity, sexual behavior, sexual orientation, gender identity, HIV testing history, HIV status, and injection drug use. Each survey will have a core set of items asked in all rounds, as well as a module of questions relating to specific AAA phases and activities.

Respondents will be recruited through national opt-in email lists, the internet, and external partnerships with community-based and membership organizations that work with or represent individuals from targeted populations (*e.g.,* National Urban League, the National Medical Association). Respondents will self-administer the survey at home on personal computers. There is no cost to the 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)
Individuals (male and female) aged 18 years and older.	Study Screener	10,740	1	2/60	358
	Survey	2,148	1	30/60	1,074
Total					1,432

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. 2018–12082 Filed 6–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Criteria for Evidence of Effectiveness To Be Applied to Projects Identified for Inclusion in the What Works Clearinghouse of Proven and Promising Projects To Move Welfare Recipients Into Work

AGENCY: Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS).

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families, HHS, solicits comments by August 5, 2018 on the criteria for evidence of effectiveness for the What Works Clearinghouse of Proven and Promising Projects to Move Welfare Recipients into Work. Final criteria for evidence of effectiveness will be used to develop the clearinghouse.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: HHS invites comments regarding this notice on the proposed criteria for HHS's systematic review of the evidence. To ensure that your comments are clearly stated, please identify the specific criterion or other section of this notice that your comments address.

1.0 Background

1.1 Legislative Context

The Consolidated Appropriations Act of 2017 (Pub. L. 115–31 (*https://www.congress.gov/115/plaws/publ31/PLAW-115publ31.pdf*)) directs the U.S. Department of Health and Human Services (HHS) to create a database of projects that have used a proven or promising approach to move welfare recipients into work, based on independent, rigorous evaluations of the projects, and to create a What Works Clearinghouse of Proven and Promising Projects to Move Welfare Recipients into Work. As stated in the statute, the database shall additionally ''include a separate listing of projects that used a developmental approach in delivering services and a further separate listing of the projects with no or negative effects.'' The statute requires HHS to establish criteria for evidence of effectiveness.

1.2 The Legislation's Direction for Establishing the Criteria for Evidence of Effectiveness

Section 413(g)(2) of Public Law 115–31 charges the Secretary of Health and Human Services with establishing the criteria of effectiveness. The statute further stipulated that the (B) process for establishing the criteria—

(i) is transparent;

(ii) is consistent across agencies;

(iii) provides opportunity for public comment; and

(iv) takes into account efforts of Federal agencies to identify and publicize effective interventions, including efforts at the Department of Health and Human Services, the Department of Education, and the Department of Justice.

1.3 The Employment Strategies for Low-Income Adults Evidence Review

Prior to the enactment of Public Law 115–31, the Office of Planning, Research, and Evaluation (OPRE) at the Administration for Children and Families (ACF) at HHS had developed the Employment Strategies for Low-Income Adults Evidence Review (ESER). The new statute aligns with and extends the work of ESER. HHS proposes building on this existing work to develop the new Clearinghouse.

The Employment Strategies for Low-Income Adults Evidence Review (ESER) is a systematic review of the evaluation research published between 1990 and 2014 on employment and training programs for low-income adults. It culminated in a searchable, public database (*https://employmentstrategies.acf.hhs.gov/*). The review was supplemented with briefs synthesizing the results of the review and highlighting strategies that appeared to be promising, as identified by the review. To identify the programs and strategies—or interventions— that appear to be most effective in helping low-income adults gain and retain employment, ESER systematically identified, assessed, and synthesized evidence from the existing evaluation research literature. A core component of ESER's review, as with other federal evidence reviews, involved assessing the quality of the research evidence on different interventions.

To assess the quality of the evidence, ESER reviewed each study's methods to

determine if they were rigorous enough to ensure that the study's findings could be considered reliable. ESER assessed whether the study's methods reliably supported the conclusion that an intervention's impacts were caused by the intervention and not by something else. The standards for assessing studies' methods were defined based on consultation with federal experts on evidence reviews and researchers with expertise in evaluation methodology. To differentiate among different levels of the strength of evidence, ESER assigned a High, Moderate, or Low rating to each study reviewed. 246 of the 314 studies included in the review earned a High rating and 1 study earned a Moderate rating. The remaining 67 studies received a Low rating.

Through this review, ESER was able to identify interventions whose findings could be considered most reliable. Studies' ratings reflect the rigor of their study methods, independent of whether the findings were positive or negative. As a result, a study could be rated High or Moderate even if the intervention studied did not improve the outcomes for low-income adults. While the vast majority of studies included in ESER achieved a High rating (and, therefore, are considered to provide reliable, or strong, evidence), the review also found that, overall, null impacts were more prevalent than statistically significant impacts.

While ESER did not assess the effectiveness of the interventions reviewed, ESER conducted a number of preliminary steps necessary for assessing effectiveness. This included categorizing each study's findings according to whether it found positive, negative or null impacts for the interventions studied. In addition, through a number of synthesis briefs (published on the website), ESER qualitatively and quantitatively summarized the direction of impacts for different interventions and highlighted interventions associated with the greatest number of positive impacts.

To be included in ESER, studies had to—

- Quantitatively measure the effectiveness of a program or strategy
- Be published between 1990 and 2014
- Study an employment program or strategy— an intervention— that
  - had a primary aim of improving employment-related outcomes
  - primarily targeted low-income adults
  - took place in the United States, Canada, or the United Kingdom

To identify studies eligible for review, ESER issued a call for papers, conducted literature searches, and consulted with experts in workforce development programs that serve low-income adults.

ESER looked at the effects of the interventions on four domains, or outcome areas:

- Employment
- Earnings
- Public benefit receipt
- Education/training

Outcomes were examined for short and longer-term impacts (longer-term was measured as being more than 18 months after the intervention was implemented).

The ESER website (*https://employmentstrategies.acf.hhs.gov/*) reports key results for all eligible studies. The website also allows users to search for results by program studied, target population, outcome(s) of interest, service strategies, intervention setting, year of study publication, and whether favorable impacts were found.

While ESER's overall population of interest was low-income adults, a majority of the studies in ESER examined welfare populations. Because studies of interventions in a welfare setting typically include both recipients and applicants, ESER does not include any studies that solely focused on welfare recipients. ESER does, however, include interventions targeted to low-income populations understood to share important characteristics with welfare recipients, such as other public benefit recipients, and those considered hard to employ, including those who have been homeless or formerly incarcerated.

2.0 Process for Establishing the Criteria of Effectiveness for the New What Works Clearinghouse

In fall 2017 and early winter 2018, OPRE engaged in a series of systematic consultations with federal and non-federal technical experts on evidence reviews. In addition to representation from the Department of Labor (DOL) and the Department of Education (ED) in these consultations, federal representation included the Department of Justice (DOJ) and a number of HHS agencies/offices including the Office of Family Assistance (OFA), the Office of Planning, Research, and Evaluation (OPRE), the Office of the Assistant Secretary for Planning and Evaluation (ASPE) and the Agency for Healthcare Research and Quality (AHRQ).

The objective of these consultations was to help HHS:

(1) Develop criteria for categorizing interventions in the new Clearinghouse as proven, promising, developmental, or ineffective,

(2) develop these criteria through a process that

a. involved consultation with the Department of Labor (DOL), the Department of Education (ED), and other entities with experience evaluating relevant effectiveness research,

b. allowed HHS to better understand other Federal evidence reviews' standards and processes and determine where it would make sense for the new Clearinghouse to be consistent with these standards and processes, and

(3) learn best practices from other Federal evidence reviews for identifying and publicizing effective interventions

2.1 Transparent

To ensure that the Clearinghouse's procedures and standards, including the criteria for evidence of effectiveness, are transparent, HHS intends to implement the following practices:

- Post the procedures and standards and information about the process on the Clearinghouse website.
- Provide the public a means of contacting the Clearinghouse, for example, by establishing a help desk to respond to email inquiries.

2.2 Consistent Across Agencies

To ensure that the Clearinghouse is as consistent as possible with other federal evidence reviews in its processes and standards, HHS intends to implement the following practices:

- Adopt the standards and methods for reviewing studies from OPRE's existing Employment Strategies Evidence Review (ESER) (*https://www.acf.hhs.gov/opre/resource/employment-strategies-for-low-income-adults-evidence-review-standards-and-methods),* which are broadly consistent with other federal Clearinghouses. ESER's standards and methods (*e.g.,* author queries; number and training of reviewers; choices about reporting effect sizes) were developed by considering both the choices made by other federal and non-federal Clearinghouses and the standards of research in the employment and training intervention field. Other existing federal Clearinghouses have followed this same approach (considering both the choices made by other clearinghouses and the norms of research within their fields of focus).
- In any instances where the new Clearinghouse's ratings of a project's strength of evidence or effectiveness differ from another federal evidence review that rates projects according to the same outcomes (such as the Department of Labor's (DOL's) Clearinghouse for Labor Evaluation and

Research (CLEAR)), annotate the findings to explain the reason for the difference.

2.3 Provides Opportunity for Public Comment

To provide an opportunity for public comment on the criteria for effectiveness, ACF is publishing this **Federal Register** Notice.

2.4 Takes Into Account Efforts of Federal Agencies To Identify and Publicize Effective Interventions

To ensure the Clearinghouse reflects the learning of other Federal agencies about how to identify and publicize effective interventions, HHS intends to implement the following practices:

- Use some of the methods adopted by other clearinghouses to create multiple products tailored to different audiences and use graphic design and other user-friendly dissemination elements to help users digest evidence quickly.
- Include information on the Clearinghouse website that is especially useful to practitioners, such as summary information about projects and approaches.
- Develop and incorporate alternative media for the Clearinghouse such as videos that will tailor communication to various groups.
- Ensure that information is effectively conveyed on the Clearinghouse website by soliciting feedback from various stakeholders who can represent key target audiences. Key among these would be state or county Temporary Assistance for Needy Families (TANF) and Workforce Development practitioners, as well as evaluation researchers.

3.0 Proposed Criteria for Evidence of Effectiveness

3.1 Criteria for Well-Designed, Rigorous Impact Research

HHS intends to employ the criteria established by OPRE's Employment Strategies for Low-Income Adults Evidence Review (ESER) to assess the quality of study design and to assess the strength of the evidence resulting from studies. These criteria (referred to as ''standards and methods'') are available in ESER's Standards and Methods report *https://www.acf.hhs.gov/opre/resource/employment-strategies-for-low-income-adults-evidence-review-standards-and-methods.*

3.2 Proposed Criteria for Evidence of Effectiveness for Projects Included in the Clearinghouse

3.2.1 Definition of Project and Approach

The legislation requires that ratings, or categorizations, of evidence of effectiveness be applied to projects and approaches. To standardize definitions for these terms, HHS intends to define a project and an approach as follows:

- Define project to be a specific bundle of services and/or policies implemented in a given context.
- Project will be the unit that receives an effectiveness rating (*i.e.* proven, promising, developmental, or ineffective).
- Define approach to be the guiding framework of specific services (*e.g.,* career pathways).
- Approaches will not be rated as proven, promising, developmental, or ineffective, but the Clearinghouse will include narrative summaries related to different approaches.
- While the legislation does not require HHS to define or evaluate the effectiveness of program components, there is interest in the field in examining program components. Thus, HHS intends that the Clearinghouse include meta-analyses of specific components of projects (such as ''case management'' or ''job search assistance'') whenever appropriate and feasible.

3.2.2 Parameters Guiding the Application of Evidence of Effectiveness Ratings

Before a project can be categorized as being proven, promising, developmental, or ineffective, a number of preliminary definitions, or parameters, must be established to guide decision making. These include the outcomes for which a project's effectiveness will be evaluated, how a favorable or unfavorable effect will be measured, and how an effectiveness rating will be applied to a project.

3.2.2.1 Outcomes

HHS intends that the new Clearinghouse will review the following outcomes:

- ○ Employment (short and longer-term),
- ○ earnings (short and longer-term),
- ○ educational attainment, and
- ○ public benefit receipt.

3.2.2.2 Definition of Favorable and Unfavorable Effects

HHS intends that the Clearinghouse consider only statistically significant findings ($p < .05$) as evidence of favorable or unfavorable effects.

3.2.2.3 Pre-Defining Criteria for Selecting Among Multiple Outcome Measures

HHS intends to reduce the likelihood for reporting a false positive rate for outcomes—an issue that can occur when studies use multiple measures or multiple outcomes to assess impacts in the same domain (*e.g.,* short-term earnings)—by relying on the decision rules ESER developed to address the potential for multiple comparisons. *https://www.acf.hhs.gov/opre/resource/employment-strategies-for-low-income-adults-evidence-review-standards-and-methods*).

3.2.2.4 Application of Evidence of Effectiveness Ratings

HHS intends that evidence of effectiveness ratings will be applied within outcome domains; each project will receive ratings of effectiveness on *each* outcome domain (*e.g.,* a project may be found promising for short-term employment but ineffective for long-term employment). There will be *no* overall rating for the project.

3.2.3 Definition of Proven

The legislation directs HHS to categorize projects as Proven, Promising, Developmental, or Ineffective.

HHS intends that for a project to be considered proven, the following conditions must be met:

- There must be at least two separate studies of the same project that meet evidence standards and meet criteria for a promising rating.
  - ○ Studies are considered to be separate studies of the same project if they use non-overlapping samples to examine distinct implementations of the project.
- There must be only favorable or null impacts within a given outcome domain. Thus, no studies that meet evidence standards for a given outcome domain can show an unfavorable impact within that domain.
- Projects that have both favorable and unfavorable impacts in a given domain will be categorized as mixed.
- A project has a limited number, or proportion, of null findings in a given domain.

HHS is soliciting comments on how to best determine the ceiling for the number, or proportion, of null to positive findings in a given domain.

If subsequent studies or replications result in only null findings in a given domain, the review will establish procedures for revisiting a project's rating of proven.

3.2.4 Definition of Promising

HHS intends that for a project to be considered promising, the following conditions must be met:

- One study of a project must meet evidence standards.
- That study must find only favorable or null impacts within a given outcome domain. Thus no studies that meet evidence standards for an outcome domain can show an unfavorable impact within the domain.
- ○ If the review examines more than one measure to identify impacts on a particular domain (*e.g.,* Unemployment Insurance data and participant survey data), as long as one measure (among those selected according to 3.2.2.3 above) finds favorable impacts for that outcome, the intervention can receive a Promising rating for that outcome.
- Projects that have both favorable and unfavorable impacts in a given domain will be categorized as mixed.

3.2.5 Definition of Ineffective

HHS intends that for a project to be considered ineffective, the following conditions must be met:

- One or more studies of a project must meet evidence standards.
- There must be only findings of unfavorable or null effects in a given domain.
- For studies finding null effect in a given domain, the review will include a measure of statistical precision—so that small, under-powered studies do not drive the effectiveness rating. If an intervention has been evaluated using only small studies, a lack of detectable effects could reflect either ineffectiveness of the intervention or the lack of statistical power to detect effects. It would be misleading to characterize this latter scenario as an ineffective project.

3.2.6 Definition of Developmental

HHS intends that for a project to be considered developmental, the following conditions must be met:

- There must be at least one current, ongoing evaluation of the project that uses a study design that meets evidence standards but has not yet produced impact findings.

3.2.7 Additional Category of Mixed and Definition of Mixed

HHS intends that there be an additional category for categorizing evidence of effectiveness called mixed. HHS proposes that for a project to be considered mixed, the following conditions must be met:

- One or more studies of a project must meet evidence standards.
- The studies find both favorable and unfavorable impact estimates within the same domain.

3.2.8 HHS intends that narrative descriptions of rated projects, narrative descriptions of approaches, and information on case studies be provided to users of the Clearinghouse to facilitate a fuller understanding of the field of welfare-to-work interventions.

4.0 Submission of Comments

Comments may be submitted until August 5, 2018 by email to *OPREinfocollection@acf.hhs.gov*.

Naomi Goldstein,

Deputy Assistant Secretary for Planning, Research, and Evaluation.

[FR Doc. 2018–12160 Filed 6–5–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Single Source Award Based on Non-Statutory Earmark to the Delta Region Community Health Systems Development Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The purpose of the Delta Region Community Health Systems Development Program is to support collaboration with and input from the Delta Regional Authority to develop a pilot program to help underserved rural communities in the Delta region identify and better address their health care needs and to help small rural hospitals improve their financial and operational performance. HRSA received an additional $2,000,000 in FY 2018 to support the Delta Region Community Health Systems Development Program, increasing the total FY 2018 resources from $2,000,000 to $4,000,000. The single award recipient, the Rural Health Resource Center has a need for additional funds to support activities performed within the scope of this program. The center will use a multipronged approach to deliver phased-in technical assistance (TA) to all eight Delta Region communities.

ADDRESSES: Further information on the Delta Region Community Health Systems Development Program is available at: *https://www.hrsa.gov/ruralhealth/programopportunities/fundingopportunities/?id=8d869eff-0bca-4703-a821-88a9f0433b73*.

FOR FURTHER INFORMATION CONTACT: Rachel Moscato, Program Coordinator, Delta Region Community Health Systems Development, Federal Office of Rural Health Policy, HRSA, *RMoscato@hrsa.gov*.

Background

The Delta Region Community Health Systems Development program is authorized by Section 711(b) of the Social Security Act, (42 U.S.C. 912 (b)), as amended.

HRSA established the Delta Region Community Health Systems Development Program in FY 2017, under announcement HRSA–17–117, providing up to $2,000,000 per year to one awardee, the Rural Health Resource Center for a three-year project period: September 30, 2017 through September 29, 2020. The FY 2018 House Report 115–244 and Senate Report 115–150 Division H of the Consolidated Appropriations Act of 2018 (Pub. L. 115–141) provided direction that an additional $2,000,000 included in the appropriation to be used to support the Delta Program. HRSA plans to increase the maximum funding per year for the Delta Region Community Health Systems Development Program to $4,000,000 for one award recipient in FY 2018, as well as in subsequent budget periods within the three-year project period, should funds become available.

Conclusion

HRSA will provide $2,000,000 in additional resources to the current award recipient, the Rural Health Resource Center in FY 2018 to support additional activities within the scope of the Delta Region Community Health Systems Development Program. The recipient will utilize its existing infrastructure and a multipronged approach to deliver intensive assistance to all eight Delta Region communities, including onsite assessments in financial, operational performance, and quality improvement in the areas of population health, social services, emergency medical services, and telehealth. Please direct any questions or concerns to *RMoscato@hrsa.gov.*

Dated: May 31, 2018.

George Sigounas,

Administrator.

[FR Doc. 2018–12141 Filed 6–5–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting Allergy, Immunology, and Transplantation Research Committee.

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: Allergy, Immunology, and Transplantation Research Committee.

Date: June 28–29, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities/ Room 3G31B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC 9834, Bethesda, MD 20892–9834, (240) 669–5060, *james.snyder@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 31, 2018

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–12088 Filed 6–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; 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 Eye Institute Special Emphasis Panel; NEI Mentored Career Development (K08 and K23) Grant Applications.

Date: June 18–19, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@ mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: May 31, 2018

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–12087 Filed 6–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 8, 2018, 8:00 a.m. to June 8, 2018, 5:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on May 15, 2018, 83 FR 22503.

The meeting will be held on June 7, 2018, 7:00 a.m. to June 8, 2018, 5:00 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: May 31, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–12085 Filed 6–5–18; 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: Oncology 2—Translational Clinical Integrated Review Group; Basic Mechanisms of Cancer Therapeutics Study Section.

Date: June 11–12, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Lambratu Rahman Sesay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–451–3493, *rahman-sesayl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiovascular Differentiation and Development Study Section.

Date: June 21, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20817–7814, 301–435–0904, *sara.ahlgren@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 27, 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 (Virtual Meeting).

Contact Person: Yvonne Owens Ferguson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive Room 3139, Bethesda, MD 20892, 301–827–3689, *fergusonyo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurobiology of Brain Degenerative Disorders, Autoimmune Diseases, and Viral Infection.

Date: June 29–July 2, 2018.

Time: 1:30 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 (Virtual Meeting).

Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892–7846, 301–827–7238, *zhaow@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurobiology of Brain Degenerative Disorders, Autoimmune Diseases, and Viral Infection 2.

Date: July 2, 2018.

Time: 1:00 p.m. to 2:00 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: 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.*

(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 31, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–12086 Filed 6–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4366–DR; Docket ID FEMA–2018–0001]

Hawaii; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA–4366–DR), dated May 11, 2018, and related determinations.

DATES: The declaration was issued May 11, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 11, 2018, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from the Kilauea volcanic eruption and earthquakes beginning on May 3, 2018, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated area and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Hawaii have been designated as adversely affected by this major disaster:

Hawaii County for Public Assistance, including direct Federal assistance.

All areas within the State of Hawaii are eligible for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–12100 Filed 6–5–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400

C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation (Acting), Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–1801).	City of Buckeye, (17–09–1137P).	The Honorable Jackie A. Meck, Mayor, City of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Engineering Department, 530 East Monroe Avenue, Buckeye, AZ 85326.	Apr. 20, 2018	040039
Maricopa (FEMA Docket No.: B–1801).	City of Peoria, (17–09–2535P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Mar. 30, 2018	040050
Maricopa (FEMA Docket No.: B–1768).	Unincorporated Areas of Maricopa County, (17–09–1905P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Mar. 2, 2018	040037
Maricopa (FEMA Docket No.: B–1801).	Unincorporated Areas of Maricopa County, (17–09–2169P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Apr. 20, 2018	040037
Mohave (FEMA Docket No.: B–1801).	City of Kingman, (16–09–2824P).	The Honorable Monica Gates, Mayor, City of Kingman, 310 North 4th Street, Kingman, AZ 86401.	City Hall, 310 North 4th Street, Kingman, AZ 86401.	Apr. 2, 2018	040060
Pima (FEMA Docket No.: B–1772).	City of Tucson, (17–09–0333P).	The Honorable Jonathan Rothschild, Mayor, City of Tucson, 255 West Alameda Street, 10th Floor, Tucson, AZ 85701.	Planning and Development Services, 201 North Stone Avenue, 1st Floor, Tucson, AZ 85701.	Mar. 26, 2018	040076
Pima (FEMA Docket No.: B–1772).	Unincorporated Areas of Pima County, (17–09–0333P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Mar. 26, 2018	040073
Yavapai (FEMA Docket No.: B–1801).	City of Prescott, (17–09–2254P).	The Honorable Greg Mengarelli, Mayor, City of Prescott, 201 South Cortez Street, Prescott, AZ 86303.	Public Works Department, 201 South Cortez Street, Prescott, AZ 86303.	Apr. 20, 2018	040098
Yavapai (FEMA Docket No.: B–1801).	City of Prescott, (17–09–2793P).	The Honorable Greg Mengarelli, Mayor, City of Prescott, 201 South Cortez Street, Prescott, AZ 86303.	Public Works Department, 201 South Cortez Street, Prescott, AZ 86303.	Apr. 2, 2018	040098
California:					
Fresno (FEMA Docket No.: B–1768).	City of Clovis (16–09–2874P).	The Honorable Bob Whalen, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	Planning and Development, 1033 5th Street, Clovis, CA 93612.	Mar. 12, 2018	060044
Riverside (FEMA Docket No.: B–1772).	City of Banning (16–09–1555P).	The Honorable George Moyer, Mayor, City of Banning, 99 East Ramsey Street, Banning, CA 92220.	Public Works Department, 99 East Ramsey Street, Banning, CA 92220.	Mar. 22, 2018	060246
Riverside (FEMA Docket No.: B–1772).	City of Menifee (17–09–1814P).	The Honorable Neil R. Winter, Mayor, City of Menifee, 29714 Haun Road, Menifee, CA 92586.	Public Works and Engineering Departments, 29714 Haun Road, Menifee, CA 92586.	Mar. 19, 2018	060176
Riverside (FEMA Docket No.: B–1772).	City of Perris (17–09–1814P).	The Honorable Michael M. Vargas, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	Engineering Department, 170 Wilkerson Avenue, Perris, CA 92570.	Mar. 19, 2018	060258
Riverside (FEMA Docket No.: B–1772).	Unincorporated Areas of Riverside County (17–09–1800P).	The Honorable John F. Tavaglione, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	Mar. 15, 2018	060245

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Riverside (FEMA Docket No.: B–1772).	Unincorporated Areas of Riverside County (17–09–1814P).	The Honorable John F. Tavaglione, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	Mar. 19, 2018	060245
San Diego (FEMA Docket No.: B–1772).	City of Carlsbad (17–09–0723P).	The Honorable Matt Hall, Mayor, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.	City Hall, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.	Mar. 19, 2018	060285
San Diego (FEMA Docket No.: B–1768).	City of Carlsbad (17–09–2475P).	The Honorable Matt Hall, Mayor, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.	City Hall, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.	Mar. 12, 2018	060285
San Diego (FEMA Docket No.: B–1772).	City of Oceanside (17–09–0723P).	The Honorable Jim Wood, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	Mar. 19, 2018	060294
San Diego (FEMA Docket No.: B–1772).	City of San Diego (17–09–1759P).	The Honorable Kevin L. Faulconer, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Development Services Department, 1222 1st Avenue, 3rd Floor, MS 301, San Diego, CA 92101.	Mar. 26, 2018	060295
Florida:					
Bay (FEMA Docket No.: B–1801).	City of Panama City Beach (17–04–6419P).	Mr. Mario Gisbert, City Manager, City of Panama City Beach, 110 South Arnold Road, Panama City Beach, FL 32413.	City Hall, 110 South Arnold Road, Panama City Beach, FL 32413.	Mar. 29, 2018	120013
Duval (FEMA Docket No.: B–1772).	City of Jacksonville (17–04–5002P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	Mar. 1, 2018	120077
St. Johns (FEMA Docket No.: B–1772).	Unincorporated Areas of St. Johns County (17–04–5830P).	The Honorable James K. Johns, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	Mar. 14, 2018	125147
St. Johns (FEMA Docket No.: B–1772).	Unincorporated Areas of St. Johns County (17–04–5919P).	The Honorable James K. Johns, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	Mar. 15, 2018	125147
St. Johns (FEMA Docket No.: B–1768).	Unincorporated Areas of St. Johns County (17–04–6598P).	The Honorable James K. Johns, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	Mar. 2, 2018	125147
St. Johns (FEMA Docket No.: B–1772).	Unincorporated Areas of St. Johns County (17–04–6842P).	The Honorable James K. Johns, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	Mar. 15, 2018	125147
Hawaii: Maui (FEMA Docket No.: B–1768).	Maui County (16–09–2407P).	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, Kalana O Maui Building 9th Floor, Wailuku, HI 96793.	County of Maui Planning Department, 200 Main Street, Suite 315, Wailuku, HI 96793.	Mar. 5, 2018	150003
Idaho:					
Ada (FEMA Docket No.: B–1801).	City of Boise, (17–10–0818P).	The Honorable David Bieter, Mayor, City of Boise, City Hall, 150 North Capitol Boulevard, Boise, ID 83702.	Planning and Development Services, City Hall, 150 North Capitol Boulevard, Boise, ID 83702.	Apr. 6, 2018	160002
Bonneville (FEMA Docket No.: B–1801).	City of Swan Valley (17–10–1626P).	The Honorable Janice Duncan, Mayor, City of Swan Valley, P.O. Box 105, Swan Valley, ID 83449.	City Building, 15 Highway 31, Swan Valley, ID 83449.	Mar. 13, 2018	160154
Bonneville (FEMA Docket No.: B–1801).	Unincorporated Areas of Bonneville County (17–10–1626P).	Mr. Roger Christensen, Chairman, Bonneville County Commissioner, 605 North Capital Avenue, Idaho Falls, ID 83402.	Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, ID 83402.	Mar. 13, 2018	160027
Illinois: Will (FEMA Docket No.: B–1772).	City of Crest Hill (17-05-5208P).	The Honorable Ray Soliman, Mayor, City of Crest Hill, 1610 Plainfield Road, Crest Hill, IL 60403.	City Hall, 1610 Plainfield Road, Crest Hill, IL 60403.	Mar. 16, 2018	170699
Kansas:					
Johnson (FEMA Docket No.: B–1801).	City of Olathe (17–07–1722P).	The Honorable Michael Copeland, Mayor, City of Olathe, P.O. Box 768, Olathe, KS 66051.	City Hall, Olathe Planning Office, 100 West Santa Fe Drive, Olathe, KS 66061.	Apr. 12, 2018	200173
Seward (FEMA Docket No.: B–1801).	City of Liberal (17–07–1561P).	The Honorable Joe Denoyer, Mayor, City of Liberal, City Hall, 324 North Kansas Avenue, Liberal, KS 67905.	City Hall, 324 North Kansas Avenue, Liberal, KS 67905.	Apr. 13, 2018	200330
Minnesota:					
Dakota (FEMA Docket No.: B–1801).	City of Burnsville (17–05–5338P).	The Honorable Elizabeth Kautz, Mayor, City of Burnsville, 100 Civic Center Parkway, Burnsville, MN 55337.	City Hall, 100 Civic Center Parkway, Burnsville, MN 55337.	Apr. 9, 2018	270102
Scott (FEMA Docket No.: B–1801).	City of Savage (17–05–5338P).	The Honorable Janet Williams, Mayor, City of Savage, City Hall, 6000 McColl Drive, Savage, MN 55378.	City Hall, 6000 McColl Drive, Savage, MN 55378.	Apr. 9, 2018	270433
Missouri:					
McDonald (FEMA Docket No.: B–1772).	Unincorporated Areas of McDonald County (17–07–2074P).	Mr. Keith Lindquist, McDonald County Commissioner, 602 Main Street, Pineville, MO 64856.	McDonald County Courthouse, 602 Main Street, Pineville, MO 64854.	Mar. 16, 2018	290817
New Madrid (FEMA Docket No.: B–1801).	Unincorporated Areas of New Madrid County (17–07–1570P).	Mr. Mark Baker, New Madrid County Commissioner, P.O. Box 68, New Madrid, MO 63869.	New Madrid County, Courthouse Square, 450 Main Street, New Madrid, MO 63869.	Apr. 20, 2018	290849
Nevada:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Clark (FEMA Docket No.: B–1801).	City of Henderson (17–09–0674P).	The Honorable Debra March, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	Mar. 27, 2018	320005
Clark (FEMA Docket No.: B–1772).	City of Henderson (17–09–2174P).	The Honorable Debra March, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	City Hall, 240 South Water Street, Henderson, NV 89015.	Mar. 15, 2018	320005
Clark (FEMA Docket No.: B–1801).	Unincorporated Areas of Clark County (17–09–0674P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Mar. 27, 2018	320003
Clark (FEMA Docket No.: B–1801).	Unincorporated Areas of Clark County (17–09–2785P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Apr. 9, 2018	320003
New York:					
Onondaga (FEMA Docket No.: B–1765).	Town of Marcellus (17–02–1132P).	Ms. Karen Pollard, Town Supervisor, Town of Marcellus, 24 East Main Street, Marcellus, NY 13108.	Town Hall, 24 East Main Street, Marcellus, NY 13108.	Mar. 20, 2018	360585
Onondaga (FEMA Docket No.: B–1765).	Village of Marcellus (17–02–1132P).	The Honorable John P. Curtin, Mayor, Village of Marcellus, 6 Slocombe Avenue, Marcellus, NY 13108.	Village Hall, 6 Slocombe Avenue, Marcellus, NY 13108.	Mar. 20, 2018	360586
Queens (FEMA Docket No.: B–1768).	City of New York (17–02–1503P).	The Honorable Bill de Blasio, Mayor, City of New York, City Hall, New York, NY 10007.	New York City Department of Planning, Waterfront Division, 22 Reade Street, New York, NY 10007.	Apr. 18, 2018	360497
Oregon:					
Benton (FEMA Docket No.: B–1801).	City of Philomath, (17–10–1546P).	The Honorable Rocky Sloan, Mayor, City of Philomath, 980 Applegate Street, Philomath, OR 97370.	City Hall, 980 Applegate Street, Philomath, OR 97370.	Mar. 29, 2018	410011
Benton (FEMA Docket No.: B–1801).	Unincorporated Areas of Benton County (17–10–1546P).	Ms. Annabelle Jaramillo, Chair, Benton County Board of Commissioners, 205 Northwest 5th Street, Corvallis, OR 97339.	Benton County Sherriff's Office, 180 Northwest 5th Street, Corvallis, OR 97333.	Mar. 29, 2018	410008
Marion (FEMA Docket No.: B–1805).	City of Salem (17–10–1368P).	The Honorable M. Chuck Bennett, Mayor, City of Salem, 555 Liberty Street Southeast, Room 220, Salem, OR 97301.	Public Works Department, 555 Liberty Street Southeast, Room 325, Salem, OR 97301.	Mar. 29, 2018	410167
Texas: Dallas (FEMA Docket No.: B–1772).	City of Mesquite (17–06–3127P).	The Honorable John Monaco, Mayor, City of Mesquite, 757 North Galloway Avenue, Mesquite, TX 75149.	City Engineering Services, 1515 North Galloway Avenue, Mesquite, TX 75185.	Mar. 27, 2018	485490
Washington: King (FEMA Docket No.: B–1801).	City of North Bend (17–10–1428P).	The Honorable Kenneth G. Hearing, Mayor, City of North Bend, 211 Main Avenue North, North Bend, WA 98045.	Planning Department, 126 East 4th Street, North Bend, WA 98045.	Apr. 13, 2018	530085
Wisconsin: Brown (FEMA Docket No.: B–1801).	Unincorporated Areas of Brown County (17–05–5248P).	Mr. Patrick Moynihan, Jr., Chair, Brown County, 305 East Walnut Street, Green Bay, WI 54301.	Brown County Zoning Office, 305 East Walnut Street, Green Bay, WI 54301.	Apr. 4, 2018	550020

[FR Doc. 2018–12102 Filed 6–5–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2018–N072; FXES11140400000–189–FF04E00000]

Endangered Species; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given in **ADDRESSES** by July 6, 2018.

ADDRESSES:

Reviewing Documents: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Submit a request for a copy of such documents to Karen Marlowe, 404–679–7097 (telephone) or 404–679–7081 (fax); *karen_marlowe@fws.gov.*

Submitting Comments: If you wish to comment, you may submit comments by any one of the following methods:

- *U.S. mail or hand-delivery:* U.S. Fish and Wildlife Service Regional Office, Ecological Services, 1875 Century Boulevard, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).
- *Email: permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the U.S. Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Karen Marlowe, Permit Coordinator, 404–679–7097 (telephone) or 404–679–7081 (fax).

SUPPLEMENTARY INFORMATION: We invite review and comment from local, State, and Federal agencies and the public on applications we have received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activities. The ESA's definition of ''take'' includes hunting, shooting, harming, wounding, or killing and also such activities as pursuing, harassing, trapping, capturing, or collecting.

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 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.

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.

Permit application No.	Applicant	Species/numbers	Location	Activity	Type of take	Permit action
TE 065972–2	U.S. Forest Service, Russellville, AR.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus* (=*Plecotus*) *townsendii ingens*), and American burying beetle (*Nicrophorus americanus*).	Ozark-St. Francis National Forest lands, Arkansas.	Presence/absence surveys.	Bats: Enter hibernacula and maternity roost caves, capture with mist nets, handle, identify, and release. American burying beetle: live-trap and release.	Renewal and Amendment.
TE 171493–2	Memphis Zoo, Memphis, TN.	Dusky gopher frog (*Rana sevosa*).	In captivity at Memphis Zoo, Memphis, TN; Toronto Zoo, Ontario, Canada; and, Omaha's Henry Doorly Zoo, Omaha, NE. In the wild in Harrison County, Mississippi.	Genetic diversity study of captive frogs and post-release survival and movement of captive-bred frogs.	Collect toe clips from captive-bred frogs; attach radio-transmitters to monitor post-release survival and movements of captive-bred metamorphs.	Renewal and Amendment.
TE 237535–3	Bok Tower Gardens, Lake Wales, FL.	*Dicerandra christmanii* (Garrett's mint), *Warea carteri* (Carter's mustard), and *Lupinus aridorum* (Scrub lupine).	Lake Wales National Wildlife Refuge, Florida.	*Ex situ* seed banking, artificial propagation, seed germination and storage research, and population augmentation.	Remove and reduce to possession (collect) seeds and leaves.	Renewal.
TE 53149B–2	Hans Otto, Tucson, AZ	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), Northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Virginia big-eared bat (*C. t. virginianus*), Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), and New Mexico meadow jumping mouse (*Zapus hudsonius luteus*).	Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys and scientific research.	Lesser long-nosed bat: mist-net, harp trap, hand-net, band, radio-tag, light tag, collect hair samples, collect oral swabs, and wing punch. Other bats: enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio tag, light tag, collect fecal material, apply fungal lift tape, swab, and wing punch. New Mexico jumping mouse: live-trap, handle, and release.	Renewal.

Permit application No.	Applicant	Species/numbers	Location	Activity	Type of take	Permit action
TE 41910B–2	Scott Rush, Mississippi State University, Starkville, MS.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), Northern long-eared bat (*M. septentrionalis*), and Gopher tortoise (*Gopherus polyphemus*).	Alabama, Louisiana, Mississippi, and Tennessee.	Presence/absence surveys and scientific research.	Bats: Capture with mist nets or harp traps, handle, identify, and collect hair samples. Gopher tortoise: scope burrows, capture, handle, mark, attach transmitters, and attach GPS loggers.	Renewal and Amendment.
TE 75551C–0	Phillip Arant, Lexington, KY.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), and Northern long-eared bat (*M. septentrionalis*).	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys.	Capture with mist-nets or harp traps, handle, identify, band, and radio-tag.	New.
TE 54578B–2	Mary Frazer, Raleigh, NC.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), Northern long-eared bat (*M. septentrionalis*), and Virginia big-eared bat (*Corynorhinus townsendii virginianus*).	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York. North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys, studies to document habitat use, population monitoring, and to evaluate potential impacts of white-nose syndrome or other threats.	Enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio tag, light-tag, and wing-punch.	Renewal.
TE 63633A–5	Biodiversity Research Institute, Portland, ME.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), and Northern long-eared bat (*M. septentrionalis*).	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys, studies to document habitat use, population monitoring, and to evaluate potential impacts of white-nose syndrome or other threats.	Enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio tag, and wing-punch.	Renewal.

Permit application No.	Applicant	Species/numbers	Location	Activity	Type of take	Permit action
TE 75560C–0	Jeffrey Hawkins, Richmond, KY.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), Northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*), Virginia big-eared bat (*C. t. virginianus*), blackside dace (*Phoxinus cumberlandensis*), and 36 species of freshwater mussels.	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys, studies to document habitat use, population monitoring, and to evaluate potential impacts of white-nose syndrome or other threats.	Bats: Enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio tag, light-tag, swab, and wing-punch. Fish and Mussels: Capture, identify, and release.	New.
TE 76455C–0	North Carolina State University, Raleigh, NC.	Bartram's hairstreak butterfly (*Strymon acis bartrami*), Florida leafwing butterfly (*Anaea troglodyta floridalis*), Miami blue butterfly (*Cyclargus* (=*Hemiargus*) *thomasi bethunebakeri*), and Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*).	Florida	Scientific research on survival rates of various life stages.	Locate eggs, monitor and measure caterpillars, enclose host plants, release emerging butterflies, and salvage of parasitized eggs and larvae.	New.
TE 77197C–0	U.S. Army Corps of Engineers, Little Rock, AR.	American burying beetle (*Nicrophorus americanus*).	Logan County, Arkansas.	Presence/absence surveys and population monitoring.	Live-trap and release ..	New.
TE 77472C–0	Stream Techs, LLC, Athens, GA.	Amber darter (*Percina antesella*), Etowah darter (*Etheostoma etowahae*), Gulf moccasinshell (*Medionidus penicillatus*), Oval pigtoe (*Pleurobema pyriforme*), and Shinyrayed pocketbook (*Lampsilis subangulata*).	Georgia	Presence/absence surveys.	Capture, handle, identify, and release.	New.
TE 88797B–1	Amber Nolder, Luthersburg, PA.	Gray bat (*Myotis grisescens*).	Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Virginia, and West Virginia.	Presence/absence surveys and studies to document habitat use.	Capture with mist nets and harp traps, handle, identify, band, mark with non-toxic paint, and radio-tag.	Amendment.
TE 824723–10 ...	Reed Bowman, Archbold Biological Station, Venus, FL.	Florida grasshopper sparrow (*Ammodramus savannarum floridanus*).	Florida	Predator control, nest monitoring, disease screening, emergency actions associated with severe weather, and captive propagation.	Fire ant control around nest sites, installation of predator exclusion fences on nests, installation of nest cameras, collection of blood samples, raising nests to reduce mortality associated with flooding, cross-fostering of eggs and nestlings, and collection of eggs, nestlings, juveniles, and adults.	Amendment.

Permit application No.	Applicant	Species/numbers	Location	Activity	Type of take	Permit action
TE 78383C–0	Joel Casto, Crawfordville, FL.	Red-cockaded woodpecker (*Picoides borealis*).	Apalachicola National Forest Florida.	Population monitoring, population management, and translocation.	Capture, band, translocate, monitor nest cavities, install and monitor artificial nest cavities, and install restrictors.	New.
TE 32397A–3	James Godwin, Auburn University, Auburn, AL.	Black Warrior waterdog (*Necturus alabamensis*).	Alabama	Presence/absence surveys, genetic analyses, population analysis.	Capture, handle, identify, and collect tissue sample (tail tip).	Amendment.
TE 37886B–1	Civil & Environmental Consultants, Inc., Franklin, TN.	Nashville crayfish (*Orconectes shoupi*).	Tennessee	Presence/absence surveys.	Capture, handle, identify, and release.	Renewal.
TE 096554–4	James Robinson, Lexington, KY.	Blackside dace (*Phoxinus cumberlandensis*), Cumberland darter (*Etheostoma susanae*), and Kentucky arrow darter (*Etheostoma spilotum*).	Kentucky and Tennessee.	Presence/absence surveys.	Capture, handle, identify, and release.	Renewal and Amendment.
TE 100012–3	Michael Reynolds, Share the Beach, Gulf Shores, AL.	Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempi*), and Loggerhead sea turtle (*Caretta caretta*).	Baldwin and Mobile Counties, Alabama.	Monitor and protect nests.	Locate, monitor, excavate, and relocate nests; temporarily retain nestlings; and, release nestlings.	Renewal.
TE 102418–3	Florida Army National Guard, Starke, FL.	Red-cockaded woodpecker (*Picoides borealis*), Eastern indigo snake (*Drymarchon corais couperi*).	Camp Blanding Joint Training Center, Starke, FL.	Presence/absence surveys and population management.	Red-cockaded woodpecker: Monitor nest cavities, capture, band, release, and install artificial nest cavities. Eastern indigo snake: Scope burrows, capture, handle, and release.	Renewal and Amendment.
TE 002507–6	Florida Forest Service, Brooksville, FL.	Red-cockaded woodpecker (*Picoides borealis*).	Florida	Population management and monitoring.	Capture, band, translocate, monitor nest cavities, construct and monitor artificial nest cavities and restrictors.	Renewal.
TE 81202C–0	Michael Maltba, Whitesburg, KY.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), and Northern long-eared bat (*M. septentrionalis*).	Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.	Presence/absence surveys and studies to document habitat use.	Enter hibernacula and maternity roost caves, salvage dead bats, capture with mist nets and harp traps, handle, band, radio-tag, collect hair samples, wing-punch, and light-tag.	New.
TE 142294–5	William Holimon, Little Rock, AR.	Red-cockaded woodpecker (*Picoides borealis*).	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.	Population management and monitoring.	Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, and translocate.	Renewal.
TE 027344–3	Chattahoochee-Oconee National Forest, Monticello, GA.	Red-cockaded woodpecker (*Picoides borealis*).	Chattahoochee-Oconee National Forest, Georgia.	Population management and monitoring.	Monitor nest cavities, and construct and monitor artificial nest cavities and restrictors.	Renewal.

Permit application No.	Applicant	Species/numbers	Location	Activity	Type of take	Permit action
TE 84861C–0	Power South Energy Cooperative, Andalusia, AL.	Choctaw bean (*Villosa choctawensis*), fuzzy pigtoe (*Pleurobema strodeanum*), narrow pigtoe (*Fusconaia escambia*), southern kidneyshell (*Ptychobranchus jonesi*), and southern sandshell (*Hamiota australis*).	Alabama	Presence/absence surveys.	Remove from the substrate, handle, identify, return to substrate, and salvage relic shells.	New.
TE 61981B–3	The Peregrine Fund, Boise, ID.	Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*).	Puerto Rico	Captive propagation and reintroduction.	Collect eggs and nestlings for captive propagation.	Amendment.

Authority: We provide this notice under the authority of section 10(c) of the ESA.

Aaron Valenta,

Acting Assistant Regional Director, Ecological Services, Southeast Region.

[FR Doc. 2018–12134 Filed 6–5–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N047; FXES11130800000–189–FF08EVEN00]

Two Low-Effect Habitat Conservation Plans and Categorical Exclusions for Pacific Gas and Electric Company Gas Pipeline Vegetation Management, Santa Cruz and Monterey Counties, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received two applications from Pacific Gas and Electric Company for two 20-year incidental take permits under the Endangered Species Act of 1973, as amended (ESA). The applications address the potential for ''take'' of the federally endangered Mount Hermon June beetle and Santa Cruz long-toed salamander, as well as the federally threatened California red-legged frog, that is likely to occur incidental to the removal of vegetation along two natural gas pipelines that traverse Santa Cruz and Monterey Counties, California. We invite comments from the public on the application packages, which include two low-effect habitat conservation plans.

DATES: To ensure consideration, please send your written comments by July 6, 2018.

ADDRESSES:

Obtaining Documents: You may download copies of the habitat conservation plans, draft environmental action statements, low-effect screening forms, and related documents on the internet at *http://www.fws.gov/ventura/,* or you may request copies by U.S. mail to our Ventura office (below) or by phone (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Comments: Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You alternatively may send comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Chad Mitcham, Fish and Wildlife Biologist, by U.S. mail to the Ventura office, or by telephone at (805) 677–3328.

SUPPLEMENTARY INFORMATION: We have received two applications from Pacific Gas and Electric Company (PG&E) for two 20-year incidental take permits (ITPs) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applications address the potential for ''take'' of the federally endangered Mount Hermon June beetle (*Polyphylla barbata*) and Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), and the federally threatened California red-legged frog (*Rana draytonii*) likely to occur incidental to the initial removal and ongoing periodic management of vegetation that occurs over and along two separate natural gas pipelines. The first proposed habitat conservation plan (HCP), referred to in this document as the Sandhills HCP, concerns the natural gas pipeline located along Graham Hill Road, Santa Cruz County, California, and occurs within habitat for the Mount Hermon June beetle. The second HCP, referred to as the North Coast HCP, concerns a natural gas pipeline that traverses portions of Santa Cruz and Monterey Counties and occurs within habitat of the Santa Cruz long-toed salamander and California red-legged frog. We invite comments from the public on the application packages, which include two proposed low-effect HCPs. The proposed actions have been determined to be eligible for categorical exclusions under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), as amended.

Background

Section 9 of the ESA and its implementing regulations prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental Take'' is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity (50 CFR 17.3). Regulations governing incidental take permits for threatened and endangered species are provided at 50 CFR 17.32 and 17.22, respectively. Issuance of an incidental take permit must not jeopardize the existence of federally listed fish, wildlife, or plant species.

Applicant's Proposal

PG&E (hereafter, the applicant) has submitted two low-effect HCPs in support of their applications for incidental take permits (ITPs) to address take of the Mount Hermon June beetle, Santa Cruz long-toed salamander, and the California red-legged frog. The Sandhills HCP addresses take of the Mount Hermon June beetle that is likely to occur as the result of direct impacts on up to 2.9 acres (ac) of habitat that is occupied by the species. The North

Coast HCP addresses take that is likely to occur as the result of direct impacts on up to 4.472 ac of Santa Cruz long-toed salamander habitat and up to 6.997 ac of California red-legged frog habitat, occupied by the species. Take for both HCPs would be associated with the initial removal of vegetation and twenty years of periodic vegetation management along two natural gas pipelines. The Sandhills HCP is located in Santa Cruz County, while the North Coast HCP is located in both Santa Cruz and Monterey Counties. The applicant is requesting permits for take of the Mount Hermon June beetle (Sandhills HCP), and the Santa Cruz long-toed salamander, and California red-legged frog (North Coast HCP) that would result from ''covered activities'' that are related to the removal of vegetation.

The applicant proposes to avoid, minimize, and mitigate impacts to the Mount Hermon June beetle associated with the covered activities by fully implementing the Sandhills HCP. The following measures will be implemented: (1) Vegetation management will take place outside of the flight season (May 1 through August 31) of the Mount Hermon June beetle; (2) a biological monitor will be present during all work activities to identify appropriate access and work areas to minimize impacts to sandhills habitat; (3) if any life stage of the Mount Hermon June beetle is encountered during work activities, work will cease and a Service-approved biologist will be notified and the individual(s) will be relocated to suitable habitat not affected by work activities; (4) all cut stumps will be left intact to reduce ground disturbance; (5) all workers will participate in awareness training to inform them about the Mount Hermon June beetle and associated conservation measures to be followed; and (6) permanently protect habitat for the Mount Hermon June beetle through the purchase of 2.9 ac of conservation credits at the Zayante Sandhills Conservation Bank. The applicant will fund up to $795,735 to ensure implementation of all minimization measures, monitoring, and reporting requirements identified in the HCP.

The applicant proposes to avoid, minimize, and mitigate impacts to the Santa Cruz long-toed salamander and California red-legged frog associated with the covered activities by fully implementing the North Coast HCP. The following measures will be implemented: (1) All workers will participate in awareness training to inform them about the Santa Cruz long-toed salamander and California red-legged frog and associated conservation measures to be followed; (2) vegetation management activities will take place between April 15 and September 15, to minimize impacts to the species; (3) impacts to small mammal burrows will be avoided to the maximum extent practicable; (4) a qualified biologist will monitor all vegetation removal activities to ensure compliance with required avoidance and minimization measures; (5) if a Santa Cruz long-toed salamander or California red-legged frog is encountered in an area to be impacted, work in that area will cease until the animal moves from the area or a Service-approved biologist captures and relocates the individual outside of the work area; (6) permanently protect habitat for the Santa Cruz long-toed salamander through the dedication of a 7.2-ac conservation easement at the Tucker Property in Santa Cruz County; and (7) provide $342,432 to fund the creation, management and monitoring of 1.75 ac of California red-legged frog aquatic breeding habitat at Yellowbank Creek, near the town of Davenport in Santa Cruz County. The applicant will fund up to $1,424,432 to ensure implementation of all minimization measures, monitoring, and reporting requirements identified in the HCP.

In each of the two proposed HCPs, the applicant considers two alternatives to the proposed action: ''No Action'' and ''Original Project.'' Under the ''No Action'' alternative, an ITP for the proposed project would not be issued. The proposed conservation strategies would not be provided to effect recovery actions for the impacted species. The ''No Action'' alternative would not achieve vegetation management guidelines for PG&E infrastructure and would not result in benefits for the covered species; therefore, for each of the proposed HCPs, the applicant has rejected the ''No Action'' alternative. Under each of the two ''Original Project'' alternatives, the applicant would remove considerably more habitat along the subject natural gas pipeline, resulting in greater impacts to the covered species. Through coordination with the Service, PG&E revised the projects in a way that could still achieve desired vegetation management goals, while reducing impacts to the covered species. Therefore, the applicant has also rejected both of the ''Original Project'' alternatives.

Our Preliminary Determination

The Service has made preliminary determinations that issuance of both incidental take permits is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of NEPA, nor that it will, individually or cumulatively, have more than a negligible effect on the Mount Hermon June beetle, Santa Cruz long-toed salamander, and California red-legged frog. Therefore, in accordance with these preliminary determinations, both permits qualify for a categorical exclusion under NEPA.

Public Availability of Comments

Written comments we receive become part of the public 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.

Authority

We provide this notice under the ESA, section 10(c) (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: May 25, 2018.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2018–12133 Filed 6–5–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[RR04073000/XXXR4081X3/ RX.05940913.7000000]

Glen Canyon Dam Adaptive Management Work Group; Request for Nominations

AGENCY: Office of the Secretary, Interior.

ACTION: Notice and request for nominations.

SUMMARY: The U.S. Department of the Interior proposes to appoint members to the Glen Canyon Dam Adaptive Management Work Group (AMWG). The Secretary of the Interior, acting as administrative lead, is requesting

nominations for qualified persons to serve as members of the AMWG.

DATES: Nominations must be postmarked by July 6, 2018.

ADDRESSES: Nominations should be sent to Brent Rhees, Regional Director, U.S. Bureau of Reclamation, 125 S State Street, Room 8100, Salt Lake City, UT 84138, or via email to *brhees@usbr.gov*.

FOR FURTHER INFORMATION CONTACT: Katrina Grantz, Chief, Adaptive Management Work Group, Environmental Resources Division, at (801) 524–3635, fax: 801–524–5499, or by email at *kgrantz@usbr.gov*.

SUPPLEMENTARY INFORMATION:

Advisory Committee Scope and Objectives

The Grand Canyon Protection Act (Act) of October 30, 1992, Public Law 102–575; Federal Advisory Committee Act, as amended, 5 U.S.C. Appendix 2 authorized creation of the AMWG to provide recommendations to the Assistant Secretary for Water and Science at the Department of the Interior in carrying out the responsibilities of the Act to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreational Area were established, including but not limited to, natural and cultural resources and visitor use.

The duties or roles and functions of the AMWG are in an advisory capacity only. They are to: (1) Establish AMWG operating procedures, (2) advise the Secretary in meeting environmental and cultural commitments including those contained in the Record of Decision for the Glen Canyon Dam Long-Term Experimental and Management Plan Final Environmental Impact Statement and subsequent related decisions, (3) recommend resource management objectives for development and implementation of a long-term monitoring plan, and any necessary research and studies required to determine the effect of the operation of Glen Canyon Dam on the values for which Grand Canyon National Park and Glen Canyon Dam National Recreation Area were established, including but not limited to, natural and cultural resources, and visitor use, (4) review and provide input on the report identified in the Act to the Secretary, the Congress, and the Governors of the Colorado River Basin States, (5) annually review long-term monitoring data to provide advice on the status of resources and whether the Adaptive Management Program (AMP) goals and objectives are being met, and (6) review and provide input on all AMP activities undertaken to comply with applicable laws, including permitting requirements.

Membership Criteria

Prospective members of AMWG need to have a strong capacity for advising individuals in leadership positions, team work, project management, tracking relevant Federal government programs and policy making procedures, and networking with and representing their stakeholder group. Membership from a wide range of disciplines and professional sectors is encouraged.

Members of the AMWG are appointed by the Secretary and are comprised of—

a. Secretary's Designee, who will serve as Chairperson for the AMWG.

b. One representative each from the following entities: The Secretary of Energy (Western Area Power Administration), Arizona Game and Fish Department, Hopi Tribe, Hualapai Tribe, Navajo Nation, San Juan Southern Paiute Tribe, Southern Paiute Consortium, Pueblo of Zuni.

c. One representative each from the Governors from the seven basin States: Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

d. Representatives each from the general public as follows: Two from environmental organizations, two from the recreation industry, and two from contractors who purchase Federal power from Glen Canyon Powerplant.

e. One representative from each of the following DOI agencies as ex-officio non-voting members: Bureau of Reclamation, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and National Park Service.

At this time, we are particularly interested in applications from representatives of the following:

(a) One each from the basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming;

(b) one each from Native American Tribes (Hualapai Tribe, Hopi Tribe, Navajo Nation, Pueblo of Zuni and Southern Paiute Consortium);

(c) two from environmental interests;

(d) two from recreational interests;

(e) two Federal power purchase contractors; and,

(f) one from Arizona Game and Fish Department.

After consultation, the Secretary of the Interior will appoint members to the AMWG. Members will be selected based on their individual qualifications, as well as the overall need to achieve a balanced representation of viewpoints, subject matter expertise, regional knowledge, and representation of communities of interest. AMWG member terms are limited to three (3) years from their date of appointment. Following completion of their first term, an AMWG member may request consideration for reappointment to an additional term. Reappointment is not guaranteed.

Typically, AMWG will hold two in-person meetings and one webinar meeting per fiscal year. Between meetings, AMWG members are expected to participate in committee work via conference calls and email exchanges. Members of the AMWG and its subcommittees serve without pay. However, while away from their homes or regular places of business in the performance of services of the AMWG, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the government service, as authorized by section 5703 of title 5, United States Code.

Individuals who are federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

Nominations should include a resume that provides an adequate description of the nominee's qualifications, particularly information that will enable the Department of the Interior to evaluate the nominee's potential to meet the membership requirements of the Committee and permit the Department of the Interior to contact a potential member. Please refer to the membership criteria stated in this notice.

Any interested person or entity may nominate one or more qualified individuals for membership on the AMWG. Nominations from the seven basin states, as identified in (a) above, need to be submitted by the respective Governors of those states. Persons or entities submitting nomination packages on the behalf of others must confirm that the individual(s) is/are aware of their nomination. Nominations must be postmarked no later than July 6, 2018 and sent to Brent Rhees, Regional Director, U.S. Bureau of Reclamation, 125 S. State Street, Room 8100, Salt Lake City, UT 84138.

Public Disclosure of Comments

Before including your address, phone number, email address, or other

personal identifying information in your nominations and/or comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your nomination/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 25, 2018.

Ryan K. Zinke,

Secretary of the Interior.

[FR Doc. 2018–12131 Filed 6–5–18; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1387–1391 (Final)]

Polyethylene Terephthalate (PET) Resin From Brazil, Indonesia, Korea, Pakistan, and Taiwan; Scheduling of the Final Phase of Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731–TA–1387–1391 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of polyethylene terephthalate (PET) resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan, currently provided for in subheadings 3907.61.00 and 3907.69.00 of the Harmonized Tariff Schedule of the United States,[1] preliminarily determined by the Department of Commerce (''Commerce'') to be sold at less-than-fair-value.

DATES: May 4, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Messer ((202) 205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Scope.— For purposes of these investigations, Commerce has defined the subject merchandise as ''. . . polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process. The scope excludes PET-glycol resin, also referred to as PETG. PET-glycol resins are manufactured by replacing a portion of the raw material input monoethylene glycol (MEG) with one of five glycol modifiers: Cyclohexanedimethanol (CHDM), diethylene glycol (DEG), neopentyl glycol (NPG), isosorbide, or spiro glycol. Specifically, excluded PET-glycol resins must contain a minimum of 10 percent, by weight, of CHDM, DEG, NPG, isosorbide or spiro glycol, or some combination of these glycol modifiers. Unlike subject PET resin, PET-glycol resins are amorphous resins that are not solid-stated and cannot be crystallized or recycled.''

Background.—The final phase of these investigations is being scheduled, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of affirmative preliminary determinations by Commerce that imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan are being sold in the United States at less-than-fair-value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on September 26, 2017, by DAK Americas LLC, Charlotte, NC; Indorama Ventures USA, Inc., Decatur, AL; M&G Polymers USA, LLC, Houston, TX; and Nan Ya Plastics Corporation, America Lake City, SC.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on August 30, 2018, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Thursday, September 13, 2018, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 7, 2018. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing.

[1] Prior to January 1, 2017, PET resin was provided for in subheading 3907.60.00 of the Harmonized Tariff Schedule of the United States.

All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on September 10, 2018, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is September 6, 2018. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 20, 2018. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before September 20, 2018. On October 11, 2018, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 15, 2018, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 31, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–12094 Filed 6–5–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–606 and 731–TA–1416 (Preliminary)]

Quartz Surface Products From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of quartz surface products from China that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of China.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On April 17, 2018, Cambria Company LLC, Eden Prairie, Minnesota filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of quartz surface products from China. Accordingly, effective April 17, 2018, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation No. 701–TA–606 and antidumping duty investigation No. 731–TA–1416 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 23, 2018 (83 FR 17675). The conference was held in Washington, DC, on May 8, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on June 1, 2018. The views of the Commission are contained in USITC Publication 4794 (June 2018), entitled *Quartz Surface Products from China: Investigation Nos. 701–TA–606 and 731–TA–1416 (Preliminary).*

By order of the Commission.

Issued: June 1, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–12168 Filed 6–5–18; 8:45 am]

BILLING CODE 7020–02–P

---

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 83 FR 22612 (May 16, 2018) and 83 FR 22618 (May 16, 2018).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1369–1372 (Final)]

Fine Denier Polyester Staple Fiber From China, India, Korea, and Taiwan; Supplemental Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202–205–2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective November 6, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on fine denier polyester staple fiber (''fine denier PSF'') from China, India, Korea, and Taiwan,[1] following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of fine denier PSF were subsidized by the governments of China and India. To date, Commerce has issued final affirmative countervailing duty determinations with respect to fine denier PSF from China and India[2] and most recently final affirmative antidumping duty determinations with respect to China, India, Korea, and Taiwan.[3] The Commission, therefore, is issuing a supplemental schedule for its antidumping duty investigations on imports of fine denier PSF from China, India, Korea, and Taiwan.

The Commission's supplemental schedule is as follows: The deadline for filing supplemental party comments on Commerce's final determinations is June 12, 2018; the staff report in the final phase of these investigations will be placed in the nonpublic record on June 21, 2018; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce's final antidumping duty determinations regarding fine denier PSF from China, India, Korea, and Taiwan. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: June 1, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–12169 Filed 6–5–18; 8:45 am]

BILLING CODE 7020–02–P

[1] *Fine Denier Polyester Staple Fiber From China, India, Korea, and Taiwan; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations,* 82 FR 56050, November 27, 2017.

[2] *Countervailing Duty Investigation of Fine Denier Polyester Staple Fiber From the People's Republic of China: Final Affirmative Determination,* 83 FR 3120, January 23, 2018; and *Countervailing Duty Investigation of Fine Denier Polyester Staple Fiber From India: Final Affirmative Determination,* 83 FR 3122, January 23, 2018.

[3] *Fine Denier Polyester Staple Fiber from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 24740, May 30, 2018; *Fine Denier Polyester Staple Fiber from the India: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 24737, May 30, 2018; *Fine Denier Polyester Staple Fiber from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 24743, May 30, 2018; and *Fine Denier Polyester Staple Fiber from Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 24745, May 30, 2018.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Richard Hauser, M.D.; Decision and Order

On September 26, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Richard Hauser, M.D. (Registrant), of Clear Lake, Iowa. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration No. BH2140692 ''pursuant to 21 U.S.C. 824(a)(5).'' Government Exhibit (GX) 2 to Government's Request for Final Agency Action (RFAA), at 1. For the same reason, the Order also proposed the denial of ''any pending application to modify or renew such registration.'' *Id.*

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is the holder of Certificate of Registration No. BH2140692, pursuant to which he is authorized to dispense controlled substances as a practitioner in schedules II through V, at the registered address of Hauser Clinic Consultation Services, 308 14th Street, Clear Lake, Iowa. *Id.*

Regarding the substantive ground for the proceeding, the Show Cause Order alleged that on April 28, 2017, the Office of the Inspector General for the U.S. Department of Health and Human Services (HHS) notified Registrant of his ''mandatory exclusion from participation in all Federal health care programs for a minimum period of five years pursuant to 42 U.S.C. 1320a–7(a)'' as a result of his guilty plea in the United States District Court for the Southern District of Iowa to two counts of Health Care Fraud in violation of 18 U.S.C. 1347. *Id.* at 2. As a result, the Order asserted that Registrant's ''[m]andatory exclusion from Medicare is an independent ground for revoking a DEA registration pursuant to 21 U.S.C. 824(a)(5).'' *Id.* The Order further contended that, although Registrant's underlying conviction is ''unrelated to [Registrant's] handling of controlled substances, DEA has nevertheless found that the underlying conviction forming the basis for a registrant's exclusion from participating in federal health care programs need not involve controlled substances for revocation under 21 U.S.C. 824(a)(5).'' *Id.* (citations omitted).

The Show Cause Order notified Registrant of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* at 2–3 (citing 21 CFR 1301.43). The Show Cause Order also notified Applicant of his right to submit a corrective action plan. *Id.* at 3–4 (citing 21 U.S.C. 824(c)(2)(C)).

The Government states that on October 4, 2017, a DEA Diversion Investigator (DI) served Registrant with a copy of the Show Cause Order. RFAA, at 3 (citing Declaration of DI attached as GX 4). Specifically, a DI assigned to the St. Louis Field Division's Des Moines Resident Office stated in a declaration that he was advised by Registrant's Attorney that Registrant could be served at his residence at 2310 20th Street, SW,

Mason City, Iowa. GX 4, at 1–2. The DI then stated that he traveled to that location, verified Registrant's identity, and ''handed him a copy of the September 26, 2017 Order to Show Cause on October 4, 2017.'' *Id.* at 2.

On February 9, 2018, the Government forwarded its Request for Final Agency Action and evidentiary record to my Office. In its Request, the Government represents that Registrant ''has not requested a hearing or made any other filings in this matter.'' RFAA, at 3. Based on the Government's representation and the record, I find that more than 30 days have passed since the Order to Show Cause was served on Registrant, and he has neither requested a hearing nor submitted a written statement in lieu of a hearing. *See* 21 CFR 1301.43(d). Accordingly, I find that Registrant has waived his right to a hearing or to submit a written statement and issue this Decision and Order based on relevant evidence submitted by the Government. *See id.* I make the following findings.

Findings of Fact

Registrant is a physician who is registered with the DEA as a practitioner in schedules II–V pursuant to Certificate of Registration BH2140692, at the registered address of Hauser Clinic Consultation Services, 308 14th Street, Clear Lake, Iowa.[1] Respondent's DEA Certificate of Registration (attached to RFAA as GX 1). Although not alleged in the Show Cause Order, I also find that Registrant is the holder of DATA-Waiver Identification Number XH2140692, *see id.,* which authorizes Registrant to dispense or prescribe schedule III–V narcotic controlled substances which ''have been approved by the Food and Drug Administration . . . specifically for use in maintenance or detoxification treatment'' for up to 100 patients. 21 CFR 1301.28(a) & (b)(1)(iii). Registrant's DEA registration and DATA-Waiver authority do not expire until October 31, 2019. *Id.*

On October 19, 2016, Registrant entered a guilty plea in the United States District Court for the Southern District of Iowa to a criminal information charging him with two counts of Health Care Fraud in violation of 18 U.S.C. 1347.[2] As part of his plea, Registrant entered into a plea agreement in which he admitted to knowingly executing a scheme with the intent to defraud the State of Iowa Medicaid program (hereinafter ''Iowa Medicaid'') and Wellmark Blue Cross and Blue Shield (hereinafter ''Wellmark'') into paying him for the delivery of healthcare services that he did not actually perform between November 2011 and December 2012. *See* GX 3, at 2–6. Specifically, in his role as a board-certified psychiatrist, Registrant ''up-coded'' his billing to a more expensive (and unperformed) service than the service he actually performed for the purpose of receiving a higher reimbursement from Iowa Medicaid and Wellmark. *See id.* at 4–6. In his plea agreement, Registrant admitted that Wellmark ''over-reimbursed'' him ''as a result of his [fraudulent] conduct'' by a net amount of $25,965.72. *Id.* at 6. Due to similarly fraudulent conduct, Registrant also admitted that Iowa Medicaid ''over-reimbursed'' him by $4,913.60. *Id.* In exchange for his guilty plea, the Government agreed to recommend that Registrant receive credit for acceptance of responsibility pursuant to United States Sentencing Guideline § 3E1.1. *Id.* at 8.

On February 28, 2017, a federal court entered judgment and sentenced Registrant to a term of imprisonment of two months on each count, but provided that the sentences would ''be served concurrently.'' *United States* v. *Hauser,* No. 16–CR–00157, ''Judgment in Criminal Case'' (S.D. Iowa filed Feb. 28, 2017), at 2.[3] The sentencing judge also ordered Registrant to make restitution payments in the amounts of $25,965.72 and $4,913.60 to Wellmark and to Iowa Medicaid, respectively, in addition to a $200 assessment. *Id.* at 5–7. The judge further imposed on Registrant a term of supervised release for three years after the conclusion of his sentence. *Id.* at 3.

The record also includes an April 28, 2017 letter from HHS notifying Applicant that he was ''being excluded from participation in any capacity in the Medicare, Medicaid, and *all* Federal health care programs as defined in section 1128B(f)'' of the SSA ''for the minimum statutory period of five years.'' Attachment to GX 4 (hereinafter HHS Letter or HHS Ltr), at 1 (emphasis in original). The letter explained that Registrant was being excluded ''due to [his] conviction . . . in the United States District Court for the Southern District of Iowa, of a criminal offense related to the delivery of an item or service under the Medicare or a State health care program.'' *Id.* The letter states that ''[t]his action is being taken under section 1128(a)(1) of the [SSA] [4] and is effective'' on May 18, 2017. *Id.* (citing 42 U.S.C. 1320a–7(a)).[5]

Discussion

Pursuant to 21 U.S.C. 824(a)(5), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of Title 21, ''upon a finding that the registrant . . . has been excluded . . . from participation in a program pursuant to section 1320a–7(a) of Title 42.'' Under § 1320a–7(a)(1), HHS is required to exclude from participation

[1] In his January 24, 2018 Declaration, the DI stated that Registrant ''indicated that he would surrender his DEA Certificate of Registration, but has thus far failed to do so.'' GX 4, at 2. Likewise, the Government stated in its RFAA (dated Feb. 8, 2018) that Registrant had not surrendered his DEA registration. RFAA, at 2. Thus, I find that the record reflects that Registrant has not surrendered his DEA registration, despite any prior statement by him of his intention to do so.

[2] *See* Oct. 19, 2016 Plea Agreement, attached as GX 3 to RFAA, at 1. In its RFAA, the Government states that Registrant ''entered a guilty plea'' on October 19, 2016, citing ''Exhibit 3 (October 19, 2016 Guilty Plea).'' However, Exhibit 3 to the RFAA is only the plea agreement, establishing Registrant's agreement to enter into a guilty plea but not when he entered the plea nor when the court accepted it. I have reviewed the publicly available docket for this case, and it states that the plea agreement was accepted on October 19, 2016. Thus, I take official notice that Registrant in fact entered his guilty plea (and that the court accepted the plea) on October 19, 2016.

Under the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Registrant is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Registrant the opportunity to refute the facts of which I take official notice, Registrant may file a motion for reconsideration within 15 calendar days of service of this order which shall commence on the date this order is mailed.

[3] The Government did not include a copy of the final judgment in Registrant's criminal case. Consequently, I take official notice of the facts set forth in this publicly available final judgment under the authority already set forth *supra* in footnote 2.

[4] Section 1128(a)(1) of the SSA is codified at 42 U.S.C. 1320a–7(a)(1).

[5] In his Declaration, the DI stated that when he took over the investigation, he noticed that ''the case file contained an April 28, 2017 letter from'' HHS to Registrant. GX 4, at 1. To authenticate the HHS Letter, the DI ''verified with the prior case agent that this was a true and correct copy of the exclusion letter that he received'' and then attached it to his Declaration. *Id.* The Declaration in the record reflects no other statements establishing the authenticity or accuracy of the HHS Letter. Nor does the record contain a declaration from the DI who actually received the HHS Letter. However, I have reviewed the official website of HHS, which contains a publicly available verification of mandatory exclusions that reflects the same (1) Registrant name, (2) address, (3) exclusion type (''1128(a)(1)—Program-Related Conviction''), and (4) exclusion date (May 18, 2017) as in the HHS Letter attached to the Declaration. I take official notice of the foregoing facts set forth on the HHS official website regarding Registrant's mandatory exclusion (pursuant to the authority set forth *supra* in footnote 2), and I find that it sufficiently corroborates the HHS Letter attached to the DI's Declaration for me to accept the HHS Letter into the record as a true and correct copy of the HHS Letter sent to Registrant and as an accurate reflection of the mandatory exclusion that HHS imposed on Registrant.

in any federal health care program any individual who has been convicted of a criminal offense ''related to the delivery of an item or service under [42 U.S.C. 1395 *et seq.*] or under any State health care program.'' The Agency has long held that the underlying conviction forming the basis for a registrant's mandatory exclusion from participation in federal health care programs need not involve controlled substances for the Agency to revoke a DEA registration pursuant to § 824(a)(5). *E.g., Orlando Ortega–Ortiz, M.D.,* 70 FR 15122, 15123 (2005); *Juan Pillot-Costas, M.D.,* 69 FR 62084, 62085 (2004); *Daniel Ortiz-Vargas, M.D.,* 69 FR 62095, 62095–62096 (2004); *KK Pharmacy,* 64 FR 49507, 49510 (1999); *Stanley Dubin, D.D.S.,* 61 FR 60727, 60728 (1996); *Nelson Ramirez-Gonzalez, M.D.,* 58 FR 52787, 52788 (1993).

Here, Registrant was convicted of two counts of felony Health Care Fraud related to billing for services that were not rendered. The Agency has previously held that a mandatory exclusion based on a felony fraud conviction for overbilling warranted revocation of a Registrant's registration pursuant to 21 U.S.C. 824(a)(5). *E.g., Johnnie Melvin Turner, M.D.,* 67 FR 71203, 71203–71204 (2002) (revocation where mandatory exclusion was based on guilty plea to one felony count of mail fraud ''by billing for services that were not rendered''); *Dubin,* 61 FR at 60728 (revocation where mandatory exclusion ''based upon fraudulent billing''); *Ramirez-Gonzalez,* 58 FR at 52788 (revocation where mandatory exclusion based on submission of false claims). Moreover, Registrant has failed to come forward with any evidence explaining or mitigating his overbilling conduct or otherwise explaining why his registration should not be revoked, and the record reflects no such evidence. *See Joseph M. Piacentile, M.D.,* 62 FR 35527, 35528 (1997) (revoking DEA registration where Registrant ''did not offer any evidence into the record regarding why his registration should not be revoked'' pursuant to § 824(a)(5)).

Based on the 2017 HHS letter, I find that the evidence shows that HHS excluded Registrant from participation in any federal health care program based on his federal convictions for health care fraud related to overbilling. Registrant has thus been excluded pursuant to the mandatory exclusion provisions of 42 U.S.C. 1320a–7(a), and I hold that this unchallenged basis for his mandatory exclusion is sufficient to warrant revocation of his DEA registration pursuant to 21 U.S.C. 824(a)(5).

Accordingly, I will order that his registration be revoked and deny any pending applications to renew or to modify his registration, as requested in the Show Cause Order. Order to Show Cause, at 1. Finally, because Registrant's DATA-Waiver authority is contingent on Registrant being a practitioner with a valid DEA registration, *see* 21 U.S.C. 823(g)(2)(A); 21 CFR 1301.28(a), I will revoke his DATA-Waiver authority as well.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. BH2140692 and DATA-Waiver Identification Number XH2140692, issued to Richard Hauser, M.D., be, and they hereby are, revoked. I further order that any pending application of Richard Hauser to renew or to modify the above registration, be, and it hereby is, denied. This Order is effective July 6, 2018.

Dated: May 25, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–12138 Filed 6–5–18; 8:45 am]

BILLING CODE 4410–09–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Annual Board of Directors Meeting; Sunshine Act

TIME AND DATE: 9:00 a.m., Wednesday, June 20, 2018.

PLACE: NonProfit HR, 1400 Eye Street NW, Suite 500, Washington, DC 20005.

STATUS: Open (with the exception of Executive Sessions).

CONTACT PERSON: Rutledge Simmons, Acting EVP & General Counsel/Secretary, (202) 760–4105; *RSimmons@nw.org.*

Agenda

I. Call to Order
II. Approval of Minutes
III. Report from Interim CEO
IV. Board Elections
V. Executive Session: Internal Audit Report
VI. Adjournment

The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Report from CEO
- Internal Audit Report

Rutledge Simmons,

Acting EVP & General Counsel/Corporate Secretary.

[FR Doc. 2018–12309 Filed 6–4–18; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–458; NRC–2017–0141]

Entergy Operations, Inc.; River Bend Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft supplemental environmental impact statement; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft plant-specific Supplement 58 to the Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, NUREG–1437, regarding the renewal of operating license NPF–47 for an additional 20 years of operation for River Bend Station (RBS), Unit 1. The RBS is located in West Feliciana Parish, Louisiana. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

DATES: Submit comments by July 23, 2018. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0141. Address questions about NRC dockets to Jennifer Borges; telephone: 301 287–9127: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Chief, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Drucker, Office of Nuclear Reactor Regulation, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6223, email: *David.Drucker@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0141 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0141.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft plant-specific Supplement 58 to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, is available in ADAMS under Accession No. ML18143B736.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *Library:* A copy of the draft plant-specific Supplement 58 to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, is available at the West Feliciana Parish Library, 5114 Burnett Road, St. Francisville, Louisiana 70775.

B. Submitting Comments

Please include Docket ID NRC–2017–0141 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC is issuing for public comment a draft plant-specific Supplement 58 to the GEIS for license renewal of nuclear plants, NUREG–1437, regarding the renewal of operating license NPF–47 for an additional 20 years of operation for RBS. Supplement 58 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC's preliminary recommendation is that the adverse environmental impacts of license renewal for RBS are not so great that preserving the option of license renewal for energy-planning decisionmakers would be unreasonable.

Dated at Rockville, Maryland, this 1st day of June 2018.

For the Nuclear Regulatory Commission.

David M. Drucker,

Acting Chief, License Renewal Projects Branch, Division of Materials and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–12122 Filed 6–5–18; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before August 6, 2018.

ADDRESSES: Comments should be addressed to Virginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by telephone at 202–692–1887 or email at *pcfr@peacecorps.gov*. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Virginia Burke, FOIA/Privacy Act Officer. Virginia Burke can be contacted by telephone at 202–692–1887 or email at *pcfr@peacecorps.gov*.

SUPPLEMENTARY INFORMATION:

Title: Coverdell World Wise Schools Connections.

OMB Control Number: 0420–****.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation To Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. Number of respondents: 1000.

b. Frequency of response: 1 time.

c. Completion time: 20 minutes.

d. Annual burden hours: 334 hours.

General Description of Collection: The Peace Corps uses the Coverdell World Wise Schools Connections Forms to collect essential administrative information from educators and group leaders to use to facilitate connection with current/returned Peace Corps Volunteers. These forms are the first point of contact with the participating educator. It is Paul D. Coverdell World Wise Schools' fundamental source of information from educators.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on May 23, 2018.

Virginia Burke,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2018–12099 Filed 6–5–18; 8:45 am]

BILLING CODE 6051–01–P

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer Who Contributes to a Multiemployer Plan; Marlins Holdings LLC

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Marlins Holdings LLC for an exemption from the bond or escrow requirement and contract requirements under the Employee Retirement Income Security Act of 1974, as amended, with respect to the Major League Baseball Players Benefit Plan. A sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if the transaction meets certain conditions. One of these conditions is that the purchaser post a bond or deposit money in escrow for the five-plan-year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Before granting an exemption, the statute and PBGC regulations require PBGC to give interested persons an opportunity to comment on the exemption request. The purpose of this notice is to advise interested persons of the exemption request and solicit their views on it.

DATES: Comments must be submitted on or before July 23, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.* Refer to the Marlins Holdings LLC in the subject line.
- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to Marlins Holdings LLC. All comments received will be posted without change to PBGC's website, *http://www.pbgc.gov,* including any personal information provided. Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026 or calling 202–326–4040 during normal business hours. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Bruce Perlin, Assistant General Counsel (*Perlin.Bruce@PBGC.gov*), 202–326–4020, ext. 6818, Jon Chatalian, Acting Assistant General Counsel (*Chatalian.Jon@PBGC.gov*), ext. 6757, or Mary A. Petrovic, Attorney (*Petrovic.Mary@PBGC.gov*), ext. 4638, Office of the General Counsel, Suite 340, 1200 K Street NW, Washington, DC 20005–4026; (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4020.)

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 (ERISA), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) the purchaser has an obligation to contribute to the plan with respect to covered operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale. Additionally, section 4204(b)(1) of ERISA provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation (''PBGC'') to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the statute be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., S.1076, *The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Considerations* 16 (Comm. Print, April 1980); 128 Cong. Rec. S10117 (July 29, 1980). The granting of a variance or exemption from the bond/escrow requirement does not constitute a finding by the PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on variances for sales of assets (29 CFR part 4204), a request for a variance or exemption from the bond/escrow requirement under any of the tests established in the regulation (29 CFR parts 4204.12 & 4204.13) is to be made to the plan in question. The PBGC will consider a variance or exemption request only when the request is not based on satisfaction of one of the four regulatory tests under regulation sections 4204.12 and 4204.13 or when the parties assert that the financial information necessary to show satisfaction of one of the regulatory tests is privileged or confidential financial information within the meaning of 5 U.S.C. 552(b)(4) (Freedom of Information Act).

Under section 4204.22 of the regulation, the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and section 4204.22(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Marlins Holdings LLC (the ''Purchaser'') for an exemption from the bond or escrow requirement and contract requirements of section 4204(a)(1)(B) and (C) with respect to its purchase of the Miami Marlins Major League Baseball franchise from Miami Marlins, L.P. (the ''Seller'') on February 21, 2018. In the request, the Purchaser represents among other things that:

1. The Seller was obligated to contribute to the Major League Baseball Players Benefit Plan (the ''Plan'') for certain employees of the sold operations.

2. The Purchaser has agreed to assume the obligation to contribute to the Plan for substantially the same number of contribution base units as the Seller.

3. The Seller has agreed to be secondarily liable for any withdrawal liability it would have had with respect to the sold operations (if not for section 4204) should the Purchaser withdraw from the Plan and fail to pay its withdrawal liability.

4. The estimated amount of the withdrawal liability of the Seller with respect to the operations subject to the sale is $19,169,342.

5. The amount of the bond/escrow established under section 4204(a)(1)(B) is $4,781,000.

6. Major League Baseball has a unique structure in which the Plan is funded from the Major League Central Fund (the ''Central Fund''), maintained and administered by the Commissioner of Baseball. Under this structure, contributions to the Plan for all participating employers are paid by the Office of the Commissioner of Baseball from the Central Fund on behalf of each participating employer in satisfaction of the employer's pension liability under the Plan's funding agreement. The monies in the Central Fund are derived directly from common revenues related to the All-Star Game, post-season games, certain media rights and other common revenues (collectively, the ''Revenues'').

7. In support of the exemption request, the requester asserts that, ''the Plan is funded from the Central Fund that is maintained and administered by the Commissioner of Baseball.'' Major League Baseball pays contributions directly to the Plan from the Central Fund. Further, the requester asserts that, ''the Plan enjoys a substantial degree of security with respect to contributions on behalf of the Clubs. A change in ownership of a Club does not affect the obligation of the Central Fund to fund the Plan. As such, approval of this exemption request would not increase the risk of financial loss to the Plan.''

8. A complete copy of the request was sent to the Plan and to the Major League Baseball Players Association by certified mail, return receipt requested.

Comments

All interested persons are invited to submit written comments on the pending exemption request to the above address. All comments will be made a part of the record. The PBGC will make the comments received available on its website, *www.pbgc.gov*. Copies of the comments and the non-confidential portions of the request may be obtained by writing or visiting the PBGC's Communications Outreach and Legislative Affairs Department (COLA) at the above address or by visiting that office or calling 202–326–4343 during normal business hours.

Issued in Washington, DC.

William Reeder,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–12129 Filed 6–5–18; 8:45 am]

BILLING CODE 7709–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–227]

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 negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 7, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service has filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The requests(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–227; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Material Filed Under Seal; *Filing Acceptance Date:* May 30, 2018; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 7, 2018.

This notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2018–12089 Filed 6–5–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83351; File No. SR–NYSENAT–2018–07]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Co-Location Services and Fees In Connection With the Re-Launch of Trading on the Exchange and To Amend Its Schedule of Fees and Rebates To Provide for Such Co-Location Services

May 31, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 18, 2018, NYSE National, Inc. (''Exchange'' or ''NYSE National'') 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 co-location services and fees in connection with the re-launch of trading on the Exchange and to amend its Schedule of Fees and Rebates (the ''Price List'') to provide for such co-location services. The Exchange also proposes to delete the current fees and credits set forth on the Price List. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt co-location services and fees in connection with the re-launch of trading on the Exchange and to amend the Price List to provide for such co-location services. The Exchange also proposes to delete the current fees and credits set forth on the Price List.

On February 1, 2017, the Exchange ceased trading operations.[4] The Exchange filed rule changes to re-launch trading operations.[5] The Exchange anticipates re-launching trading operations in the second quarter of 2018.

Proposed Co-Location Services and Fees

In connection with the anticipated re-launch of the Exchange's trading operations, the Exchange proposes to offer the same co-location services and fees offered by its affiliates, NYSE Arca, Inc. (''NYSE Arca''), NYSE American LLC (''NYSE American''), and New York Stock Exchange LLC (''NYSE'' and, together, the ''Affiliate SROs'').[6] Accordingly, the Exchange proposes to adopt the same co-location provisions and fees set forth in the price lists and fee schedules of its Affiliate SROs (collectively, the ''Affiliate SRO Price Lists''),[7] with the non-substantive differences described below.

The Exchange requests that the proposed rule change become both effective and operative immediately upon filing.[8]

The proposed services and fees would allow Users [9] ''to rent space on premises controlled by the Exchange in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution systems.'' [10] The Exchange would provide co-location services to Users from a data center in Mahwah, New Jersey (the ''data center'').

As is true for the Affiliate SROs and as specified in the proposed Price List, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Affiliate SROs.[11]

As with the Affiliate SROs' co-location services, Users that receive co-location services from the Exchange would not receive any means of access to the Exchange's trading and execution systems that is separate from or superior to that of Users that do not receive co-location services.[12] All orders sent to the Exchange would enter the Exchange's trading and execution systems through the same order gateway regardless of whether the sender is co-located in the Exchange's data center or not. In addition, co-located Users would not receive any market data or data service product that is not available to

[4] *See* Securities Exchange Act Release No. 80018 (February 10, 2017), 82 FR 10947 (February 16, 2017) (SR–NSX–2017–04) (''Termination Filing''). On January 31, 2017, Intercontinental Exchange, Inc. (''ICE''), through its wholly-owned subsidiary NYSE Group, acquired all of the outstanding capital stock of the Exchange (the ''Acquisition''). *See* Securities Exchange Act Release No. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR–NSX–2016–16). Prior to the Acquisition, the Exchange was named ''National Stock Exchange, Inc.''

[5] *See* Securities Exchange Act Release No. 83289 (May 17, 2018) (notice of filing of Amendment No. 1 and order granting accelerated approval of a proposed rule change, as amended by Amendment No. 1, to support the re-launch of NYSE National, Inc. on the Pillar Trading Platform) (''NYSE National Trading Rules Approval''). *See also* Securities Exchange Act Release No. 82819 (March 7, 2018), 83 FR 11098 (March 13, 2018) (SR–NYSENat–2018–02).

[6] The Affiliate SROs initially filed rule changes relating to their co-location services and related fees with the Commission in 2010. *See* Securities Exchange Act Release Nos. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56); 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80); and 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100).

[7] *See* ''Co-Location Fees'' in ''New York Stock Exchange Price List 2018'' (''NYSE Price List'') at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* ''NYSE American Equities Price List'' (''NYSE American Equities Price List'') at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf;* ''NYSE American Options Fee Schedule'' (''NYSE American Options Fee Schedule'') at *https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf;* ''NYSE Arca Equities Fees and Charges'' (''NYSE Arca Equities Fee Schedule'') at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* and ''NYSE Arca Options Fees and Charges'' (''NYSE Arca Options Fee Schedule'') at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.*

[8] *See* NYSE National Trading Rules Approval, note 5, *supra.*

[9] Consistent with the Affiliate SRO Price Lists, for purposes of the Exchange's co-location services, a ''User'' shall mean any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release Nos. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40); 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67); and 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82).

[10] *See* 75 FR 59310, note 6, *supra.*

[11] *See* Securities Exchange Act Release Nos. 70206 (August 15, 2013), 78 FR 51765 (August 21, 2013) (SR–NYSE–2013–59); 70176 (August 13, 2013), 78 FR 50471 (August 19, 2013) (SR–NYSEMKT–2013–67); and 70173 (August 13, 2013), 78 FR 50459 (August 19, 2013) (SR–NYSEArca–2013–80).

[12] *See id.*

all Users. However, Users that receive co-location services normally would expect reduced latencies in sending orders to the Exchange and receiving market data from the Exchange.

As with the co-location services of the Affiliate SROs, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services); (ii) use of the proposed co-location services would be completely voluntary and available to all Users on a non-discriminatory basis; and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or more of the Affiliate SROs.[13]

Definitions

The Exchange proposes to adopt the definitions of ''Affiliate,'' ''Aggregate Cabinet Footprint,'' ''Hosted Customer,'' ''Hosting User,'' and ''User'' as set forth in the Affiliate SRO Price Lists. Specifically, the Exchange proposes the following definitions:

- An ''Affiliate'' of a User is any other User or Hosted Customer that is under 50% or greater common ownership or control of the first User.
- ''Aggregate Cabinet Footprint'' of a User or Hosted Customer is (a) for a User, the total kW of the User's cabinets, including both partial and dedicated cabinets, and (b), for a Hosted Customer, the total kW of the portion of the Hosting User's cabinet, whether partial or dedicated, allocated to such Hosted Customer.
- A ''Hosted Customer'' means a customer of a Hosting User that is hosted in a Hosting User's co-location space.
- A ''Hosting User'' means a User of co-location services that hosts a Hosted Customer in the User's co-location space.
- A ''User'' means any market participant that requests to receive co-location services directly from the Exchange.

As in the Affiliate SRO Price Lists, the Exchange would specify that the definitions were for purposes of the co-location fees only.

General Notes

The Exchange proposes to adopt General Notes 1 through 4 as set forth in the Affiliate SRO Price Lists, subject to the differences discussed below.

General Note 1: General Note 1 of the Affiliate SRO Price Lists provides that a User that incurs co-location fees for a particular co-location service would not be subject to co-location fees for the same co-location service charged by the other Affiliate SROs. The wording of General Note 1 differs among the Affiliate SRO Price Lists both where it references the relevant price list or fee schedule and where it lists the relevant exchange's affiliates.[14]

The Exchange proposes to adopt the following General Note 1:[15]

A User that incurs co-location fees for a particular co-location service pursuant to this Price List shall not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC (NYSE), NYSE American LLC (NYSE American) and NYSE Arca, Inc. (NYSE Arca).

General Note 2: The Exchange proposes the same General Note 2 as in the Affiliate SRO Price Lists, setting forth the requirements for qualifying for a ''Partial Cabinet Solution'' bundle.[16] The proposed text is as follows:

To qualify for a Partial Cabinet Solution bundle, a User must meet the following conditions: (1) It must purchase only one Partial Cabinet Solution bundle; (2) the User and its Affiliates must not currently have a Partial Cabinet Solution bundle; and (3) after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, will have an Aggregate Cabinet Footprint of no more than 2 kW.

- A User requesting a Partial Cabinet Solution bundle will be required to certify to the Exchange (a) whether any other Users or Hosted Customers are Affiliates of the certificating User, and (b) that after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, would have an Aggregate Cabinet Footprint of no more than 2 kW. The certificating User will be required to inform the Exchange immediately of any event that causes another User or Hosted Customer to become an Affiliate. The Exchange shall review available information regarding the entities and may request additional information to verify the Affiliate status of a User or Hosted Customer. The Exchange shall approve a request for a Partial Cabinet Solution bundle unless it determines that the certification is not accurate.
- If a User that has purchased a Partial Cabinet Solution bundle becomes affiliated with one or more other Users or Hosted Customers and thereby no longer meets the conditions for access to the Partial Cabinet Solution bundle, or if the User otherwise ceases to meet the conditions for access to the Partial Cabinet Solution bundle, the Exchange will no longer offer it to such User and the User will be charged for each of the services individually, at the price for each such service set out in the Price List. Such price change would be effective as of the date that the User ceased to meet the conditions.

In addition, a User that changes its Partial Cabinet Solution bundle from one option to another will not be subject to a second initial charge, but will be required to pay the difference, if any, between the bundles' initial charges.

General Note 3: The Exchange proposes the same General Note 3 as in the Affiliate SRO Price Lists, setting forth the provisions relating to the use of a waitlist.[17] The proposed text is as follows:

The initial and monthly charge for 2 bundles of 24 cross connects will be waived for a User that is waitlisted for a cage for the duration of the waitlist period, provided that the cross connects may only be used to connect the User's non-contiguous cabinets. The charge will no longer be waived once a User is removed from the waitlist.

- If a waitlist is created, a User seeking a new cage will be placed on the waitlist based on the date a signed order for the cage is received.
- A User that turns down a cage because it is not the correct size will remain on the waitlist. A User that requests to be removed or that turns down a cage that is the size that it requested will be removed from the waitlist.
- A User that is removed from the waitlist but subsequently requests a cage will be added back to the bottom of the waitlist, provided that, if the User was removed from the waitlist because it turned down a cage that is the size that it requested, it will not receive a second waiver of the charge.

General Note 4: Proposed General Note 4 would establish that, when a User purchases access to the Liquidity Center Network (''LCN'') or the internet protocol (''IP'') network, the two local area networks available in the data

[13] *See id.*

[14] For example, the NYSE Arca Options Fee Schedule provides that ''[a] User that incurs co-location fees for a particular co-location service pursuant to this *Fee Schedule* shall not be subject to co-location fees for the same co-location service charged pursuant to the *NYSE Arca Equities Fee Schedule* or by the Exchange's affiliates *NYSE American LLC (NYSE American) and New York Stock Exchange LLC (NYSE)*'' (emphasis added) while the NYSE Price List provides that ''[a] User that incurs co-location fees for a particular co-location service pursuant to this *Price List* shall not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates *NYSE American LLC (NYSE American) and NYSE Arca, Inc. (NYSE Arca).*'' (emphasis added) The Exchange's proposed text for General Note 1 is consistent with the wording of General Note 1 in the NYSE Price List.

[15] Each Affiliate SRO will submit a proposed rule change to update General Note 1 to include NYSE National.

[16] *See* Securities Exchange Act Release Nos. 77072 (February 5, 2016), 81 FR 7394 (February 11, 2016) (SR–NYSE–2015–53); 77071 (February 5, 2016), 81 FR 7382 (February 11, 2016) (SR–NYSEMKT–2015–89); and 77070 (February 5, 2016), 81 FR 7401 (February 11, 2016) (SR–NYSEArca–2015–102).

[17] *See* Securities Exchange Act Release Nos. 77681 (April 21, 2016), 81 FR 24915 (April 27, 2016 (SR–NYSE–2016–13); 77680 (April 21, 2016), 81 FR 24905 (April 27, 2016) (NYSEMKT–2016–17); and 77682 (April 21, 2016), 81 FR 24913 (April 27, 2016 (NYSEArca–2016–21).

center,[18] a User would receive (a) the ability to access the trading and execution systems of the Exchange and Affiliate SROs (''Exchange Systems''), and (b) connectivity to any of the listed data products (''Included Data Products'') that it selects. The proposed General Note 4 would be the same as the General Note 4 in the Affiliate SRO Price Lists, except that those price lists do not include the Exchange in the lists of the three Affiliate SROs in its first and third sentences or in the list of Included Data Products.[19]

The Exchange proposes to adopt the following General Note 4:

When a User purchases access to the LCN or IP network, it receives the ability to access the trading and execution systems of the NYSE, NYSE American, NYSE Arca and NYSE National (Exchange Systems), subject, in each case, to authorization by the NYSE, NYSE American, NYSE Arca or NYSE National, as applicable. Such access includes access to the customer gateways that provide for order entry, order receipt (*i.e.* confirmation that an order has been received), receipt of drop copies and trade reporting (*i.e.* whether a trade is executed or cancelled), as well as for sending information to shared data services for clearing and settlement. A User can change the access it receives at any time, subject to authorization by NYSE, NYSE American, NYSE Arca or NYSE National. NYSE, NYSE American, NYSE Arca, and NYSE National also offer access to Exchange Systems to their members, such that a User does not have to purchase access to the LCN or IP network to obtain access to Exchange Systems.

When a User purchases access to the LCN or IP network it receives connectivity to any of the Included Data Products that it selects, subject to any technical provisioning requirements and authorization from the provider of the data feed. Market data fees for the Included Data Products are charged by the provider of the data feed. A User can change the Included Data Products to which it receives connectivity at any time, subject to authorization from the provider of the data feed. The Exchange is not the exclusive method to connect to the Included Data Products.

The Included Data Products are as follows:

NMS feeds
NYSE:
- NYSE Alerts
- NYSE BBO
- NYSE Integrated Feed
- NYSE OpenBook
- NYSE Order Imbalances
- NYSE Trades

NYSE Amex Options
NYSE Arca:
- NYSE ArcaBook
- NYSE Arca BBO
- NYSE Arca Integrated Feed
- NYSE Arca Order Imbalances
- NYSE Arca Trades

NYSE Arca Options
NYSE Best Quote and Trades (BQT)
NYSE Bonds
NYSE American:
- NYSE American Alerts
- NYSE American BBO
- NYSE American Integrated Feed
- NYSE American OpenBook
- NYSE American Order Imbalances
- NYSE American Trades

NYSE National

Cabinet-Related Fees

The Exchange proposes the same services and fees set forth in the Affiliate SRO Price Lists under ''Initial Fee per Cabinet''; ''Monthly Fee per Cabinet''; ''Cabinet Upgrade Fee''; ''PNU Cabinet''; and ''Cage Fees'' (collectively, the ''Cabinet-Related Fees'').

Initial Fee per Cabinet and Monthly Fee per Cabinet: As in the Affiliate SRO Price Lists, the Exchange proposes that, to house its servers and other equipment in the data center, a User have the option of an entire cabinet dedicated solely to that User (''dedicated cabinet'') or a partial cabinet alternative (''partial cabinet'').[20] Partial cabinets would be made available in increments of eight-rack units of space. Users would pay an initial fee and a monthly fee based on the number of kilowatts (''kW'').

Cabinet Upgrade Fee: Users that require additional power allocation may prefer to maintain their hardware within one of their existing cabinets rather than add an additional cabinet. Specifically, Users may develop their hardware infrastructure within a particular cabinet in such a way that, if expansion of such hardware is needed, it can be accomplished within the space constraints of that particular cabinet. If this type of User requires additional power allocation, it would likely want to modify its existing cabinet in this manner, rather than taking an additional dedicated cabinet due to the expense of re-developing its infrastructure within such additional dedicated cabinet. Accordingly, as in the Affiliate SRO Price Lists, the Exchange would offer Users the option of a ''Cabinet Upgrade'' and related fee, pursuant to which the Exchange would accommodate requests for additional power allocation beyond the typical amount that the Exchange allocates per dedicated cabinet, at which point the Exchange must upgrade the cabinet's power capacity.[21]

The Exchange notes that the Cabinet Upgrade Fees in the Affiliate SRO Price Lists have a parenthetical setting forth lower fees for a User that submitted a written order for a Cabinet Upgrade by January 31, 2014, provided that the Cabinet Upgrade became fully operational by March 31, 2014. Because a User that incurs co-location fees for a particular co-location service would not be subject to co-location fees for the same co-location service charged by the Affiliate SROs and such Users may already be subject to this different charge based on the Price List of an Affiliate SRO, the Exchange proposes to maintain the information regarding the lower price on its Price List.

PNU Fee: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the option of a unused cabinet for which power is not utilized (''PNU cabinet'') and charge a monthly fee.[22] A User may wish to have a PNU cabinet it reserves for future use. Although PNU cabinets do not use power, when the Exchange establishes a PNU cabinet, it would include wiring, circuitry, and hardware and allocate kWs of unused power capacity. This would allow the PNU cabinet to be powered and used promptly upon the User's request.

Cage Fee: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the use of cages to house their cabinets within the data center, with initial and monthly charges based on the size of the cage.[23] A cage would typically be purchased by a User that has several cabinets within the data center and that wishes to enhance privacy around its cabinets, *e.g.,* so that other Users cannot see what type of hardware is being utilized.

[18] *See* Securities Exchange Act Release Nos. 79730 (January 4, 2017), 82 FR 3045 (January 10, 2017) (SR–NYSE–2016–92); 79728 (January 4, 2017), 82 FR 3035 (January 10, 2017) (SR–NYSEMKT–2016–126); and 79729 (January 4, 2017), 82 FR 3061 (January 10, 2017) (SR–NYSEArca–2016–172).

[19] Each Affiliate SRO will submit a proposed rule change to update General Note 4 to include NYSE National in the lists of the Affiliate SROs in its first and third sentences and in the list of Included Data Products.

[20] *See* Securities Exchange Act Release Nos. 71122 (December 18, 2013), 78 FR 77739 (December 24, 2013) (SR–NYSE–2013–81); 71131 (December 18, 2013), 78 FR 77750 (December 24, 2013) (SR–NYSEMKT–2013–103); and 71130 (December 18, 2013), 78 FR 77765 (December 24, 2013) (SR–NYSEArca–2013–143).

[21] *See id.*

[22] *See* Securities Exchange Act Release Nos. 70913 (November 21, 2013), 78 FR 70987 (November 27, 2013) (SR–NYSE–2013–74); 70914 (November 21, 2013), 78 FR 71000 (November 27, 2013) (SR–NYSEMKT–2013–93); and 70916 (November 21, 2013), 78 FR 70989 (November 21, 2013) (SR–NYSEArca–2013–124).

[23] *See* Securities Exchange Act Release Nos. 67666 (August 15, 2012), 77 FR 50742 (August 22, 2012) (SR–NYSE–2012–18); 67665 (August 15, 2012), 77 FR 50734 (August 22, 2012) (SR–NYSEMKT–2012–11); 67669 (August 15, 2012), 77 FR 50746 (August 22, 2012) (SR–NYSEArca–2012–62); and 67667 (August 15, 2012), 77 FR 50743 (August 22, 2012) (SR–NYSEArca–2012–63).

The Exchange proposes to add the following fees and language to its Price List:

Initial Fee per Cabinet	
Dedicated Cabinet	$5,000.
8-Rack Unit of a Partial Cabinet	$2,500.

Monthly Fee per Cabinet	
Dedicated Cabinet	
Number of kWs	Per kW Fee Monthly
4–8	$1,200.
9–20	$1,050.
21–40	$950.
41 +	$900.
8-Rack Unit of a Partial Cabinet	
Number of kWs	Total Fee Monthly
1	$1,500.
2	$2,700.

Cabinet Upgrade Fee	
Dedicated Cabinet	$9,200 ($4,600 for a User that submitted a written order for a Cabinet Upgrade by January 31, 2014, provided that the Cabinet Upgrade became fully operational by March 31, 2014).
PNU Cabinet	monthly charge of $360 per kW allocated to PNU Cabinet.

Cage Fees	
2–14 Cabinets	$5,000 initial charge plus $2,700 monthly charge.
15–28 Cabinets	$10,000 initial charge plus $4,100 monthly charge.
29+ Cabinets	$15,000 initial charge plus $5,500 monthly charge.

Access and Service Fees

The Exchange proposes to adopt the same services and fees set forth in the Affiliate SRO Price Lists under ''LCN Access''; ''Bundled Network Access''; ''Partial Cabinet Solution bundles''; ''IP Network Access''; ''Testing and Certification IP Network Access''; ''Wireless Connections for Third Party Data''; ''Virtual Control Circuit between two Users''; ''Hosting Fee''; ''Data Center Fiber Cross Connect''; ''Connection to Time Protocol Feed'' and ''Expedite Fee'' (collectively, the ''Access and Service Fees'').

LCN Access: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the option to purchase 1 Gb, 10 Gb, 40 Gb, and 10 Gb LX LCN circuits, with initial and monthly charges.[24] As in the Affiliate SRO Price Lists, the Exchange proposes that a User that purchases five 10 Gb LCN connections would only be charged the initial fee for a sixth 10 Gb LCN connection and would not be charged the monthly fee that would otherwise be applicable. This would apply to a User that purchases six 10 Gb LCN connections at one time as well as to a User that purchases six 10 Gb LCN connections at separate times.[25]

Bundled Network Access: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users two ''Bundled Network Access'' options, with initial and monthly charges.[26] Both bundles would include two LCN connections, two IP network connections, and two optic connections to outside access centers. One bundle would have 1 Gb connections, and the other 10 Gb connections.

Partial Cabinet Solution Bundles: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users four ''Partial Cabinet Solution'' bundles.[27] Each Partial Cabinet Solution bundle option would include a one or two kW partial cabinet, one LCN connection, one IP network connection, two fiber cross connections, and connectivity to either the Network Time Protocol (''NTP'') or Precision Timing Protocol (''PTP'') time feed. The power of the partial cabinet and Gb of the network connections would vary by bundle. A User and its Affiliates would be limited to one Partial Cabinet Solution bundle at a time, and must have an Aggregate Cabinet Footprint of 2 kW or less to qualify. As noted above, such requirements would be set forth in General Note 2.[28] Finally, a User purchasing a Partial Cabinet Solution bundle would be subject to a 90-day minimum commitment, after which period it would be subject to the 60-day rolling time period.

IP Network Access: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the option to purchase 1 Gb, 10 Gb, and 40 Gb IP network circuits, with initial and monthly charges.[29]

Testing and Certification IP Network Access: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users access to an IP network circuit for

[24] *See* note 18, *supra.*

[25] *See* note 23, *supra.*

[26] *See* note 18, *supra.*

[27] *See* note 16, *supra.*

[28] *See* text accompanying note 16, *supra.*

[29] *See* note 18, *supra. See also* Securities Exchange Act Release Nos. 74222 (February 6, 2015), 80 FR 7888 (February 12, 2015 (SR–NYSE–2015–05); 74220 (February 6, 2015), 80 FR 7894 (February 12, 2015) (SR–NYSEMKT–2015–08); and 74219 (February 6, 2015), 80 FR 7899 (February 12, 2015) (SR–NYSEArca–2015–03).

testing and certification at no charge.[30] The circuit could only be used for testing and certification, and the testing and certification period would be limited to three months.

Wireless Connections for Third Party Data: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users a means to receive market data feeds from third party markets (''Wireless Third Party Data'') through a wireless connection, for an initial and monthly fee.[31] Fees would be subject to a 30-day testing period, during which the monthly charge per connection would be waived. The wireless connections would include the use of one port for connectivity to the Wireless Third Party Data. If a User that has more than one wireless connection wishes to use more than one port to connect to the Wireless Third Party Data, the Exchange proposes to make such additional ports available for a monthly fee per port.[32]

The Exchange notes that the description of the charge for the wireless connection of Toronto Stock Exchange (''TSX'') in the Affiliate SRO Price Lists includes a statement that ''Customers with an existing wireless connection to TSX at the time the Exchange makes the service available will not be subject to an initial charge or receive 30-day testing period''. Because the wireless connection to the TSX has become effective, the statement is obsolete. Accordingly, the Exchange does not propose to include the statement on its Price List.

Virtual Control Circuit between two Users: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users ''Virtual Control Circuits'' (''VCCs'') between two Users for a monthly charge based on the size of the VCC.[33] VCCs are connections between two points over dedicated bandwidth using the IP network. A VCC is a two-way connection which the two participants can use for any purpose. The Exchange would bill the User requesting the VCC, but would not set up a VCC until the other User confirmed that it wishes to have the VCC set up.

Hosting Fee: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users a hosting service for a monthly fee per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted.[34] ''Hosting'' would be a service offered by a User to another entity in the User's space within the data center and could include, for example, a User supporting such other entity's technology, whether hardware or software, through the User's co-location space. A Hosting User would be required to be a User pursuant to the definition of User proposed above. Since only Users could be Hosting Users, a Hosted Customer would not be able to provide hosting services to any other entities in the space in which it is hosted.

Data Center Fiber Cross Connect: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users fiber cross connects for an initial and monthly charge.[35] A User would be able to use cross connects between its cabinets or between its cabinet(s) and the cabinets of separate Users within the data center. A cross connect would be used to connect cabinets of separate Users when, for example, a User receives technical support, order routing, and/or market data delivery services from another User in the data center. Cross connects may be bundled (*i.e.,* multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or several cross connects in multiples of six (*e.g.,* six or 12 cross connects). The Exchange is proposing fees for bundled cross connects that correspond to the number of cross connects in the bundle.

Connection to Time Protocol Feed: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the option to purchase connectivity to one or more of three time feeds, with monthly and initial charges.[36] Each proposed time feed would provide a feed with the current time of day using one of three different time protocols: GPS Time Source, the NTP, and PTP. Users may make use of time feeds to receive time and to synchronize clocks between computer systems or throughout a computer network, and time feeds may assist Users in other functions, including record keeping or measuring response times. Only the NTP and PTP time feeds would be available to partial cabinet Users, whereas dedicated cabinet Users would have access to all three time feeds. The NTP feed would only be available on the LCN.

Expedite Fee: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the option to expedite the completion of co-location services purchased or ordered by the User, for which the Exchange would charge an ''Expedite Fee.'' [37]

The Exchange proposes to add the following fees and language to its Price List:

Type of service	Description	Amount of charge
LCN Access	1 Gb Circuit	$6,000 per connection initial charge plus $5,000 monthly per connection.
LCN Access	10 Gb Circuit	$10,000 per connection initial charge plus $14,000 monthly per connection. A User that purchases 5 10 GB LCN Circuits will receive the 6th 10 GB LCN Circuit without an additional monthly charge.
LCN Access	10 Gb LX Circuit	$15,000 per connection initial charge plus $22,000 monthly per connection.
LCN Access	40 Gb Circuit	$15,000 per connection initial charge plus $22,000 monthly per connection.
Bundled Network Access (2 LCN connections, 2 IP network connections, and 2 optic connections to outside access center).	1 Gb Bundle	$25,000 initial charge plus $13,000 monthly charge.
	10 Gb Bundle	$50,000 initial charge plus $53,000 monthly charge.

[30] *See id.* 80 FR at 7888, 80 FR at 7894, and 80 FR at 7899.

[31] *See* Securities Exchange Act Release Nos. 76748 (December 23, 2015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52); 76750 (December 23, 2015), 80 FR 81648 (December 30, 2015) (SR–NYSEMKT–2015–85); and 76749 (December 23, 2015), 80 FR 81640 (December 30, 2015) (SR–NYSEArca–2015–99).

[32] *See id.*

[33] *See* Securities Exchange Act Release Nos. 80311 (March 24, 2017), 82 FR 15749 (March 30, 2017) (SR–NYSE–2016–45); 80309 (March 24, 2017), 82 FR 15725 (March 30, 2017) (SR–NYSEMKT–2016–63); and 80310 (March 24, 2017), 82 FR 15763 (March 30, 2017) (SR–NYSEArca–2016–89).

[34] *See* note 9, *supra.*

[35] *See* note 23, *supra.*

[36] *See* note 16, *supra.*

[37] *See* note 23, *supra.*

Type of service	Description	Amount of charge
Partial Cabinet Solution bundles Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for a Partial Cabinet Solution bundle. See Note 2 under "General Notes.".	Option A: 1 kW partial cabinet, 1 LCN connection (1 Gb), 1 IP network connection (1 Gb), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	$7,500 initial charge per bundle plus monthly charge per bundle as follows: • For Users that order on or before December 31, 2018: $3,000 monthly for first 24 months of service, and $6,000 monthly thereafter. • For Users that order after December 31, 2018: $6,000 monthly.
	Option B: 2 kW partial cabinet, 1 LCN connection (1 Gb), 1 IP network connection (1 Gb), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	$7,500 initial charge per bundle plus monthly charge per bundle as follows: • For Users that order on or before December 31, 2018: $3,500 monthly for first 24 months of service, and $7,000 monthly thereafter. • For Users that order after December 31, 2018: $7,000 monthly.
	Option C: 1 kW partial cabinet, 1 LCN connection (10 Gb), 1 IP network connection (10 Gb), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	$10,000 initial charge per bundle plus monthly charge per bundle as follows: • For Users that order on or before December 31, 2018: $7,000 monthly for first 24 months of service, and $14,000 monthly thereafter. • For Users that order after December 31, 2018: $14,000 monthly.
	Option D: 2 kW partial cabinet, 1 LCN connection (10 Gb), 1 IP network connection (10 Gb), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	$10,000 initial charge per bundle plus monthly charge per bundle as follows: • For Users that order on or before December 31, 2018: $7,500 monthly for first 24 months of service, and $15,000 monthly thereafter. • For Users that order after December 31, 2018: $15,000 monthly.
IP Network Access	1 Gb Circuit	$2,500 per connection initial charge plus $2,500 monthly per connection.
IP Network Access	10 Gb Circuit	$10,000 per connection initial charge plus $11,000 monthly per connection.
IP Network Access	40 Gb Circuit	$10,000 per connection initial charge plus $18,000 monthly per connection.
Testing and certification IP Network Access	IP network circuit for testing and certification. Circuit can only be used for testing and certification and testing and certification period is limited to three months.	No charge.
Wireless Connection for Third Party Data	Wireless connection of Cboe Pitch BZX Gig shaped data and Cboe Pitch BYX Gig shaped data.	$5,000 per connection initial charge plus monthly charge per connection of $6,000. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Wireless connection of Cboe EDGX Gig shaped data and Cboe EDGA Gig shaped data.	$5,000 per connection initial charge plus monthly charge per connection of $6,000 Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Wireless connection of NASDAQ Totalview-ITCH data.	$5,000 per connection initial charge plus monthly charge per connection of $8,500. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Wireless connection of NASDAQ BX Totalview-ITCH data.	$5,000 per connection initial charge plus monthly charge per connection of $6,000. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Wireless connection of NASDAQ Totalview Ultra (FPGA).	$5,000 per connection initial charge plus monthly charge per connection of $11,000. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Wireless connection of NASDAQ Totalview-ITCH and BX Totalview-ITCH data.	$5,000 per connection initial charge plus monthly charge per connection of $12,000. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.

Type of service	Description	Amount of charge
Wireless Connection for Third Party Data	Wireless connection of NASDAQ Totalview Ultra (FPGA) and BX Totalview-ITCH data.	$5,000 per connection initial charge plus monthly charge per connection of $14,500. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Wireless connection of Toronto Stock Exchange (TSX).	$5,000 per connection initial charge plus monthly charge per connection of $8,500. Fees are subject to a 30-day testing period, during which the monthly charge per connection is waived.
Wireless Connection for Third Party Data	Port for wireless connection	$3,000 monthly charge per port, excluding first port.
Virtual Control Circuit between two Users	1Mb	$200 monthly charge.
	3Mb	$400 monthly charge.
	5Mb	$500 monthly charge.
	10Mb	$800 monthly charge.
	25Mb	$1,200 monthly charge.
	50Mb	$1,800 monthly charge.
	100Mb	$2,500 monthly charge.
Hosting Fee		$1,000 monthly charge per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted.
Data Center Fiber Cross Connect	Furnish and install 1 cross connect	$500 initial charge plus $600 monthly charge.
	Furnish and install bundle of 6 cross connects	$500 initial charge plus $1,800 monthly charge.
	Furnish and install bundle of 12 cross connects.	$500 initial charge plus $3,000 monthly charge.
	Furnish and install bundle of 18 cross connects.	$500 initial charge plus $3,840 monthly charge.
	Furnish and install bundle of 24 cross connects between cabinets within the data center.	$500 initial charge plus $4,680 monthly charge. See General Note 3.
Connection to Time Protocol Feed	Network Time Protocol Feed (Note: LCN only)	$300 initial charge plus $100 monthly charge.
	Precision Time Protocol	$1,000 initial charge plus $250 monthly charge.
	GPS Time Source (Note: dedicated cabinets only).	$3,000 initial charge plus $400 monthly charge.
Expedite Fee	Expedited installation/completion of a User's co-location service.	$4,000 per request.

Service-Related Fees

The Exchange proposes to adopt the same services and fees set forth in the Affiliate SRO Price Lists under ''Change Fee''; ''Initial Install Services''; ''Hot Hands Service''; ''Shipping and Receiving''; ''Badge Request''; ''External Cabinet Cable Tray''; ''Custom External Cabinet Cable Tray'' and ''Visitor Security Escort'' (collectively, the ''Service-related Fees'') and related note, as follows.

Change Fee: As in the Affiliate SRO Price Lists, the Exchange proposes to charge a User a ''Change Fee'' if the User requests a change to one or more existing co-location services that the Exchange has already established or completed for the User.[38] The Change Fee would be charged per order. If a User ordered two or more services at one time (for example, through submitting an order form requesting multiple services) the User would be charged a one-time Change Fee, which would cover the multiple services.

Initial Install Services: As in the Affiliate SRO Price Lists, the Exchange proposes to charge a User an ''Initial Install Services'' fee for the installation of a dedicated or partial cabinet.[39] The proposed fee would be lower for a partial cabinet. The Initial Install Services fee would include initial racking of equipment in the cabinet, provision of cables and labor. The number of hours would depend on whether the cabinet was partial or dedicated.

Hot Hands Service: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users a ''Hot Hands'' service, which would allow Users to use on-site data center personnel to maintain User equipment, support network troubleshooting, rack and stack a server in a User's cabinet; power recycling; and install and document the fitting of cable in a User's cabinet(s).[40] The Hot Hands fee would be charged per half hour.

Shipping and Receiving: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users shipping and receiving services, with a per shipment fee for the receipt of one shipment of goods at the data center from the User or supplier.[41]

Badge Request: As in the Affiliate SRO Price Lists, the Exchange proposes to offer Users the option to obtain a permanent data center site access badge for a User representative.[42]

External Cabinet Cable Tray: As in the Affiliate SRO Price Lists, the Exchange proposes to offer to engineer, furnish and install a Rittal 5″ H x 12″ W cable tray on a cabinet for a flat fee per tray.[43]

Custom External Cabinet Cable Tray: As in the Affiliate SRO Price Lists, the Exchange proposes to offer to engineer, furnish and install 4″ H x 24″ W custom basket cable tray above a client's cabinet rows for a fee per linear foot.[44]

[38] *See id.*

[39] *See* note 20, *supra.*

[40] *See* Securities Exchange Act Release Nos. 72721 (July 30, 2014), 79 FR 45562 (August 5, 2014) (SR–NYSE–2014–37); 72719 (July 30, 2014), 79 FR 45502 (August 5, 2014) (SR–NYSEMKT–2014–61); and 72720 (July 30, 2014), 79 FR 45577 (August 5, 2014) (SR–NYSEArca–2014–81).

[41] *See* note 5, *supra.*

[42] *See id.*

[43] *See id.*

[44] *See id.*

Visitor Security Escort: As in the Affiliate SRO Price Lists, the Exchange proposes that User representatives be required to be accompanied by a visitor security escort during visits to the data center, unless visiting the User's cage. A fee per visit would be charged.[45] The proposed requirement would include User representatives who have a permanent data center site access badge.

In order to be able to meet its obligation to accommodate demand, and in particular to make available more contiguous, larger spaces for new and existing Users, if necessary, the Exchange would exercise its right to move some Users' equipment within the data center (''Migration''). To manage the process for a future Migration, the Exchange proposes to put the same Migration procedures in place as the Affiliate SROs, as follow:[46]

- First, the Exchange would identify Users that would be required to move in the Migration based on (a) the current location of the User and its current equipment and power requirements and (b) the availability of another location in the Data Center that would accommodate the equipment and power requirements for which such User currently subscribes. No User would be required to move more than once within any 12-month period.
- Second, the Exchange would notify a User in writing (the ''Notice'') that the User's equipment and network connections in the Data Center were to be moved as part of the Migration. The Notice would identify the 90-day period during which the User must move its equipment, which period would commence at least 60 days from the date of the Notice. The exact date or dates for the move for each User would be agreed upon between the User and the Exchange. If a move date or dates cannot be agreed on, the Exchange would schedule the move for a date or dates no later than 180 days after the date of the Notice.
- Third, each User's move would be facilitated by the Exchange in cooperation with the User, including the un-racking and re-racking of all of the User's equipment, and the re-installation of the User's networking connections, and the Exchange would make reasonable efforts to ensure that the moves take place outside of the Exchange's hours for business.
- Fourth, in connection with facilitating each User's move, the Exchange proposes to waive certain fees. Specifically, the Exchange proposes to waive:
  - The monthly recurring fees for the User's existing space, based on the rate of the monthly recurring fees that the User is paying as of the date of the Notice, for the month during which the User's move takes place. This waiver of the monthly recurring fees would mean that the User would not incur these fees for the period of overlapping use of the equipment and services in the old and the new locations, as long as the move is completed within one month.
  - all Service-Related Fees that the User would incur if such a move were to take place at a User's request with respect to the User's existing services and equipment.
  - for the month following the completion of a User's move, the monthly recurring charges for that User, based on the rate of the monthly recurring fees that the User is paying as of the date of the Notice, in consideration for the Migration.

The Exchange proposes to add a note to each Service-Related Fee outlining the Migration process, as in the Affiliate SRO Price Lists.[47] The Exchange proposes to add the following fees and note to its Price List:

Type of service	Description	Amount of charge
Change Fee ***	Change to a co-location service that has already been installed/completed for a User.	$950 per request.
Initial Install Services *** (Required per cabinet).	Dedicated Cabinet: Includes initial racking of equipment in cabinet and provision of cables (4 hrs).	$800 per dedicated cabinet.
	Partial Cabinet: Includes initial racking of equipment in cabinet and provision of cables (2 hrs).	$400 per eight-rack unit in a partial cabinet.
Hot Hands Service ***	Allows Users to use on-site data center personnel to maintain User equipment, support network trouble-shooting, rack and stack, power recycling, and install and document cable.	$100 per half hour.
Shipping and Receiving ***	Receipt of one shipment of goods at data center from User/supplier. Includes coordination of shipping and receiving.	$100 per shipment.
Badge Request ***	Request for provision of a permanent data center site access badge for a User representative.	$50 per badge.
External Cabinet Cable Tray ***.	Engineer, furnish and install Rittal 5″ H x 12″ W cable tray on cabinet.	$400 per tray.
Custom External Cabinet Cable Tray ***.	Engineer, furnish and install 4″ H x 24″ W custom basket cable tray above client's cabinet rows.	$100 per linear foot.
Visitor Security Escort ***	All User representatives are required to be accompanied by a visitor security escort during visits to the data center, unless visiting the User's cage. Requirement includes User representatives who have a permanent data center site access badge.	$75 per visit.

*** These fees are waived for the move of a User's equipment within the Data Center when incurred in connection with such a move required by the Exchange (''Migration Move''). A User selected by the Exchange for a Migration Move will receive written notice (the ''Notice''). The Notice will identify the 90-day period during which a User must move its equipment, which period would commence at least 60 days from the date of the Notice. Monthly recurring fees for the User's existing space based on the rate of the monthly recurring fees that the User was paying as of the date of the Notice are also waived for the month during which a User's Migration Move takes place, so the User would not incur these fees for the period of overlapping use of equipment and services in the old and new locations. In addition, the monthly recurring charges are waived for the month following the completion of a User's Migration Move, based on the rate of the monthly recurring fees that the User was paying as of the date of the Notice. No User will be required to move more than once within any 12-month period.

[45] *See* note 17, *supra*.

[46] *See* Securities Exchange Act Release Nos. 76269 (October 26, 2015), 80 FR 66942 (October 30, 2015) (SR–NYSE–2015–42); 76268 (October 26, 2015), 80 FR 66944 (October 30, 2015) (SR–NYSEMKT–2015–70); and 76270 (October 26, 2015), 80 FR 66958 (October 30, 2015) (SR–NYSEArca–2015–85).

[47] The Exchange notes that, while the other Affiliate SRO Price Lists use three asterisks to identify the Service-Related Fees and the corresponding note, the NYSE Amex Options Fee Schedule uses the numeral ''1''. The Exchange proposes to use three asterisks.

Connectivity to Third Party Systems, Data Feeds, Testing and Certification Feeds, and DTCC

The Exchange proposes to adopt the same services and fees set forth in the Affiliate SRO Price Lists under ''Connectivity to Third Party Systems, Data Feeds, Testing and Certification Feeds, and DTCC.'' [48]

Connectivity to Third Party Systems: As in the Affiliate SRO Price Lists, the Exchange proposes to provide that Users may obtain access to the trading and execution services of Third Party markets and other content service providers (''Third Party Systems'') of multiple third party markets and other content service providers for a fee.[49] Users would connect to Third Party Systems over the IP network.

In order to obtain access to a Third Party System, a User would enter into an agreement with the relevant third party content service provider, pursuant to which the third party content service provider would charge the User for access to the Third Party System. The Exchange would then establish a unicast connection between the User and the relevant third party content service provider over the IP network. The Exchange would charge the User for the connectivity to the Third Party System. A User would only receive, and would only be charged for, access to Third Party Systems for which it enters into agreements with the third party content service provider.

With the exception of the ICE feed, the Exchange would have no ownership interest in the Third Party Systems. Establishing a User's access to a Third Party System would not give the Exchange any right to use the Third Party Systems. Connectivity to a Third Party System would not provide access or order entry to the Exchange's execution system, and a User's connection to a Third Party System would not be through the Exchange's execution system.

The Exchange would charge a monthly recurring fee for connectivity to a Third Party System. Specifically, when a User requested access to a Third Party System, it would identify the applicable third party market or other content service provider and what bandwidth connection it required.

The Exchange proposes to add the following fees and language to its Price List:

Connectivity to Third Party Systems

Pricing for access to the execution systems of third party markets and other service providers (Third Party Systems) is for connectivity only. Connectivity to Third Party Systems is subject to any technical provisioning requirements and authorization from the provider of the data feed. Connectivity to Third Party Systems is over the IP network. Any applicable fees are charged independently by the relevant third party content service provider. The Exchange is not the exclusive method to connect to Third Party Systems.

Bandwidth of connection to Third Party System	Monthly recurring fee per connection to Third Party System
1Mb	$200
3Mb	400
5Mb	500
10Mb	800
25Mb	1,200
50Mb	1,800
100Mb	2,500
200 Mb	3,000
1 Gb	3,500

Third Party Systems
Americas Trading Group (ATG).
BATS.
Boston Options Exchange (BOX).
Chicago Board Options Exchange (CBOE).
Chicago Mercantile Exchange (CME Group).
Chicago Stock Exchange (CHX).
Credit Suisse.
Euronext Optiq Cash and Derivatives Unicast (EUA).
Euronext Optiq Cash and Derivatives Unicast (Production).
International Securities Exchange (ISE).
Investors Exchange (IEX).
Miami International Securities Exchange.
MIAX PEARL.
Nasdaq.
NYFIX Marketplace.
OneChicago.
TMX Group.

Connectivity to Third Party Data Feeds: As in the Affiliate SRO Price Lists, the Exchange proposes to provide that Users may obtain connectivity to data feeds from third party markets and other content service providers (''Third Party Data Feeds'') for a fee.[50] The Exchange would receive Third Party Data Feeds from multiple national securities exchanges and other content service providers at its data center. It would then provide connectivity to that data to Users for a fee. With the exceptions of Global OTC and ICE Data Global Index, Users would connect to Third Party Data Feeds over the IP network.

In order to connect to a Third Party Data Feed, a User would enter into a contract with the relevant third party market or other content service provider, pursuant to which the content service provider would charge the User for the Third Party Data Feed. The Exchange would receive the Third Party Data Feed over its fiber optic network and, after the data provider and User enter into the contract and the Exchange receives authorization from the data provider, the Exchange would re-transmit the data to the User over the User's port. The Exchange would charge the User for the connectivity to the Third Party Data Feed. A User would only receive, and would only be charged for, connectivity to the Third Party Data Feeds for which it entered into contracts.

With the exception of the ICE Data Services, ICE and Global OTC feeds, the Exchange would have no affiliation with the sellers of the Third Party Data Feeds. It would have no right to use the Third Party Data Feeds other than as a redistributor of the data. The Third Party Data Feeds would not provide access or order entry to the Exchange's execution system. With the exception of the ICE feeds, the Third Party Data Feeds would not provide access or order entry to the execution systems of the third party generating the feed. The Exchange would receive Third Party Data Feeds via arms-length agreements and would have no inherent advantage over any other distributor of such data.

The Exchange would charge a monthly recurring fee for connectivity to each Third Party Data Feed. The monthly recurring fee would be per Third Party Data Feed, with the exception that the monthly recurring fee for the ICE Data Services Consolidated Feeds (including the ICE Data Services Consolidated FeedsShared Farm feeds), SR Labs—SuperFeeds and MSCI feeds would vary by the bandwidth of the connection. Depending on its needs and bandwidth, a User may opt to receive all or some of the feeds or services included in a Third Party Data Feed.

Third Party Data Feed providers may charge redistribution fees. The Exchange proposes that, when it receives a redistribution fee, it pass through the charge to the User, without change to the fee. The fee would be labeled as a pass-through of a redistribution fee on the User's invoice. As in the Affiliate SRO Price Lists, the Exchange proposes to add language to the Price List accordingly.

The Exchange proposes that it not charge Users that are third party markets or content providers for connectivity to their own feeds, as it understands that such parties generally receive their own feeds for purposes of diagnostics and

[48] *See* note 33, *supra.*

[49] *See id.*

[50] *See id.*

testing. As in the Affiliate SRO Price Lists, the Exchange proposes to add language to the Price List accordingly.

The Exchange proposes to add the following fees and language to its Price List:

Connectivity to Third Party Data Feeds

Pricing for data feeds from third party markets and other content service providers (Third Party Data Feeds) is for connectivity only. Connectivity to Third Party Data Feeds is subject to any technical provisioning requirements and authorization from the provider of the data feed. Connectivity to Third Party Data Fees is over the IP network, with the exception that Users can connect to Global OTC and ICE Data Global Index over the IP network or LCN. Market data fees are charged independently by the relevant third party market or content service provider. The Exchange is not the exclusive method to connect to Third Party Data Feeds.

Third Party Data Feed providers may charge redistribution fees. When the Exchange receives a redistribution fee, it passes through the charge to the User, without change to the fee. The fee is labeled as a pass-through of a redistribution fee on the User's invoice. The Exchange does not charge third party markets or content providers for connectivity to their own feeds.

Third Party Data Feed	Monthly recurring connectivity fee per Third Party Data Feed
Boston Options Exchange (BOX)	$1,000
Cboe BZX Exchange (CboeBZX) and Cboe BYX Exchange (CboeBYX)	2,000
Cboe EDGX Exchange (CboeEDGX) and Cboe EDGA Exchange (CboeEDGA)	2,000
Chicago Board Options Exchange (CBOE)	2,000
Chicago Stock Exchange (CHX)	400
CME Group	3,000
Euronext Optiq Compressed Cash	900
Euronext Optiq Compressed Derivatives	600
Euronext Optiq Shaped Cash	1,200
Euronext Optiq Shaped Derivatives	900
Financial Industry Regulatory Authority (FINRA)	500
Global OTC	100
ICE Data Global Index	100
ICE Data Services Consolidated Feed ≤100 Mb	200
ICE Data Services Consolidated Feed >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed >1Gb	1,000
ICE Data Services Consolidated Feed Shared Farm ≤100Mb	200
ICE Data Services Consolidated Feed Shared Farm >100 Mb to ≤1 Gb	500
ICE Data Services Consolidated Feed Shared Farm >1Gb	1,000
ICE Data Services PRD	200
ICE Data Services PRD CEP	400
Intercontinental Exchange (ICE)	1,500
International Securities Exchange (ISE)	1,000
Investors Exchange (IEX)	1,000
Miami International Securities Exchange/MIAX PEARL	2,000
Montréal Exchange (MX)	1,000
MSCI 5 Mb	500
MSCI 25 Mb	1,200
NASDAQ Stock Market	2,000
NASDAQ OMX Global Index Data Service	100
NASDAQ OMDF	100
NASDAQ UQDF & UTDF	500
OneChicago	1,000
OTC Markets Group	1,000
SR Labs—SuperFeed <500 Mb	250
SR Labs—SuperFeed >500 Mb to <1.25 Gb	800
SR Labs—SuperFeed >1.25 Gb	1,000
TMX Group	2,500

Connectivity to Third Party Testing and Certification Feeds: As in the Affiliate SRO Price Lists, the Exchange proposes to provide that Users may obtain connectivity to third party testing and certification feeds.[51] Certification feeds would be used to certify that a User conforms to any of the relevant content service provider's requirements for accessing Third Party Systems or receiving Third Party Data, while testing feeds would provide Users an environment in which to conduct tests with non-live data. Such feeds, which would solely be used for certification and testing and do not carry live production data, would be available over the IP network.

The Exchange proposes to add the following fees and language to its Price List:

Connectivity to Third Party Testing and Certification Feeds

The Exchange provides connectivity to third party testing and certification feeds provided by third party markets and other content service providers. Pricing for third party testing and certification feeds is for connectivity only. Connectivity to third party testing and certification feeds is subject to any technical provisioning requirements and authorization from the provider of the

[51] *See id.*

data feed. Connectivity to third party testing and certification feeds is over the IP network. Any applicable fees are charged independently by the relevant third party market or content service provider. The Exchange is not the exclusive method to connect to third party testing and certification feeds.

Connectivity to third party certification and testing feeds.	$100 monthly recurring fee per feed.

Connectivity to DTCC: As in the Affiliate SRO Price Lists, the Exchange proposes to provide Users connectivity to Depository Trust & Clearing Corporation (''DTCC'') for clearing, fund transfer, insurance, and settlement services.[52]

In order to connect to DTCC, a User would enter into a contract with DTCC, pursuant to which DTCC would charge the User for the services provided. The Exchange would receive the DTCC feed over its fiber optic network and, after DTCC and the User entered into the services contract and the Exchange received authorization from DTCC, the Exchange would provide connectivity to DTCC to the User over the User's IP network port. The Exchange would charge the User for the connectivity to DTCC.

Connectivity to DTCC would not provide access or order entry to the Exchange's execution system, and a User's connection to DTCC would not be through the Exchange's execution system.

The Exchange proposes to add the following fees and language to its Price List:

Connectivity to DTCC

Pricing for connectivity to DTCC feeds is for connectivity only. Connectivity to DTCC feeds is subject to any technical provisioning requirements and authorization from DTCC. Connectivity to DTCC feeds is over the IP network. Any applicable fees are charged independently by DTCC. The Exchange is not the exclusive method to connect to DTCC feeds.

5 Mb connection to DTCC.	$500 monthly recurring fee.
50 Mb connection to DTCC.	$2,500 monthly recurring fee.

Proposed Deletion of Current Fees and Rebates Set Forth on the Price List

In addition to adding Co-Location Fees to the Price List, the Exchange also proposes to delete the current fees and credits set forth on the Price List, including the Transaction Fees and Rebates, Market Data Revenue, Regulatory Fee, Market Data, and Connectivity Fees.

As noted above, the Exchange ceased operations on February 1, 2017 and in connection with the relevant filing, terminated the membership status of all Exchange ETP Holders.[53] Because the Exchange has not been operating and does not have any ETP Holders, the Exchange has not been charging any of the fees set forth on the current Price List. In addition, the Exchange intends to file a separate proposed rule change to establish fees and credits for the re-launch of operations. The Exchange believes that deleting the fees and credits currently set forth on the Price List would promote transparency and reduce confusion among the public, members, and the Commission regarding the fees and credits that would be applicable when the Exchange re-launches trading, as the current fees and credits are now obsolete.

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[54] in general, and furthers the objectives of Section 6(b)(5) of the Act,[55] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that offering co-location services would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because it would provide market participants with the option to co-locate, but would not require it. The Exchange would provide co-location services, including various options for cabinets, LCN and IP network access, connectivity to Included Data Products, Third Party Data Feeds, third party testing and certification feeds, DTCC and Wireless Third Party Data (collectively, ''Connectivity''), access to Exchange Systems and Third Party Systems (together, ''Access''), hosting, and services, as conveniences to Users. Use of any co-location services would be completely voluntary, and each market participant would be able to determine whether to use co-location services based on the requirements of its business operations. If it chose to co-locate, it would be able to determine what size of cabinet, form and latency of network, Access and Connectivity would best suits its needs. As alternatives to using co-location, a market participant would be able to access or connect to the Exchange through a connection to an Exchange access center outside the data center, a third party access center, or a third party vendor. The market participant could make such connection through a third party telecommunication provider, third party wireless network, the Secure Financial Transaction Infrastructure (''SFTI'') network, or a combination thereof.

Further, by having the Price List set forth the same co-location services and fees offered by the Affiliate SROs, with only non-substantive differences from the Affiliate SRO Price Lists,[56] the Exchange would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because Users would benefit from having consistent products and pricing across the Exchange and the three Affiliate SROs. As is true for the Affiliate SROs and as specified in the proposed Price List, a User that incurred co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Affiliate SROs.

The Exchange believes that the proposed changes would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because the Price List would set forth: (a) The relevant definitions and General Notes, including a detailed description of the Access and Connectivity Users receive with their purchase of access to the LCN or IP network; (b) the Cabinet-Related Fees;

[52] *See id.*

[53] *See* Termination Filing, *supra* note 4.

[54] 15 U.S.C. 78f(b).

[55] 15 U.S.C. 78f(b)(4) & (5).

[56] *See* notes 15 and 19, *supra.*

(c) the Access and Service Fees; (d) the Service-related Fees; (e) a description of the Migration; and (f) information regarding connectivity to Third Party Systems, Third Party Data Feeds, third party testing and certification feeds, and DTCC. Such proposed Price List text would make the description of co-location services and fees accessible and transparent, providing market participants with clarity as to what services were offered within co-location and what the related fees would be.

The Exchange believes that the proposal to provide Access and Connectivity would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because, by offering Access and Connectivity, the Exchange would give each User access and connectivity options. Providing Access and Connectivity would help each User tailor its data center operations to the requirements of its business operations by allowing it to select the form and latency of access and connectivity that best suits its needs. The Exchange would provide Access and Connectivity as conveniences to Users. As with all co-location services, use of Access or Connectivity would be completely voluntary. Each User would have several other access and connectivity options available to it. As alternatives to using the Access and Connectivity provided by the Exchange, a User would be able to access or connect to Exchange Systems, Third Party Systems, Included Data Products, Third Party Data Feeds, third party testing and certification feeds, DTCC and Wireless Third Party Data through another User or through a connection to an Exchange access center outside the data center, third party access center, or third party vendor. The User may make such connection through a third party telecommunication provider, third party wireless network, the SFTI network, or a combination thereof.

Users would not be required to use any of their bandwidth for Access or Connectivity unless they wished to do so. Rather, a User would only receive the Access and Connectivity that it selected, and a User could change what Access or Connectivity it receives at any time, subject to authorization from the third party system or data provider, the Exchange or relevant Affiliate SRO.

In addition, the Exchange believes that providing connectivity to testing and certification feeds would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because such feeds would provide Users an environment in which to conduct tests with non-live data, including testing for upcoming releases and product enhancements or the User's own software development, and allow Users to certify conformance to any applicable technical requirements.

Similarly, the Exchange believes that providing connectivity to DTCC would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because it would provide efficient connection to clearing, fund transfer, insurance, and settlement services.

Finally, the Exchange believes that the proposal to establish procedures and waive certain fees in connection with the movement of equipment at the data center in a Migration would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because it would allow the Exchange to have sufficient space in the data center to accommodate demand on an equitable basis for the foreseeable future. The Exchange believes that the waiver of overlapping monthly recurring charges, the waiver of the Service-Related Fees, and the waiver of one month of monthly recurring charges in a Migration would be reasonable because Users would be moving at the Exchange's request and the waivers would help to alleviate the burden on the Users that are required to move.

The Exchange also believes that the proposed fee change is consistent with Section 6(b)(4) of the Act,[57] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed fees changes are consistent with Section 6(b)(4) of the Act for multiple reasons. The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services would be constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for colocation services, affected market participants will opt to terminate their colocation arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange.

The Exchange believes that the services and fees proposed herein are equitably allocated and not unfairly discriminatory because, in addition to the services being completely voluntary, they would be available to all Users on an equal basis (*i.e.,* the same co-location services would be available to all Users). All Users that voluntarily elected to receive a co-location service would be charged the same amount for the same service.

The Exchange believes that charging distinct fees for different co-location services would be reasonable and not unfairly discriminatory because not all Users would need, or wish, to utilize the same co-location services. The proposed variety of services would allow Users to select which co-location services to use, based on their business needs, and Users would only be charged for the services that they selected. By charging only those Users that utilize a co-location service the related fee, those Users that directly benefit from a service would support its cost.

Similarly, the Exchange believes the proposed fees are reasonable because they would allow the Exchange to defray or cover the costs associated with offering different co-location services while providing Users the benefit of such services, including the benefits of, among other things, choosing among the array of different options for cabinets, power, LCN and IP network access, Connectivity, Access, hosting and services; having an efficient connection to clearing, fund transfer, insurance, and settlement services; and having an environment in which to conduct tests with nonlive data and to certify conformance to any applicable technical requirements.

The Exchange believes that the proposed charges are reasonable, equitably allocated and not unfairly discriminatory because the Exchange

[57] 15 U.S.C. 78f(b)(4).

would offer co-location services as conveniences to Users, but in order to do so would have to provide, maintain and operate the data center facility hardware and technology infrastructure. The Exchange would need to expand the network infrastructure to keep pace with the number of services available to Users, including any increasing demand for bandwidth, and to establish any additional administrative controls. The Exchange would have to handle the installation, administration, monitoring, support and maintenance of such services, including by responding to any production issues. In addition, in order to provide connectivity to Third Party Data Feeds, Third Party Systems, third party testing and certification feeds and DTCC, the Exchange would have to maintain multiple connections to each Third Party Data Feed, Third Party System, and DTCC, allowing the Exchange to provide resilient and redundant connections; adapt to any changes made by the relevant third party; and cover any applicable fees (other than redistribution fees) charged by the relevant third party, such as port fees.

The Exchange believes it is reasonable that redistribution fees charged by providers of Third Party Data Feeds would be passed through to the User, without change to the fee. If not passed through, the cost of the re-distribution fees would be factored into the proposed fees for connectivity to Third Party Data Feeds. The Exchange believes that passing through the fees makes them more transparent to the User, allowing the User to better assess the cost of the connectivity to a Third Party Data Feed by seeing the individual components of the cost, *i.e.* the Exchange's fee and the redistribution fee.

The Exchange believes that it is reasonable to not charge third party markets or content providers for connectivity to their own Third Party Data Feeds, as the Exchange understands that such parties generally receive their own feeds for purposes of diagnostics and testing. The Exchange believes that facilitating such diagnostics and testing would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest.

The Exchange believes that the proposal to establish procedures and waive certain fees in connection with the movement of equipment at the data center in a Migration would provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and would not unfairly discriminate between customers, issuers, brokers or dealers, because pursuant to the proposed procedures for selecting which Users would be required to move within the data center, a User would be required to move only if the Exchange would be able to accommodate such User's current space and power requirements at the new location, so as to minimize the disruption to the User. The Exchange believes that the waiver of overlapping monthly recurring charges, the waiver of the Service-Related Fees, and the waiver of one month of monthly recurring charges in a Migration would be reasonable because Users would be moving at the Exchange's request and the waivers would help to alleviate the burden on the Users that are required to move.

Finally, the Exchange believes that the proposed rule change to delete the current fees and credits set forth on the Price List would remove impediments to and perfect the mechanism of a free and open market and a national market system because the Exchange ceased operations and terminated membership status of all ETP Holders, and therefore these fees and credits are now moot. Because the Exchange will file a separate proposed rule change to establish fees and credits for the re-launch of operations, the Exchange believes that leaving the current Price List as is could result in confusion among members, the public, and the Commission, which may believe that these are the fees that would be applicable for the re-launch. To reduce such potential confusion and to promote transparency, the Exchange proposes to delete these fees and credits.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[58] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because all of the proposed services are completely voluntary.

The Exchange believes that offering co-location services would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because such proposed co-location services would provide market participants with the option to co-locate, but would not require it. Use of any co-location services would be completely voluntary, and each market participant would be able to determine whether to use co-location services based on the requirements of its business operations. In this way, the proposed changes would enhance competition by providing market participants with additional options for their business operations.

In addition, the proposed co-location services would be available to all Users on an equal basis. All Users that voluntarily selected to receive co-location services, including cabinets, LCN and IP network access, Connectivity, Access and other services, would be charged the same amount for the same services. In the case of a Migration, all Users would be subject to the same proposed procedures for selecting which Users would be required to move within the data center and what fees would be affected.

Further, the proposed changes would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Price List would set forth the same co-location services and fees offered by the Affiliate SROs, with only non-substantive differences from the Affiliate SRO Price Lists, allowing Users to benefit from having consistent products and pricing across the Exchange and the three Affiliate SROs.

The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the

[58] 15 U.S.C. 78f(b)(8).

market share and revenue of the affected exchange.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [59] and Rule 19b–4(f)(6) thereunder.[60] 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; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[61]

A proposed rule change filed under Rule 19b–4(f)(6) [62] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[63] the Commission may 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 immediately upon filing. The Exchange believes that such waiver is consistent with the protection of investors and the public interest because it would allow the Exchange to provide the proposed co-location services to coincide with the launch of the Exchange. The Exchange also notes that waiver would promote transparency and potentially reduce confusion among members, the public, and the Commission that could result from maintaining the former fees and credits on the Price List. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it would allow the Exchange to offer co-location services without undue delay. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[64]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [65] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2018–07 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–NYSENAT–2018–07. 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–NYSENAT–2018–07 and should be submitted on or before June 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[66]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12111 Filed 6–5–18; 8:45 am]

BILLING CODE 8011–01–P

[59] 15 U.S.C. 78s(b)(3)(A)(iii).

[60] 17 CFR 240.19b–4(f)(6).

[61] 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.

[62] 17 CFR 240.19b–4(f)(6).

[63] 17 CFR 240.19b–4(f)(6)(iii).

[64] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[65] 15 U.S.C. 78s(b)(2)(B).

[66] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83357; File No. SR–NYSEAMER–2018–24]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37E and Rule 7.45E With Respect to NYSE National's Reopening of Trading and Reactivating Connection to the Securities Information Processors

May 31, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 18, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C 78a.

[3] 17 CFR 240.19b–4.

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: (1) Amend Rule 7.37E to amend in Exchange rules the Exchange's use of data feeds from NYSE National, Inc. (''NYSE National'') for order handling and execution, order routing, and regulatory compliance; and (2) amend Rule 7.45E to reflect that Archipelago Securities LLC (''Arca Securities'') would function as a routing broker for the Exchange's affiliate, NYSE National. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update and amend the table in Rule 7.37E that sets forth on a market-by-market basis the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, execution and routing of orders, and for performing the regulatory compliance checks related to each of those functions. NYSE National intends to reopen trading and reactivate its connections to the securities information processors (''SIPs''). To reflect that, the Exchange proposes to revise Rule 7.37E to specify which data feeds the Exchange would use for NYSE National. Rule 7.37E currently provides that NYSE National uses the SIP data feeds as the primary source and does not have a secondary source. The Exchange proposes to use the direct data feeds for NYSE National and would use the SIP data feeds as a secondary source.

Additionally, the Exchange proposes to amend Rule 7.45E to reflect that Arca Securities would function as a routing broker for the Exchange's affiliate, NYSE National. Specifically, the Exchange proposes to amend Rule 7.45E(c)(1) and (2) to reference NYSE National as an affiliate of the Exchange for the purposes of the inbound routing function performed by Arca Securities. The proposed rule change would provide more clarity and transparency to all the functions that Arca Securities performs on behalf of the Exchange and its affiliates, which now includes NYSE National. The Exchange is not proposing any substantive change to the rule.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(5),[5] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 its proposal to update the table in Rule 7.37E will ensure that the rule correctly identifies on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, execution and routing of orders, and for performing the regulatory compliance checks to each of those functions. The proposed rule change also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency. The Exchange believes its proposal to amend Rule 7.45E removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because the proposed rule change would enhance the clarity and transparency in Exchange Rules surrounding the inbound routing function performed by Arca Securities for the Exchange's affiliate, NYSE National.

[4] 15 U.S.C. 78f(B).

[5] 15 U.S.C. 78f(b)(5).

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 proposed change is not designed to address any competitive issue but rather would provide the public and investors with information about which data feeds the Exchange uses for execution and routing decisions, and provide clarity in Exchange rules that Arca Securities would perform the inbound routing function on behalf on the Exchange's affiliate, NYSE National.

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; 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[6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[9] 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 operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it will allow the Exchange to immediately provide enhanced

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written ntoice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

transparency in Exchange rules regarding which data feeds the Exchange will use for NYSE National and clarify in the Exchange's rules that Arca Securities will perform the inbound routing function for NYSE National. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[10]

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.* Please include File Number SR–NYSEAMER–2018–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2018–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2018–24, and should be submitted on or before June 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12115 Filed 6–5–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 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).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83352; File No. SR–NYSEArca–2018–37]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37–E and Rule 7.45–E With Respect to NYSE National's Reopening of Trading and Reactivating Connection to the Securities Information Processors

May 31, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 18, 2018, NYSE Arca, Inc. (the ''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 the Substance of the Proposed Rule Change

The Exchange proposes to: (1) Amend Rule 7.37–E to specify in Exchange rules the Exchange's use of data feeds from NYSE National, Inc. (''NYSE National'') for order handling and execution, order routing, and regulatory compliance; and (2) amend Rule 7.45–E to reflect that Archipelago Securities LLC (''Arca Securities'') would function as a routing broker for the Exchange's affiliate, NYSE National. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update and amend the table in Rule 7.37–E that sets forth on a market-by-market basis the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, execution and routing of orders, and for performing the regulatory compliance checks related to each of those functions. Specifically, the table would be amended to include NYSE National, which intends to reopen trading and reactivate its connections to the securities information processors (''SIPs''). To reflect that, the Exchange proposes to amend Rule 7.37–E to specify which data feeds the Exchange would use for NYSE National. As proposed, the Exchange would use the direct data feeds for NYSE National and would use the SIP data feeds as a secondary source.

Additionally, the Exchange proposes to amend Rule 7.45–E to reflect that Arca Securities would function as a

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

routing broker for the Exchange's affiliate, NYSE National. Specifically, the Exchange proposes to amend Rule 7.45–E(c)(1) and (2) to reference NYSE National as an affiliate of the Exchange for the purposes of the inbound routing function performed by Arca Securities. The proposed rule change would provide more clarity and transparency to all the functions that Arca Securities performs on behalf of the Exchange and its affiliates, which now includes NYSE National. The Exchange is not proposing any substantive change to the rule.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(5),[5] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 its proposal to update the table in Rule 7.37–E to include NYSE National will ensure that Rule 7.37–E correctly identifies and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, execution and routing of orders, and for performing the regulatory compliance checks to each of those functions. The proposed rule change also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency. The Exchange believes the proposed rule change to amend Rule 7.45–E also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because the proposed rule change would enhance the clarity and transparency in Exchange Rules surrounding the inbound routing function performed by Arca Securities for the Exchange's affiliate, NYSE National.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

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 proposed change is not designed to address any competitive issue but rather would provide the public and investors with information about which data feeds the Exchange uses for execution and routing decisions, and provide clarity in Exchange rules that Arca Securities would perform the inbound routing function on behalf on the Exchange's affiliate, NYSE National.

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; 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[6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[9] 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 operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it will allow the Exchange to immediately provide enhanced transparency in Exchange rules regarding which data feeds the Exchange will use for NYSE National and clarify in the Exchange's rules that Arca Securities will perform the inbound routing function for NYSE National. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[10]

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.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–37 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–2018–37. 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

[10] 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).

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–37, and should be submitted on or before June 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12112 Filed 6–5–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83355; File No. SR–NYSE–2017–53]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Listed Company Manual for Special Purpose Acquisition Companies To Lower the Initial Holders Requirement From 300 to 150 Round Lot Holders and To Eliminate Completely the 300 Public Stockholders Continued Listing Requirement, To Require at Least $5 Million in Net Tangible Assets for Initial and Continued Listing, and To Impose a 30-Day Deadline To Demonstrate Compliance With Certain Initial Listing Requirements Following a Business Combination

May 31, 2018.

On November 16, 2017, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Listed Company Manual for Special Purpose Acquisition Companies (''SPACs'')[3] to lower the initial holders requirement from 300 to 150 round lot holders and to eliminate the continued listing requirement of 300 public stockholders completely, to require at least $5 million in net tangible assets for initial listing and continued listing, and to allow companies 30 days to demonstrate compliance with the applicable holder requirements of Section 102.01A in the Listed Company Manual following a business combination. Finally, NYSE proposes to eliminate certain alternative initial listing distribution criteria for SPACs that list in connection with a transfer or quotation. The proposed rule change was published for comment in the **Federal Register** on December 6, 2017.[4] In response, the Commission received two comments on the proposal.[5] On January 18, 2018, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to March 6, 2018.[6] The Commission issued an order instituting proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change on March 5, 2018 (''OIP'').[7] The Commission received one additional comment letter in response to the OIP.[8]

Section 19(b)(2) of the Act[9] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on December 6, 2017. June 4, 2018 is 180 days from that date, and August 3, 2018 is 240 days from that date. The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment letters. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[10] designates August 3, 2018, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSE–2017–53).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12113 Filed 6–5–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that throughout this Notice we have used the term ''SPAC'' or ''SPACs.'' These terms have the same meaning as an ''Acquisition Company'' or ''AC'' which is the term used by NYSE in its current proposed rule filing and rule text.

[4] *See* Securities Exchange Act Release No. 82180 (November 30, 2017), 82 FR 57632 (December 6, 2017) (''Notice'').

[5] *See* Letters to Brent J. Fields, Secretary, Commission, from Michael Kitlas, dated November 30, 2017 (''Kitlas Letter'') and Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated December 20, 2017 (''CII Letter'').

[6] *See* Securities Exchange Act Release No. 82531 (January 18, 2018), 83 FR 3371 (January 24, 2018) (''Extension'').

[7] *See* Securities Exchange Act Release No. 82804 (March 5, 2018), 83 FR 10530 (March 9, 2018).

[8] *See* Letters to Brent J. Fields, Secretary, Commission, from Jeffrey P. Mahoney, General Counsel, Council of Institutional Investors, dated March 26, 2018 (''CII Letter II'').

[9] 15 U.S.C. 78s(b)(2).

[10] *Id.*

[11] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83361]

Order Cancelling Registrations of Certain Transfer Agents

June 1, 2018.

On December 22, 2017, notice was published in the **Federal Register** that the Securities and Exchange Commission (''Commission'') intended to issue an order, pursuant to Section 17A(c)(4)(B) of the Securities Exchange Act of 1934 (''Act''),[1] cancelling the registrations of certain transfer agents.[2] For the reasons discussed below, the Commission is cancelling the registration of the transfer agents identified in the attached Appendix.

FOR FURTHER INFORMATION CONTACT: Moshe Rothman, Assistant Director, or Catherine Whiting, Special Counsel, at (202) 551–4990, U.S. Securities and Exchange Commission, Division of Trading and Markets, Room 7321 SP1,

[1] 15 U.S.C. 78q–1(c)(4)(B).

[2] Securities Exchange Act Release No. 34–82342 (Dec. 18, 2017), 82 FR 60778.

100 F Street NE, Washington, DC 20549–7010 or by email to *tradingandmarkets@sec.gov* with the phrase ''Order Cancelling Transfer Agent Registration'' in the subject line.

Background

Section 17A(c)(4)(B) of the Act provides that if the Commission finds that any transfer agent registered with the Commission is no longer in existence or has ceased to do business as a transfer agent, the Commission shall by order cancel that transfer agent's registration. On December 22, 2017, the Commission published notice of its intention to cancel the registration of certain transfer agents whom it believed were no longer in existence or had ceased doing business as transfer agents.[3]

In the notice, the Commission identified 38 such transfer agents and stated that at any time after January 31, 2018, the Commission intended to issue an order canceling the registrations of any or all of the identified transfer agents. One transfer agent contacted the Commission to object to the cancellation of its registration, stating that it had not ceased doing business as a transfer agent. The Commission has decided not to cancel the registration of that transfer agent. None of the remaining 37 identified transfer agents contacted the Commission to object to the cancellation of their registrations.

Accordingly, the Commission is cancelling the registrations of the 37 transfer agents identified in the Appendix attached to this Order.

Order

On the basis of the foregoing, the Commission finds that each of the transfer agents whose name appears in the attached Appendix either is no longer in existence or has ceased doing business as a transfer agent.

It is therefore ordered pursuant to Section 17A(c)(4)(B) of the Act that the registration as a transfer agent of each of the transfer agents whose name appears in the attached Appendix be and hereby is cancelled.

For the Commission by the Division of Trading and Markets pursuant to delegated authority.[4]

Eduardo A. Aleman,

Assistant Secretary.

Appendix

Transfer agent name	File number
AG Transfer Agency LLC	084–06306
Allied Stock Transfer, Inc.	084–06171
AlphaMetrix, LLC	084–06327
Baron Capital Transfer & Registrar LLC	084–06440
Bluechip Equity Inc. DBA Bluechip Trust Company	084–06173
Cascade Stock Transfer, Inc.	084–06204
Centerline Affordable Housing Advisors LLC	084–01911
Chris Lotito	084–06197
Clayton Securities Services, Inc.	084–05425
Demiurgic, Inc.	084–06274
Elite Transfer Corp	084–06193
EnDevCo, Inc.	084–06084
First National Bank of Omaha	084–06174
First National Bank of Sioux Falls	084–06228
Fund Dynamics, LLC	084–06208
Hiko Bell Mining & Oil Company	084–05445
Holladay Stock Transfer, Inc.	084–01822
Integrity Stock Transfer	084–06113
Intercontinental Registrar & Transfer Agency, Inc.	084–01123
Investor Data Services	084–01425
Johnson, Lawrence & Associates	084–05831
Karrison Compagnie Inc.	084–06046
Life Sciences Research	084–06094
LM Anderson Securities, LLC	084–06257
Matrix Capital Group Inc.	084–06122
Premier Stock Transfer, LLC	084–06518
Progressive Transfer, Inc.	084–06268
Quads Trust Company	084–05621
Repository & Related Services, LLC	084–06500
Signal Stock Transfer, Inc.	084–06360
Standard Transfer & Trust Co., Inc.	084–05819
Superior Stock Transfer, Inc.	084–06121
Thermal Energy Storage Inc.	084–01300
U.S. Stock Transfer Corp.	084–06293
U.S. Trust & Transfer Co.	084–05663
Valley Forge Management Corp	084–00012
Wall Street Stock Transfer Corporation	084–06246

[FR Doc. 2018–12157 Filed 6–5–18; 8:45 am]

BILLING CODE P

[3] *Id.*

[4] 17 CFR 200.30–3(a)(22).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83350; File No. SR–NYSENAT–2018–09]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish the NYSE National BBO, NYSE National Trades and NYSE National Integrated Feed Market Data Feeds

May 31, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 18, 2018, NYSE National, Inc. (the ''Exchange'' or ''NYSE National'') 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 establish the NYSE National BBO (''NYSE National BBO''), NYSE National Trades (''NYSE National Trades'') and NYSE National Integrated Feed (''NYSE National Integrated Feed'') market data feeds. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish NYSE National BBO, NYSE National Trades and NYSE National Integrated Feed (''NYSE National Market Data Feeds'').

NYSE National BBO

NYSE National BBO is a NYSE National-only market data feed that provides vendors and subscribers on a real-time basis with the same best-bid-and-offer information that NYSE National reports under the Consolidated Quotation Plan (''CQ Plan'') and the Plan Governing the Collection, Consolidation, and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis (''OTC UTP Plan''). NYSE National BBO would include the best bids and offers (''NYSE National BBO Information'') for all securities that are traded on the Exchange. NYSE National will make the NYSE National BBO available over a single data feed, regardless of the markets on which the securities are listed.

NYSE National BBO would allow vendors, broker-dealers, and others (''NYSE National Vendors'') to consume and make available NYSE National BBO Information on a real-time basis. NYSE National Vendors may distribute the NYSE National BBO to both professional and non-professional subscribers. The Exchange would make NYSE National BBO Information available through the NYSE National BBO data feed no earlier than it makes that information available to the processor under the CQ Plan or the OTC UTP Plan, as applicable.

NYSE National Trades

NYSE National Trades is a NYSE National-only market data feed that provides vendors and subscribers on a real-time basis with the same last sale information that NYSE National reports under the Consolidated Tape Association Plan (''CTA Plan'') and the OTC UTP Plan for inclusion in the consolidated feeds. NYSE National Trades would include the real-time last sale price, time and size information (''NYSE National Last Sale Information'') for all securities that are traded on the Exchange. NYSE National will make the NYSE National Trades available over a single data feed, regardless of the markets on which the securities are listed.

NYSE National Trades would allow NYSE National Vendors to consume and make available NYSE National Last Sale Information on a real-time basis. NYSE National Vendors may distribute the NYSE National Trades to both professional and non-professional subscribers. The Exchange would make NYSE National Last Sale Information available through the NYSE National Trades data feed no earlier than it makes that information available to the processor under the CTA Plan or the OTC UTP Plan, as applicable. In addition to the information that the Exchange provides to the processor, NYSE National Last Sale Information will also include a unique sequence number that the Exchange assigns to each trade and that allows an investor to track the context of a trade through other Exchange market data products.

NYSE National Integrated Feed

NYSE National Integrated Feed is a NYSE National-only market data feed that would provide vendors and subscribers on a real-time basis with a unified view of events, in sequence, as they appear on the NYSE National matching engines. The NYSE National Integrated Feed would include depth of book order data, last sale data, and security status updates (*e.g.,* trade corrections and trading halts) and stock summary messages. The stock summary message would update every minute and would include NYSE National's opening price, high price, low price, closing price, and cumulative volume for a security. The NYSE National Integrated Feed would include information available to vendors and subscribers of NYSE National Trades, a service that would make available NYSE National last sale information on a real-time basis.

Offering an integrated product addresses requests received from vendors and subscribers that would like to receive the data described above in an integrated fashion. An integrated data feed would provide greater efficiencies and reduce errors for vendors and subscribers that currently choose to integrate the data after receiving it from the Exchange. The Exchange believes that providing vendors and subscribers with the option of a market data product that both integrates existing products and includes additional market data would allow vendors and subscribers to choose the best solution for their specific businesses.

The Exchange proposes to offer the NYSE National Market Data Feeds through the Exchange's Liquidity Center Network (''LCN''), a local area network in the Exchange's Mahwah, New Jersey data center that is available to users of the Exchange's co-location services. The Exchange would also offer the NYSE National Market Data Feeds through the Exchange's Secure Financial Transaction Infrastructure (''SFTI'') network, through which all other users and members access the Exchange's trading and execution systems and other proprietary market data products.

At this time, the Exchange does not intend to charge any fees associated with the receipt of NYSE National BBO, NYSE National Trades or NYSE National Integrated Feed. The Exchange will submit a proposed rule change to the Commission should it determine to charge fees associated with the receipt of NYSE National BBO, NYSE National Trades or NYSE National Integrated Feed. The Exchange will announce the date that the NYSE National Market Data Feeds would be available through a NYSE National Market Data Notice.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act (''Act''),[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the NYSE National Market Data Feeds to those interested in receiving it.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with new options for receiving market data as requested by market data vendors and purchasers. The proposed rule change would benefit investors by facilitating their prompt access to the real-time information contained in the NYSE National Market Data Feeds.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the NYSE National Market Data Feeds are precisely the sort of market data products that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS would itself further the Act's goals of facilitating efficiency and competition:

Efficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[5]

The Exchange further notes that the existence of alternatives to the Exchange's product, including real-time consolidated data, free delayed consolidated data, and proprietary data from other sources, as well as the continued availability of the Exchange's separate data feeds, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives as their individual business cases warrant.

The NYSE National Market Data Feeds will help to protect a free and open market by providing additional data to the marketplace and by giving investors greater choices. In addition, the proposal would not permit unfair discrimination because the products will be available to all of the Exchange's customers and broker-dealers through both the LCN and SFTI.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[6] 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. Because other exchanges already offer similar products, the Exchange's proposed NYSE National Market Data Feeds will enhance competition. For example, NYSE National BBO would provide an alternative to NYSE Arca BBO,[7] offered by the Exchange's affiliate, NYSE Arca, Inc. (''NYSE Arca''), Nasdaq Basic,[8] offered by The Nasdaq Stock Market, Inc. (''Nasdaq''), and Cboe Top,[9] offered by Cboe Global Markets, Inc. (''Cboe''). Additionally, NYSE National Trades would provide an alternative to NYSE Arca Trades,[10] offered by NYSE Arca, Nasdaq Basic,[11] offered by Nasdaq, and Cboe Last Sale,[12] offered by Cboe. Finally, NYSE National Integrated Feed would provide an alternative to NYSE Arca Integrated Feed,[13] offered by NYSE Arca, Nasdaq TotalView-Itch,[14] offered by Nasdaq, and Cboe Depth,[15] offered by Cboe.

The NYSE National Market Data Feeds provide investors with new options for receiving market data, which was a primary goal of the market data amendments

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17] 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; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest; provided that the SRO has given 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 the designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[18] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[19] the Commission may 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 both the five day pre-filing requirement and the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated its belief such waivers would be consistent with the protection of investors and the public interest because the waiver of the pre-filing requirement and the operative delay would allow the Exchange to provide the NYSE National Market Data Feeds immediately upon launch of NYSE National. The Commission grants the Exchange's request for waivers of the pre-filing requirement and the operative delay[20] because the waivers would permit the Exchange to begin offering its proprietary market data products, which would be comparable to those offered by other exchanges, to interested market

[5] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (Regulation NMS Adopting Release).

[6] 15 U.S.C. 78f(b)(8).

[7] *See* NYSE Arca BBO, *https://www.nyse.com/market-data/real-time/bbo* (provides best bid/ask quotations for all traded securities).

[8] *See* Nasdaq Basic, *http://www.nasdaqtrader.com/Trader.aspx?id=nasdaqbasic* (provides Best Bid and Offer and Last Sale Information).

[9] *See* Cboe Top, *https://markets.cboe.com/us/equities/market_data_products/* (provides real-time top-of-book quotations, matched trade price, volume and execution time).

[10] *See* NYSE Arca Trades, *https://www.nyse.com/market-data/real-time/trades* (provides real-time Last Sale information for all traded securities).

[11] *See* Nasdaq Basic, *http://www.nasdaqtrader.com/Trader.aspx?id=nasdaqbasic* (provides Best Bid and Offer and Last Sale Information).

[12] *See* Cboe Last Sale, *https://markets.cboe.com/us/equities/market_data_products/*. (provides real-time matched trade price, volume and execution time).

[13] *See* NYSE Arca Integrated Feed, *https://www.nyse.com/market-data/real-time/integrated-feed* (provides a comprehensive order-by-order view of events in the equities market, including depth of book, trades, order imbalance data, and security status messages).

[14] *See* Nasdaq TotalView-ITCH, *http://www.nasdaqtrader.com/Trader.aspx?id=Totalview2* (displays the full order book depth for Nasdaq market participants and also disseminates the Net Order Imbalance Indicator (NOII) for the Nasdaq Opening and Closing Crosses and Nasdaq IPO/Halt Cross).

[15] *See* Cboe Depth, *https://markets.cboe.com/us/equities/market_data_products/* (provides real-time, depth-of-book quotations and execution information).

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] In considering the Exchange's request to waive the requirement of the 30-day operative delay, the Commission has considered, in addition to the protection of investors, the impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

participants concurrent with the re-launch of the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act [21] to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2018–09 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–NYSENAT–2018–09. 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–NYSENAT–2018–09 and should be submitted on or before June 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12110 Filed 6–5–18; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78s(b)(2)(B).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83356; File No. SR–NYSE–2018–25]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37 and Rule 17 With Respect to NYSE National's Reopening of Trading and Reactivating Connection to the Securities Information Processors

May 31, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 18, 2018, New York Stock Exchange LLC (''NYSE'' or 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: (1) Amend Rule 7.37 to specify in Exchange rules the Exchange's use of data feeds from NYSE National, Inc. (''NYSE National'') for order handling and execution, order routing, and regulatory compliance; and (2) amend Rule 17 to reflect that Archipelago Securities LLC (''Arca Securities'') would function as a routing broker for the Exchange's affiliate, NYSE National. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update and amend the table in Rule 7.37 that sets forth on a market-by-market basis the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, execution and routing of orders, and for performing the regulatory compliance checks related to each of those functions. Specifically, the table would be amended to include NYSE National, which intends to reopen trading and reactivate its connections to the securities information processors (''SIPs''). To reflect that, the Exchange proposes to amend Rule 7.37 to specify which data feeds the Exchange would use for NYSE National. As proposed, the Exchange would use the direct data feeds for NYSE National and would use the SIP data feeds as a secondary source.

Additionally, the Exchange proposes to amend Rule 17 to reflect that Arca Securities would function as a routing broker for the Exchange's affiliate, NYSE National. Specifically, the Exchange proposes to amend Rule 17(c)(2)(A) and (B) to reference NYSE National as an affiliate of the Exchange for the purposes of the inbound routing function performed by Arca Securities. The proposed rule change would provide more clarity and transparency to all the functions that Arca Securities performs on behalf of the Exchange and its affiliates, which now includes NYSE

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

National. The Exchange is not proposing any substantive change to the rule.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(5),[5] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 its proposal to update the table in Rule 7.37 to include NYSE National will ensure that Rule 7.37 correctly identifies and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, execution and routing of orders, and for performing the regulatory compliance checks to each of those functions. The proposed rule change also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency. The Exchange believes the proposed rule change to amend Rule 17 also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because the proposed rule change would enhance the clarity and transparency in Exchange Rules surrounding the inbound routing function performed by Arca Securities for the Exchange's affiliate, NYSE National.

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 proposed change is not designed to address any competitive issue but rather would provide the public and investors with information about which data feeds the Exchange uses for execution and routing decisions, and provide clarity in Exchange rules that Arca Securities would perform the inbound routing function on behalf on the Exchange's affiliate, NYSE National.

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; 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[6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[8] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[9] 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 operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it will allow the Exchange to immediately provide enhanced transparency in Exchange rules regarding which data feeds the Exchange will use for NYSE National and clarify in the Exchange's rules that Arca Securities will perform the inbound routing function for NYSE National. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[10]

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.* Please include File Number SR–NYSE–2018–25 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–NYSE–2018–25. 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

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] 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).

office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2018–25, and should be submitted on or before June 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–12114 Filed 6–5–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15548 and #15549; MAINE Disaster Number ME–00050]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Maine

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Maine (FEMA–4367–DR), dated 05/30/2018.

Incident: Severe Storm and Flooding.

Incident Period: 03/02/2018 through 03/08/2018.

DATES: Issued on 05/30/2018.

Physical Loan Application Deadline Date: 07/30/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 03/04/2019.

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 President's major disaster declaration on 05/30/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications 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: York

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 155486 and for economic injury is 155490.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2018–12118 Filed 6–5–18; 8:45 am]

BILLING CODE 8025–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36198]

New Orleans Public Belt Railroad Corporation—Trackage Rights Exemption—Illinois Central Railroad Company

New Orleans Public Belt Railroad Corporation (NOPB Corp.), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for its extension of temporary overhead trackage rights on rail lines of Illinois Central Railroad Company (IC) in New Orleans, La., from IC milepost 906.4 at East Bridge Junction in Shrewsbury to IC milepost 900.8 at Orleans Junction in New Orleans and from IC milepost 444.2 at Orleans Junction to IC milepost 443.5 at Frellsen Junction in New Orleans, a total distance of approximately 6.3 miles (the Line).

NOPB Corp. states that it is a switching and terminal railroad and a wholly owned subsidiary of the Board of Commissioners of the Port of New Orleans that provides terminal, interline, and intermediate switching services to local shippers and six Class I railroads in the New Orleans area. NOPB Corp. further states that it began operations on February 1, 2018, upon acquisition of all the railroad operating assets of the Public Belt Railroad Commission of the City of New Orleans (Public Belt). *See New Orleans Pub. Belt R.R.—Acquis. & Operation Exemption—Pub. Belt R.R. Comm'n of New Orleans* (*NOPB Corp. Acquisition*), FD 36149 (STB served Dec. 27, 2017).

According to NOPB Corp., pursuant to a September 16, 2016 temporary trackage rights agreement and subsequent amendment dated December 28, 2016, between Public Belt and IC, Public Belt previously obtained temporary overhead trackage rights on the Line to interchange traffic with Kansas City Southern Railway Company (KCS) on KCS trackage in New Orleans on a trial basis. *See New Orleans Pub. Belt R.R.—Temp. Trackage Rights Exemption—Ill. Cent. R.R.,* FD 36067 (STB served Oct. 14, 2016); *New Orleans Pub. Belt R.R.—Temp. Trackage Rights Exemption—Ill. Cent. R.R.,* FD 36067 (STB served Jan. 30, 2017). NOPB Corp. states that, as initially extended, the temporary trackage rights were scheduled to expire on January 31, 2018. NOPB Corp. further states that it was assigned Public Belt's interest in the temporary trackage rights arrangement as part of the transaction authorized in the *NOPB Corp. Acquisition,* Docket No. FD 36149.

According to NOPB Corp., pursuant to a second amendment to the temporary trackage rights agreement, dated January 31, 2018, the parties have agreed to a further extension of the temporary overhead trackage rights until January 31, 2020.[1] NOPB Corp. states that the purpose of the transaction is to allow it to interchange traffic with KCS on KCS trackage, which requires NOPB Corp. to operate over IC trackage for approximately 6.3 miles.

NOPB Corp. states that the traffic subject to the trackage rights does not involve an interchange commitment that limits interchange with a third-party connecting carrier. (*See* NOPB Corp. Letter 1.)

Unless stayed, the exemption will be effective on June 20, 2018 (30 days after the verified notice was filed).[2]

[1] NOPB Corp. states that, because the duration of the extended trackage rights is greater than one year, it is not filing under the Board's class exemption for temporary trackage rights under 49 CFR 1180.2(d)(8). Instead, NOPB Corp. has filed under the trackage rights class exemption at section 1180.2(d)(7). Concurrently, NOPB Corp. has filed a petition for partial revocation of this exemption to permit these proposed trackage rights to expire on January 31, 2020, as provided in the agreement. *See New Orleans Pub. Belt R.R.—Trackage Rights Exemption—Ill. Cent. R.R.,* Docket No. FD 36198 (Sub-No. 1). The Board will address that petition in a separate decision.

[2] NOPB Corp. did not request retroactive authorization, and the exemption invoked by NOPB Corp. does not provide for retroactive effectiveness. *See Wendelin—Continuance in Control—RMW Ventures, LLC,* FD 35801, slip op. at 2 n.1 (STB

Continued

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 13, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36198, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

According to NOPB Corp., this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our website at *WWW.STB.GOV*.

Decided: June 1, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–12190 Filed 6–5–18; 8:45 am]

BILLING CODE 4915–01–P

served Mar. 21, 2014) (noting that the authority for a continuance in control exemption under 49 CFR 1180.2(d)(2) would be effective prospectively only); *see also Kan. City S. Lines, Inc.—Corp. Family Transaction Exemption—KCS Transp. Co.,* FD 33510, slip op. at 1 n.1 (STB served Dec. 10, 1997) (''no class exemption provides for retroactive application''). Accordingly, the authority will be effective prospectively only.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36195]

New Jersey Transit Corporation—Acquisition Exemption—Consolidated Rail Corporation in the County of Middlesex, N.J.

The New Jersey Transit Corporation (NJ Transit), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Consolidated Rail Corporation (Conrail) an approximately 3.3-mile portion of the property commonly known as the Delco Industrial Lead in Middlesex County, N.J., from milepost 33.1 to milepost 36.4 (the Line). NJ Transit states that, under the proposed transaction, Conrail would transfer to NJ Transit the real property and railroad fixtures associated with the Line. According to NJ Transit, Conrail will retain an exclusive operating easement to continue to provide freight rail service over the Line.[1]

NJ Transit states that, pursuant to a 1984 trackage rights agreement (1984 Agreement), it and Conrail have jointly used the Line for many years.[2] NJ Transit claims that its proposed acquisition will not affect or impair Conrail's ability to provide freight service to existing or future shippers. According to NJ Transit, it is acquiring the property to provide commuter rail service and is not acquiring any right or obligation to provide freight service on the Line. NJ Transit also states that the agreements underlying the acquisition do not contain any provisions that would limit interchange with a third-party connecting carrier.

NJ Transit certifies that, because it will not conduct any rail carrier operations on the Line, its projected revenues from freight operations will not result in the creation of a Class I or Class II carrier.

NJ Transit states that it will consummate the proposed transaction at the conclusion of this exemption proceeding. The earliest this transaction may be consummated is June 20, 2018, the effective date of the exemption (30 days after the verified notice of exemption was filed).

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 13, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36195, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Ave. NW, Suite 800, Washington, DC 20036.

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: May 30, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2018–12130 Filed 6–5–18; 8:45 am]

BILLING CODE 4915–01–P

[1] NJ Transit also filed a motion to dismiss the notice of exemption on the grounds that the transaction does not require authorization from the Board. The motion to dismiss will be addressed in a subsequent Board decision.

[2] NJ Transit includes with its verified notice excerpts from the 1984 Agreement. It also submits documents implementing the current transaction including an agreement supplementing the 1984 Agreement, a quitclaim deed, and an agreement of sale.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0024; Notice No. 2018–07]

Hazardous Materials Safety: International Standards on the Transport of Dangerous Goods

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of public meetings.

SUMMARY: On Tuesday, June 12, 2018, PHMSA will host two public meetings. The first meeting—led by PHMSA—will solicit public input on current proposals and discuss potential new work items for inclusion in the agenda of the 53rd session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG). The second meeting—led by the Occupational Safety and Health Administration (OSHA)—will discuss proposals in preparation for the 35th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS).

DATES: Both public meetings will take place on Tuesday, June 12, 2018.

PHMSA Public Meeting: 9 a.m. to 12 p.m. EDT

OSHA Public Meeting: 1 p.m. to 4 p.m. EDT

ADDRESSES: Both public meetings will take place at DOT Headquarters, West Building, Oklahoma City Conference Room, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Webb or Mr. Aaron Wiener, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–8553.

SUPPLEMENTARY INFORMATION:

Advanced Meeting Registration: DOT requests that attendees pre-register for these meetings by completing the form at *https://www.surveymonkey.com/r/LQQFCHS.* Attendees may use the same form to pre-register for both meetings. Failure to pre-register may delay your access into the DOT Headquarters building. Additionally, if you are attending in person, arrive early to allow time for security checks necessary to access the building.

Conference call-in and ''Skype meeting'' capability will be provided for both meetings. Specific information on such access will be posted when available at *https://www.phmsa.dot.gov/international-program/international-program-overview* under Upcoming Events.

PHMSA Public Meeting

The primary purpose of PHMSA's meeting is to prepare for the 53rd session of the UNSCOE TDG. This session represents the third meeting scheduled for the 2017–2018 biennium. UNSCOE will consider proposals for the 21st Revised Edition of the *United Nations Recommendations on the Transport of Dangerous Goods* (Model Regulations), which may be implemented into relevant domestic, regional, and international regulations from January 1, 2021. Copies of working documents, informal documents, and the meeting agenda may be obtained from the United Nations (UN) Transport Division's website at *https://www.unece.org/trans/main/dgdb/dgsubc3/c32018.html.*

General topics on the agenda for the UNSCOE TDG meeting include:

- Explosives and related matters;
- Listing, classification, and packing;
- Electric storage systems;
- Transport of gases;
- Global harmonization of regulations on the Transport of Dangerous Goods with the Model Regulations;
- Guiding principles for the Model Regulations;
- Cooperation with the International Atomic Energy Agency;
- New proposals for amendments to the Model Regulations;
- Issues relating to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS); and
- Miscellaneous pending issues.

Following the 53rd session of the UNSCOE TDG, a copy of the Sub-Committee's report will be available at the UN Transport Division's website at *http://www.unece.org/trans/main/dgdb/dgsubc3/c3rep.html.* Additional information regarding the UNSCOE TDG and related matters can be found on PHMSA's website at *https://www.phmsa.dot.gov/international-program/international-program-overview.*

OSHA Public Meeting

The **Federal Register** notice and additional detailed information relating to OSHA's public meeting will be available upon publication at *federalregister.gov* (Docket No. OSHA–2016–0005). OSHA is hosting the meeting in preparation for the 35th session of the UNSCEGHS. It will provide interested groups and individuals with an update on GHS-related issues, as well as solicit input on the development of U.S. Government positions on proposals submitted to the UNSCEGHS.

Issued at Washington, DC, on May 31, 2018.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2018–12093 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Submission of Audit Reports—Part 248

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018 (83 FR 13442). Four comments were received. None pertained to this Information Collection Request and will be addressed by the Department at this time.

DATES: Written comments should be submitted by July 6, 2018.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or email *jeff.gorham@dot.gov.*

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW, Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0004.

Title: Submission of Audit Reports—Part 248.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 60.

Number of Responses: 60.

Total Burden per Response: 15 minutes.

Total Annual Burden: 15 hours.

Needs and Uses: BTS collects independent audited financial reports from U.S. certificated air carriers. Carriers not having an annual audit must file a statement that no such audit has been performed. In lieu of the audit report, BTS will accept the annual report submitted to the stockholders. The audited reports are needed by the Department of Transportation as: (1) A means to monitor an air carrier's continuing fitness to operate; (2) reference material used by analysts in examining foreign route cases; (3) reference material used by analysts in examining proposed mergers, acquisitions and consolidations; (4) a means whereby BTS sends a copy of the report to the International Civil Aviation Organization (ICAO) in fulfillment of a United States treaty obligation; and, (5) corroboration of a carrier's Form 41 filings.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, and submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Comments are invited on: Whether the proposed collection of information

is necessary for the proper performance of the functions of the Department concerning consumer protection. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 31, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–12158 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Transportation Statistics Bureau

[Docket ID Number: DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Reporting Required for International Civil Aviation Organization (ICAO)

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018. One comment was received. It did not pertain to this Information Collection Request and will not be addressed by the Department at this time.

DATES: Written comments should be submitted by July 6, 2018.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or Email *jeff.gorham@dot.gov.*

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW, Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0039.

Title: Reporting Required for International Civil Aviation Organization (ICAO).

Form No.: BTS Form EF.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 35.

Number of Responses: 35.

Total Burden per Response: 1.5 hours.

Total Annual Burden: 53 hours..

Needs and Uses: As a party to the Convention on International Civil Aviation (Treaty), the United States is obligated to provide ICAO with financial and statistical data on operations of U.S. air carriers. Over 99% of the data filed with ICAO is extracted from the air carriers' Form 41 submissions to BTS. BTS Form EF is the means by which BTS supplies the remaining 1% of the air carrier data to ICAO.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, and submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department concerning consumer protection. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 31, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–12155 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Transportation Statistics Bureau

[Docket ID Number: DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Part 249, Preservation of Records

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018. Eleven comments were received. None pertained to this Information Collection Request and will not be addressed by the Department at this time.

DATES: Written comments should be submitted by July 6, 2018.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34–414, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or EMAIL *jeff.gorham@dot.gov.*

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street NW, Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION: *OMB Approval No.* 2138–0006.

Title: Preservation of Air carrier Records—14 CFR part 249.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Certificated air carriers and charter operators.

Number of Respondents: 90 certificated air carriers and 300 charter operators.

Estimated Time per Response: 3 hours per certificated air carrier 1 hour per charter operator.

Total Annual Burden: 570 hours.

Needs and Uses: Part 249 requires the retention of records such as: General and subsidiary ledgers, journals and journal vouchers, voucher distribution registers, accounts receivable and payable journals and legers, subsidy records documenting underlying financial and statistical reports to DOT, funds reports, consumer records, sales reports, auditors' and flight coupons, air waybills, etc. Depending on the nature of the document, the carrier may be required to retain the document for a period of 30 days to 3 years. Public charter operators and overseas military personnel charter operators must retain documents which evidence or reflect deposits made by each charter participant and commissions received by, paid to, or deducted by travel agents, and all statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the tour or charter. These records are retained for 6 months after completion of the charter program.

Not only is it imperative that carriers and charter operators retain source documentation, but it is critical that we ensure that DOT has access to these records. Given DOT's established information needs for such reports, the underlying support documentation must be retained for a reasonable period of time. Absent the retention requirements, the support for such reports may or may not exist for audit/validation purposes and the relevance and usefulness of the carrier submissions would be impaired, since the data could not be verified to the source on a test basis.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Comments are invited on: Whether the proposed record retention requirements are necessary for the proper performance of the functions of the Department. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 31, 2018.

William Chadwick Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–12154 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Transportation Statistics Bureau

[Docket: DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Report of Extension of Credit to Political Candidates

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for extension of currently approved reporting requirement. A **Federal Register** Notice with a 60-day comment period was published on March 28, 2018. No comments were received.

DATES: Written comments should be submitted by July 6, 2018.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or email *jeff.gorham@dot.gov*.

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 715 17th Street NW, Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0016.

Title: Report of Extension of Credit to Political Candidates.

Form No.: 183.

Type Of Review: Extension of a currently approved reporting requirement.

Respondents: Certificated air carriers.

Number of Respondents: 2 (Monthly Average).

Number of Responses: 24.

Estimated Time per Response: 1 hour.

Total Annual Burden: 24 hours.

Needs and Uses: The Department uses this form as the means to fulfill its obligation under the Federal Election Campaign Act of 1971 (the Act). The Act's legislative history indicates that one of its statutory goals is to prevent candidates for Federal political office from incurring large amounts of unsecured debt with regulated transportation companies (*e.g.,* airlines). This information collection allows the Department to monitor and disclose the amount of unsecured credit extended by airlines to candidates for Federal office. All certificated air carriers are required to submit this information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, and submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Comments are invited on whether the proposed retention of records is necessary for the proper performance of the functions of the Department of Transportation.

Issued in Washington, DC, on May 31, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–12153 Filed 6–5–18; 8:45 am]

BILLING CODE 4910–9X–P

FEDERAL REGISTER

Vol. 83 Wednesday,

No. 109 June 6, 2018

Part II

The President

Presidential Determination No. 2018–08 of May 14, 2018—Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Federal Register
Vol. 83, No. 109
Wednesday, June 6, 2018

Presidential Documents

Title 3—

The President

Presidential Determination No. 2018–08 of May 14, 2018

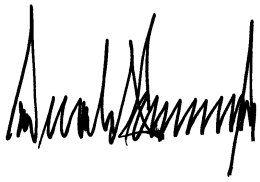
Presidential Determination Pursuant to Section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012

Memorandum for the Secretary of State[,] the Secretary of the Treasury[, and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States, after carefully considering the reports submitted to the Congress by the Energy Information Administration, including the report submitted in April 2018, and other relevant factors such as global economic conditions, increased oil production by certain countries, the global level of spare petroleum production capacity, and the availability of strategic reserves, I determine, pursuant to section 1245(d)(4)(B) and (C) of the National Defense Authorization Act for Fiscal Year 2012, Public Law 112–81, and consistent with prior determinations, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions.

I will continue to monitor this situation closely.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 14, 2018

[FR Doc. 2018–12332
Filed 6–5–18; 11:15 am]
Billing code 4710–10–P

Reader Aids

Federal Register

Vol. 83, No. 109

Wednesday, June 6, 2018

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **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.**

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**

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, JUNE

CFR PARTS AFFECTED DURING JUNE

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.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 5, 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.